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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., THURSDAY, MAY 16, 1935 No. 63

SENATE

THURSDAY, MAY 16, 1935.

The Senate met at 11 o'clock, A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

We come into Thy presence, our Heavenly Father, with deep reverence in our hearts. Thou art a spirit and they who worship Thee acceptably must worship Thee in spirit and in truth.

A portion of our love and loyalty, a share of our activity—these do not satisfy Thy demands upon us; the Lord our God is a jealous God and craves our all.

Thou hast a right to our love and loyalty and activity in their entirety, for Thou has bestowed Thy all upon us, reserving nothing.

Teach us that true, lasting success comes only to him who forgets self in striving to honor Thee; and we can best honor Thee by ministering unto our fellow men. Enable the members of our Senate to practice self-forgetfulness as they face the duty of this hour. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

URGING ADMINISTRATION OF RELIEF BEING PLACED IN HANDS OF COUNTY BOARDS

Mr. EALY presented petitions signed by several hundred residents of Somerset County favoring changing the method of administering relief.

Which were referred to the Committee on County Government.

FAVORING SENATE BILL NO. 112

Mr. RODGERS presented petition from the Borough Council of Springdale favoring Senate Bill No. 112.

Which was referred to the Committee on Appropriations.

PROTESTING AGAINST SENATE BILL NO. 204

He also presented petition from the Board of Township Commissioners, Elizabeth Township, protesting against Senate Bill No. 204.

Which was referred to the Committee on County Government.

FAVORING HIGH SPEED HIGHWAY TO RELIEVE TRAFFIC IN PITTSBURGH

He also presented petition from the National Highway Traffic Study Association west of Pittsburgh favoring construction of a high speed highway west of Pittsburgh.

Which was referred to the Committee on Highways.

MOTION ASKING STATE TREASURER FOR REPORT ON FUNDS AVAILABLE FOR RELIEF

Mr. COYNE. Mr. President, on the floor of the Senate yesterday there was a disagreement among the members about the money that was available to take care of the relief fund; therefore,

I move you, Mr. President, that the State Treasurer be invited to come and state the condition of the Treasury, so that the members will go back home satisfied that there is money enough to take care of relief.

Mr. HARRIS. Mr. President, I second the motion. I had a discussion with the State Treasurer this morning.

The motion was agreed to.

The PRESIDENT. The Secretary will extend the invitation.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 977 (Senate Bill No. 1358), entitled:

An act to amend section three of the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred twenty) entitled "An act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and requiring political subdivisions to reduce their tax rates for road and street purposes for said years providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act" providing for the allocation of the unexpended appropriation among townships of the second class and the expenditure of such appropriation by such townships

Which was committed to the Committee on Highways.

937474

House Bill No. 1900 (Senate Bill No. 1359), entitled:

An Act regulating the hearing before boards of view and jury trials and the awards and verdicts in cases arising from the taking, injury or destruction of private property under the right of eminent domain, where both the owner of the fee and any lessee or lessees under such owner shall claim damages.

Which was committed to the Committee on Judiciary General.

House Bill No. 1972 (Senate Bill No. 1360), entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

Which was committed to the Committee on County Government.

House Bill No. 2062 (Senate Bill No. 1361), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various second-class townships of the Commonwealth for the maintenance construction and reconstruction of township streets roads and bridges during the calendar years one thousand nine hundred thirty-six and one thousand nine hundred thirty-seven requiring townships to reduce their tax rates for road and street purposes for said years and providing for the use and maintenance of road building machinery and equipment belonging to such townships by the Department of Highways in carrying out the purposes of this act

Which was committed to the Committee on Highways.

House Bill No. 2315 (Senate Bill No. 1362), entitled:

An Act to amend sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law," prohibiting the breeding, selling, possessing, and using of fitches for hunting purposes; providing for the licensure of persons breeding, selling, possessing and using fitches, and imposing additional penalties.

Which was committed to the Committee on Game and Fisheries.

House Bill No. 2415 (Senate Bill No. 1363), entitled:

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities, boroughs, towns and townships; prescribing the powers and duties of such authorities; and authorizing such authorities to engage in the enterprise of furnishing water, sewers and sewage treatment works, gas or electric heat, light or power services to the inhabitants of such cities, boroughs, towns and townships, and to issue bonds, and imposing certain duties upon certain State, county, city, borough, town and township officers.

Which was committed to the Committee on State Government.

House Bill No. 618 (Senate Bill No. 1364), entitled:

An Act to authorize boroughs and townships of the first class to sue out writs of scire facias on certain tax liens or to revive judgments on such liens where more than five years have elapsed since said liens were filed or such judgments were entered or revived, and to reduce such liens to judgment or to revive such judgments, and providing for the revival and collection of such judgments.

Which was committed to the Committee on Municipal Government.

House Bill No. 1122 (Senate Bill No. 1365), entitled:

An Act to amend section fifty-one of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "Crimes Act of 1860," by changing the fines and penalties thereunder.

Which was committed to the Committee on Judiciary General.

House Bill No. 1451 (Senate Bill No. 1366), entitled:

An Act making it unlawful to disseminate certain propaganda or statements concerning the race, color, creed or manner of worship of others.

Which was committed to the Committee on Judiciary General.

House Bill No. 1605 (Senate Bill No. 1367), entitled:

An Act providing for the reimbursement by the State of counties for cost and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code; providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties, and for appeals by counties to the Board of Finance and Revenue, and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties; repealing inconsistent acts and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 1832 (Senate Bill No. 1368), entitled:

An Act to further amend section thirty-six of the act, approved the eleventh day of May, one thousand nine hundred twenty-one (P. L. 522), entitled "Dog Law of 1921," by requiring all fines collected under the provisions of this act to be paid into the State Treasury through the Department of Revenue by the magistrate alderman, or justice of the peace collecting such fines.

Which was committed to the Committee on State Government.

House Bill No. 2212 (Senate Bill No. 1369), entitled:

An Act to further amend section five hundred and fifty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" authorizing the acceptance of a fidelity bond in lieu of surety bond from tax collectors in school districts of the second class; and providing when liability of such bond shall cease.

Which was committed to the Committee on Education.

House Bill No. 2297 (Senate Bill No. 1370), entitled:

A Supplement to an act approved the second day of July, one thousand eight hundred ninety-five (P. L. 425), entitled "An act granting to water power companies, and other corporations owning or controlling water power, authority to develop and distribute electric power by means of their water power, and to erect, construct and maintain the necessary buildings, plant and apparatus for that purpose," by granting to every corporation heretofore organized or hereafter to be organized for the purpose of supplying water power to the public, enlarged power to appropriate property situated outside of, but adjacent to the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating, relocating, constructing, operating and maintaining lines, poles or their supports and other appurtenances or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering, maintaining or otherwise improving any such highways requesting temporary or permanent relocation, change of alteration of, or in any pole line facilities of any

such company and providing a method for the assessment of damages arising from such appropriation.

Which was committed to the Committee on Highways.

House Bill No. 2300 (Senate Bill No. 1371) entitled:

A Supplement to the act, approved the eighth day of May, one thousand eight hundred and eighty-nine (P. L. 136), entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric light, heat and power companies," by granting to every corporation heretofore or hereafter incorporated for the supply of light, heat and power, or any of them to the public by electricity, and to every corporation which has heretofore accepted the provisions of said amendment, enlarged power to appropriate property situated outside of, but adjacent to, the legal limits of public streets, lanes, alleys, roads and highways for the purpose of locating relocating, constructing, operating and maintaining lines, poles, or their supports, and other appurtenances, or any of them, whenever public governmental authorities in the constructing, reconstructing, locating, relocating, widening, straightening, altering maintaining or otherwise improving any such highways, request temporary or permanent relocation, change or alteration of or in any pole line facilities of any such company; and providing a method for the assessment of damages arising from such appropriation.

Which was committed to the Committee on Highways.

House Bill No. 2391 (Senate Bill No. 1372), entitled:

An Act to amend section two of the act, approved the seventeenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws, two hundred fifty-one), entitled "An act authorizing the sale, assignment, disposition, transfer, and conveyance of the franchise and of the property, real, personal and mixed, of any water or power water companies organized prior to the first day of April, one thousand nine hundred and five, to another water or water power company, also, organized prior to the first day of April, one thousand nine hundred and five; and providing the manner in which said sale and purchase shall be effected", by eliminating the proviso relating to the acceptance of the provisions of the act, approved the thirteenth day of April, one thousand nine hundred five (Pamphlet Laws, one hundred fifty-two).

Which was committed to the Committee on Public Utilities.

House Bill No. 2395 (Senate Bill No. 1373), entitled:

An Act to repeal the act, approved the twentieth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, one thousand ten), entitled "An act authorizing the merger and consolidation of water or water power companies organized prior to the first day of April, one thousand nine hundred and five, and providing the manner in which such merger shall be effected," and its amendment.

Which was committed to the Committee on Public Utilities.

House Bill No. 2398 (Senate Bill No. 1374), entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "Insurance Company Law of 1921" by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

Which was committed to the Committee on Insurance.

House Bill No. 2402 (Senate Bill No. 1375), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled, "Insurance Company Law of 1921," by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

Which was committed to the Committee on Insurance.

House Bill No. 2490 (Senate Bill No. 1376), entitled:

An Act to amend clauses nine and ten of section one as amended, clause nine of section eight as added, section eleven as amended, clause five of section twelve, and clause two of section thirteen, and sections fourteen and fifteen of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), entitled "State Employes Retirement Law" opening the system further for original members; providing for the calculation of annuities where original and new members are retired before completing back payments; defining certain members as new members; providing for the calculation of annuities where members transferred from one class to another; defining the right of retired persons who return to State service; and providing for the payment out of accumulated deductions and annuities due, by the board in certain cases.

Which was committed to the Committee on State Government.

House Bill No. 2537 (Senate Bill No. 1377), entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two), as amended, entitled "Insurance Company Law of 1921" by authorizing insurance companies, associations, and exchanges to apply for and obtain insurance of mortgages, and to make further investments of capital, reserve, and surplus funds, pursuant to the National Housing Act; by adding a new section.

Which was committed to the Committee on Insurance.

House Bill No. 2674 (Senate Bill No. 1378), entitled:

An Act to amend the title of article six (a) and to add section six hundred twenty-seven to the act approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled "Mental Health Act of 1923," by providing for the boarding out of certain patients in State mental hospitals.

Which was submitted to the Committee on State Government.

House Bill No. 2680 (Senate Bill No. 1379), entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915" providing for the inclusion of occupational diseases within the scope thereof; and providing definitions, provisions and procedure related to such diseases.

Which was committed to the Committee on Labor and Industry.

HOUSE CONCURS IN SENATE BILL NO. 888

He also returned to the Senate, Senate Bill No. 888 entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the

Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositors for State deposits.

with the information that the House has passed the same without amendment.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 712

Mr. McGINNIS. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS offered the following resolution which was twice read considered and agreed to:

CONCURRENT RESOLUTION

In the Senate, May 14, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 712, Printer's No. 360, entitled "An act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled 'An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties' by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed registered and in active operation"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION RETURNING TO THE GOVERNOR HOUSE BILL No. 1156

He also presented extract from the Journal of the House of Representatives, which was twice read as follows:

In the House of Representatives, May 16, 1935.

Resolved (if the Senate concur), That House Bill No. 1156 Printer's No. 700 entitled: An Act creating and establishing a fund for the care, maintenance and relief of aged, retired and disabled employees of the Bureau of Police in cities of the second class; providing a pension fund for said employees and providing for the payment of certain dues, fees, assessments, fines and appropriations thereto; regulating membership therein; creating a Board for the management thereof; providing the amount, mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund; providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds, organizations, corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this Act.

be returned to the Governor without amendment.

Mr. FREY. Mr. President, I move the adoption of the resolution just read.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. THOMPSON (Westmoreland) read in his place and presented to the Chair Senate Bill No. 1380, entitled:

An Act relinquishing the title of the Commonwealth in certain real estate, in Sewickley Township, Westmoreland County, late of Carrie E. S. Blackburn, deceased in favor of her residuary devisees and/or heirs-at-law.

Which was committed to the Committee on State Government.

Mr. THOMPSON (Centre) read in his place and presented to the Chair Senate Bill No. 1381 entitled:

An Act to amend section one of the act approved the nineteenth day of March, one thousand nine hundred and thirty-five, (Act No. 1), entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six; validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act, and preserving the lien of all taxes on lands to be sold at such sales," providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court, the action shall be ratified, confirmed and made valid; preserving tax liens in such cases; and providing for the fixing of dates for tax sales in such cases.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair, Senate Bill No. 1382, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Which was committed to the Committee on Appropriations.

Mr. OWLETT (By request) read in his place and presented to the Chair, Senate Bill No. 1383, entitled:

An Act to classify certain surface lands as auxiliary forest reserves, to prescribe the term and conditions of their continuance in such classification, or removal therefrom; defining the duties of the Secretary of Forests and Waters, of the county commissioners and of the county treasurer of the respective counties in connection therewith; providing for the appointment of viewers and appraisers; providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers, and from the action of the Secretary of Forests and Waters; providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection thereof; providing for the ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom; permitting the re-

moval of certain trees from lands so classified, by the owners thereof; providing that lands so classified may be sold only subject thereto; prescribing the method of assessment of such lands during their continuance in such classification; making it a misdemeanor to cut, fell and remove trees from lands so classified and defining the punishment therefor; validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly; and repealing all acts or parts of acts inconsistent herewith.

Which was committed to the Committee on Forests and Waters.

REPORTS FROM COMMITTEES

Mr. EALY from the Committee on State Government, reported as committed, Senate Bill No. 1216 (House Bill No. 2242), entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

Mr. REED (Dauphin) from the Committee on State Government, reported as committed, Senate Bill No. 1320, entitled:

An Act to further amend section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" by permitting manufactures to import alcohol or alcoholic liquids for certain purposes

BILLS RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1320, the bill just reported from the Committee on State Government be recommitted to the Committee on Law and Order.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. REED (Dauphin) from the Committee on State Government reported as committed, Senate Bill No. 1321, entitled:

A Supplement to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase bottling and sale of wine and authorizing the sale of wine by holders of licenses to sell malt liquor and the sale of wine by manufacturers to special wine permittees.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 1321, the bill just reported from the Committee on State Government be recommitted to the Committee on Law and Order.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

Commonwealth of Pennsylvania,
Govenrnor's Office, Harrisburg, May 15, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CAMBRIA COUNTY

Miss Virginia C. Mazzocco, Gallitzin.

CLEARFIELD COUNTY

Robert E Chaplin, Coalport.

DELAWARE COUNTY

Mrs. Mary White Carr, Chester.

LANCASTER COUNTY

Mrs. Eva D. Landis, Ephrata.

McKEAN COUNTY

Miss Genevieve Smith, Bradford.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment:

Wendell P. C. Morgenthaler, 3100 North 4th Street, Harrisburg, Dauphin County, as a member of the State Employes' Retirement Board, vice John C. Orr, to serve until his successor is appointed.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziegenhelm,
Graff,			

NAYS—0

All the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF TAX MEASURES

Mr. BUCKMAN. Mr. President, in order to dispose of the tax measures on the calendar this morning as promptly as possible I move that the Senate do now proceed to the consideration of those measures, namely, on page 7, Senate Bills Nos. 594, 661 and 663; and, on page 8, Senate Bills Nos. 717 and 721; and, on page 9, Senate Bills Nos. 722 and 726; and, in its order on page 22, under Bills on Second Reading, Senate Bill No. 990; also, on page 22, under Bills on Second Reading, Senate Bill No. 1169.

Mr, HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 594 (House Bill No. 1128), as follows:

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Documentary Stamp Tax Act"

Section 2 The following words when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Document" A written instrument including the following

1 Any deed instrument or writing whereby any lands tenements or hereditaments or any interest therein shall be granted bargained sold or otherwise conveyed to the grantee purchaser or any other person

2 Any bond debenture or certificate or evidence of indebtedness of any person and any instrument however termed issued by any corporation with interest coupons attached or in registered form known generally as corporate securities except securities issued by this Commonwealth or any political subdivision thereof or by the United States Provided That every renewal of any of the foregoing documents shall constitute a new issue or document

3 Any written obligation to pay money including any promissory note (except bank notes issued for circulation and notes issued to mutual insurance companies payable only on the happening of certain contingencies) nonnegotiable note judgment note and any executory contract for the payment of money which is executed or carried out in an instrument in writing (except checks and drafts) and each renewal of any of the foregoing documents Provided That nothing herein contained shall refer or be construed to extend to contracts of insurance annuity suretyship indemnity and guarantee

4 Any mortgage which incorporates the certificate of indebtedness not otherwise shown in a separate instrument

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term person as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Value" (1) In the case of any document representing an obligation to pay money the full amount of such obligation Provided That where a document conditioned upon the repayment or payment of money is given in a penal sum greater than the full amount secured the term "value" shall mean the actual amount secured thereby

(2) In the case of any document granting bargaining selling or otherwise conveying any land tenement or hereditament or interest therein the amount of the actual consideration therefor exclusive of liens or other encumbranches thereon or exclusive of a commensurate part of the liens or other encumbrances thereon where such liens or other encumbrances also encumber other lands tenements or hereditaments Provided That where such document shall set forth a small or nominal consideration the "value" thereof shall be determined from the price set forth in or actual consideration for the contract of sale or in the case of a gift from the actual monetary worth of the property granted bargained sold or otherwise conveyed which in either event shall not be less than the amount of the highest assessment of such lands tenements or hereditaments for local tax purposes

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Every person who makes executes issues or delivers any document or in whose behalf any document is made executed issued or delivered shall be subject to pay for and in respect to such document or for or in respect of the vellum parchment or paper upon which such document is written or printed a State tax at the rate of five

cents (5c) for each one hundred dollars ($100.00) or fraction thereof of the value represented by such document payable at the time of making execution issuance or delivery of such document

Section 4 The payment of the tax imposed by this act shall be evidenced by the affixing of a documentary stamp or stamps to every document by the person making executing issuing or delivering such document Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water and the person using or affixing such stamps shall write or stamp or cause to be written or stamped thereon the initials of his name and the date upon which such stamps are affixed or used so that such stamps may not again be used Provided That the department may prescribe such other method of cancellation as it may deem expedient

Section 5 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places as it may deem necessary

The department may appoint persons within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon documents and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use such agent shall be entitled to receive as compensation for his services and expenses as such agent and to retain out of the moneys to be paid by him for such stamps a commission of two per centum on the face value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of such sale delivery or consignment to such agent of such stamps All moneys paid into the State Treasury during the first year after the effective date of this act from the stamp tax imposed by this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the remaining effective period of this act shall be credited to the General Fund

Section 6 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and means to be used in affixing or cancelling of stamps in substitution for or in addition to the method and means provided in this act

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 7 No document upon which tax is imposed by this act shall be made the basis of any action or other legal proceeding nor shall proof thereof be offered or received in evidence in any court of this Commonwealth unless a documentary stamp or stamps as provided in this act have been affixed thereto

Section 8 Every document upon which tax is imposed by this act when lodged with or presented to any recorder of deeds or prothonotary in this Commonwealth for recording shall set forth therein and as a part of such document the true full and complete value thereof or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true full and complete value thereof

Any such recorder of deeds or prothonotary who shall record any document upon which tax is imposed by this act without the proper documentary stamp or stamps affixed thereto as required by this act as is indicated in such document or accompanying affidavit shall upon summary conviction before any magistrate alderman or justice of the peace or other officer having the powers of a committing magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof undergo imprisonment for not more than ten (10) days Provided That when any document shall have been recorded it shall be presumed that all requirements of law affecting the title to any real property conveyed thereby have been complied with

Section 9 (a) It shall be unlawful for any person to

1 Make execute issue deliver or accept or cause to be made executed issued delivered or accepted any document without the full amount of tax thereon being duly paid or

2 Make use of any documentary stamp to denote payment of any tax imposed by this act without cancelling such stamp as required by this act or as prescribed by the department or

3 Fail neglect or refuse to comply with or violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act

Any person violating any of the provisions of this subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution or to undergo imprisonment of not more than sixty (60) days or both in the discretion of the court

(b) It shall be unlawful for any person to

1 Fraudulently cut tear or remove from a document and documentary stamp or

2 Fraudulently affix to any document upon which tax is imposed by this act any documentary stamp which has been cut torn or removed from any other document upon which tax is imposed by this act or any documentary stamp of insufficient value or any forged or counterfeited stamp or any impression of any forged or counterfeited stamp die plate or other article or

3 Wilfully remove or alter the cancellation marks of any documentary stamp or restore any such documentary stamp with intent to use or cause the same to be used after it has already been used or knowingly buy sell offer for sale or give away any such altered or restored stamp to any person for use or knowingly use the same or

4 Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this act Provided That the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause or

5 Knowingly or wilfully prepare keep sell offer for sale or have in his possession any forged or counterfeited documentary stamps

Any person violating any of the provisions of this subsection (b) shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than five (5) years or both in the discretion of the court

Section 10 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 11 This act shall become effective thirty days after its final enactment and shall remain in force for two years after said effective date

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, I wish to call the attention of the members of the Senate to the fact that these tax measures are not only bills for the raising of revenue but they are also appropriation bills; the money which is to be raised under these tax measures is to be appropriated, under these bills, for unemployment relief. Last Wednesday night, after this Senate adjourned, I went

to the hotel and purchased a paper, and I was startled to find this statement, under date of May 8, from Washington:

"A high official asserted today that the Government is planning to take command of relief administration in the States by July 1st. Most of the present State Relief Directors probably will be retained, it was said, but they will be responsible to Washington instead of to the Governors."

Under a joint resolution of this Legislature an investigating committee has been appointed to investigate the subject of the administration of unemployment relief; and the resolution which was passed by this Legislature asserts, as one of the reasons for the appointment of that committee, the fact that there is some inherent defect in the present system.

Under the original Talbot Act the relief in this State was administered by the Poor Boards of Pennsylvania. It was charged that those Boards were filled with politics; but if that were true, perhaps we should have a little more politics in the administration of relief, because $10,000,000.00 sufficed for the administration of relief for the whole year, and now it requires $240,000,000.00.

Speaking for myself alone, and not for the other members of this committee, it would seem to me that so far in the investigation one of the defects is the fact that the administration of relief has been governed by remote control; the local administrators or boards have been hampered by rules and regulations from Harrisburg and Washington; and what, it seems to me, is necessary is not to have a political board—we wish to keep politics out of it—but to have a decentralization, and some responsible local board or committee, elected, appointed by the Courts, or chosen in some other way, that can be held responsible for the administration of relief.

Anything that I may say I do not wish to be taken in any manner as a reflection on our Relief Director; but to put into the hands of Washington the funds for the administration of relief seems to me a backward step. In one of the recent sessions of this Legislature we witnessed the ignominy of the State of Pennsylvania giving up all control of its children under the age of eighteen years, and now we are asked to subordinate ourselves further and sell our State rights for a dish of pottage, and hand over $60,000,000.00 to Harry .. I mean Harry L. .. Hopkins for the administration of relief in Pennsylvania.

It is true we are getting funds from the Federal Administration, but it is Pennsylvania money we are receiving, and the administration of relief is a State and local function, and not a Federal function. By the passage of these bills we are putting in the hands of the Governor alone the responsibility of protecting Pennsylvania from domination.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Harvey,	Norton,	Salus,
Batchelor,	Homsher,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Staudenmeier,
Bennett,	Kahle,	Pytko,	Thompson,
Cavalcante	Lanius,	Rankin,	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziegenheim,
Harris,	Miller,	Rupp,	

NAYS—4

Buckman,	Chapman,	Clark,	Reed, (Dauphin)

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 661 (House Bill No. 862), as follows:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale The term "retail dealer" shall include every person who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales of cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale or at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth shall file

an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar ($1.00) for each permit unless the applicant shall be the holder of a mercantile license in effect when the application is made in which case no permit fee shall be required

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued

All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar ($1.00) except that no renewal fee shall be required if the applicant possesses a mercantile license effective when the application is made

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of one dollar ($1.00)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonweath may affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and canceled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such maner that they wll be visible to the purchaser. Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such maner as may be prescribed by the department

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary

The department shall appoint wholesale dealers in cigarettes within or without the Commonwealth as agents for the sale of stamps to be used in paying the tax herein imposed upon sales of cigarettes and whenever the department shall sell consign or deliver to any such agent any such stamps for sale or use commission of fifteen per centum on the par value thereof The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps

Section 7 Every person engaged in the sale of cigarettes at wholesale or at retail within this Commonwealth shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorizd representative the means facilities and opportunity for such examinations as are hereby provided and required

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) The diverse methods and conditions of sale of cigarettes in this Commonwealth prescribing in each class of cases upon whom as between the wholesale dealer and the retail dealer the primary duty of affixing stamps shall rest and

(d) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have become unfit for use and consumption or unsaleable or have been destroyed such dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act or without purshasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years

(b) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be quilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court

(c) Any person who falsely or fraudently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudently made forged altered or counterfeited any such stamp or knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 All taxes and penalties received collected or recovered under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

Section 14 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 15 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred thirty-seven

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Aron,	Huffman,	Prince,	Sones,
Batchelor,	Kahle,	Pytko,	Staudenmeier,
Baumer,	Lanius,	Rankin,	Thompson,
Bean,	Law,	Reed, (Washington)	(Centre)
Buckman,	McCreesh,	Rice,	Thompson, (Westmoreland)
Cavalcante,	McGinnis,	Roberts,	Trainer,
Coyne,	Miller,	Rodgers,	Woodward,
Frey,	Norton,	Rupp,	Ziegenheim,
Harris,	Owlett,	Salus,	
Homsher,	Pierson,		

NAYS—12

Bennett,	Gelder,	Howell,	Reed, (Dauphin)
Chapman,	Graff,	Mallery,	Shapiro,
Clark,	Harvey,	McClure,	
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 663 (House Bill No. 1127), as follows:

An Act to further amend section twenty-three of the act approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by extending the tax imposed by the act to certain gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax increasing for a limited period of time the rate of tax imposed by the act exempting street passenger railway companies and traction companies and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred sixty-two) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association joint-stock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation or other device for the transportation of freight passengers baggage or oil and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power water-power hydro-electric palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of [eight mills upon the dollar upon] fourteen mills for the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and eight mills thereafter upon the dollar of the gross receipts of said corporation company or association limited partnership joint-stock association copartnership person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business and from the transportation of oil done wholly within the State The said tax shall be paid within the time prescribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first days of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships corporations associations joint-stock associations limited partnerships person or persons derived from all sources and of gross receipts from business done wholly within the State during the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file reports and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or persons are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnerships associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

[Nothing contained in this] This act shall be construed [to impose any tax upon any municipality nor upon] to apply to municipalities and to impose a tax upon the gross receipts derived from any [municipality] Municipally owned and operated public utility or from any public utility service furnished by any municipality to the extent of such gross receipts as are derived from business done outside the limits of the municipality operating the public utility service

[No tax shall be collected under the provisions of this act from any municipality upon the gross receipts derived from the ownership and operation of any public utility or from the furnishing by any municipality of any public utility service prior to the passage of this amendment]

Section 2 The tax imposed by this act shall be settled at the rate of fourteen mills upon reports filed for the six months' period ending June thirtieth one thousand nine hundred and thirty-five December thirty-first one thousand nine hundred and thirty-five June thirtieth one thousand nine hundred and thirty-six and December thirty-first one thousand nine hundred and thirty-six and at the rate of eight mills upon reports filed for all periods thereafter

Of the proceeds from the tax imposed by this act the sum of two million dollars ($2,000,000) from the tax imposed for the six months' periods ending June thirtieth one thousand nine hundred and thirty-five and December thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief and for such purposes is hereby appropriated The balance of said proceeds for said periods shall be credited to the General Fund All other taxes penalties and interest received and collected under the provisions of this act shall be credited to the General Fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Homsher,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Kahle,	Pytko,	Staudenmeier,
Bennett,	Lanius,	Rankin,	Thompson,
Cavalcante,	Law,	Reed,	(Centre)
Coyne,	Mallery,	(Washington)	Thompson,
Ealy,	McClure,	Rice,	(Westmoreland)
Frey,	McCreesh,	Roberts,	Trainer,
Gelder,	McGinnis,	Rodgers,	Woodward,
Graff,	Miller,	Rupp,	Ziesenheim,
Harris,			

NAYS—6

Buckman,	Clark,	Norton,	Reed,
Chapman,	Harvey,		(Dauphin)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 717 (House Bill No. 838), as follows:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax for a limited period upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which was heretofore exempt increasing the rate of tax on the capital stock of fire and marine insurance companies and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred fifty-seven) are hereby further amended to read as follows

Section 20 That hereafter except in the case of corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit banks savings institutions title insurance or trust companies building and loan associations and foreign insurance companies it shall be the duty of the president vice-president secretary or treasurer of every corporation having capital stock every joint-stock association limited partnership and every company whatsoever now or hereafter organized or incorporated by or under any laws of this Commonwealth and of every corporation joint-stock association limited partnership and company whatsoever now or hereafter incorporated or organized by or under the law of any other State or Territory of the United States or by the United States or by any foreign government and doing business in and liable to taxation within this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of any limited partnership or joint-stock association company or corporation whatsoever association or associations copartnership or co-partnerships person or persons or in any other manner to make annually on or before the fifteenth day of March for the calendar year next preceding a report in writing to the Department of Revenue on a form or forms to be prescribed and furnished by it [stating specifically] Such report shall in addition to any other information required by the Department of Revenue set forth

First The amount of its capital stock at the close of the year for which report is made together with the highest selling price per share and the average selling price thereof during said year

Second Its debt account

Third Its income account together with the disposition of any net income and its profit and loss statement

Fourth Its general balance sheet

Fifth Its real estate and tangible personal property if any owned and permanently located outside of the Commonwealth and value of the same and the value of the property if any exempt from taxation

Sixth [The proportion of its capital stock invested in and actually and exclusively employed and used in manufacturing within the Commonwealth during the year for which report is made]

[Seventh] A valuation and appraisal in the manner hereafter provided of the capital stock of the said corporation company joint-stock association or limited partnership at its actual value in cash as it existed at the close of the year for which the report is made

The affidavit of two of the officers of such corporation limited partnership joint-stock association or company shall be attached to said report Such affidavit shall be in the form required by the Department of Revenue but shall state in addition to any other averments required by the department that with fidelity and according to the best of their knowledge and belief the affidavits have estimated valued and appraised as shown in said report the capital stock of the said corporation at its actual value in cash as it existed at the close of the year for which report is made not less however than first the average which said stock sold for during the year and second not less than the price or value indicated or measured by net earnings or by the amount of profit made and either declared in dividends expended in betterments or carried into the surplus or sinking fund and third not less than the actual value indicated or measured by consideration of the intrinsic value of its tangible property and assets and of the value of its good will and franchises and privileges as indicated by the material results of their exercise taking also into consideration the amount of its indebtedness

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis the procedure in case the Department of Revenue is not satified with the appraisement made by the officers of the taxpayer and the penalties for failing to file reports and pay taxes shall be as prescribed by law

Section 21 (a) That every domestic corporation other than corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit and every joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the Treasury of the Commonwealth annually through the Department of Revenue a tax at the rate of five mills upon each dollar of the actual value of its whole capital stock of all kinds including common special and preferred as ascertained in the manner prescribed in said twentieth section [and it]

(b) Every foreign corporation joint-stock association limited partnership and company whatsoever from which a report is required under the twentieth section hereof shall be subject to and pay into the treasury of the Commonwealth annually through the Department of Revenue a franchise tax at the rate of five mills upon a taxable value to be determined in the following manner The actual value of its whole capital stock of all kinds including common special and preferred shall be ascertained in the manner prescribed in the twentieth section of this act and shall then be divided into three equal parts

(1) Of one third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose nu-

merator is the value of the taxpayer's tangible property situated within the Commonwealth and whose denominator is the value of all the taxpayer's tangible property wherever situated

(2) Of another third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the expenditures of the taxpayer for wages salaries commissions or other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the taxpayer for wages salaries commissions or other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

The sum of the amounts determined in accordance with the foregoing three rules shall be the taxable value

In a case where only two of the foregoing three rules are applicable the remaining third equal part of the value of the entire capital stock shall be divided into two equal parts each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable that part of the entire capital stock attributed to business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the taxpayer for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth

The amount of the taxpayer's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the taxpayer by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined by the Department of Revenue to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a taxpayer maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the Department of Revenue shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the taxpayer to the business conduct at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a taxpayer for wages salaries commissions or other compensation or the gross receipts of the taxpayer are found to be situated incurred or received without the Commonwealth

(c) It shall be the duty of the treasurer or other officers having charge of any such corporation joint-stock association or limited partnership upon which a tax is imposed by this section to transmit the amount of said tax to the treasury of the Commonwealth within the time prescribed by law for the payment of State taxes settled by the Department of Revenue Provided That for the purposes of this act interest in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxable accordingly Provided also That corporations limited partnerships and joint-stock associations liable to a tax [on capital stock] under this section shall not be required to pay any further tax on the mortgages bonds and other securities owned by them and in which the whole body of stockholders or members as such have the entire equitable interest in remainder but corporations limited partnerships and joint-stock associations owning or holding such securities as trustees executors administrators guardians or in any other manner than for the whole body of stockholders or members thereof as sole equitable owners in remainder shall return and pay the tax imposed by this act upon all securities so owned or held by them as in the case of individuals [And provided] Provided further That the [provisions of this section] tax of five mills imposed by this section on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six shall [not] apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products [or] and for manufacturing purposes excepting companies engaged in the distilling of liquors Provided further That after said two year period the provisions of this section shall not apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products or for manufacturing purposes which is invested in and actually and exclusively employed in carrying on laundering the processing and curing of meats thier products and by-products or manufacturing within the State excepting companies engaged in the [brewing or] distilling of [spirits or malt] liquors and such as enjoy and exercise the right of eminent domain but every corporation limited partnership or joint-stock association organized for the purpose of laundering or processing and curing meats their products and by-products or manufacturing shall pay the State tax of five mills herein provided upon such proportion of its capital stock if any as may be invested in any property or business not strictly incident or appurtenant to the laundering or manufacturing business or the business of processing and curing meats their products and by-products in addition to the local taxes assessed upon its property in the district where located it being the object of this proviso to relieve from State taxation only so much of the capital stock as is invested purely in the laundering or manufacturing plant and business or the plant and business used in the processing and curing of meats their products and by-products Provided further In case of fire and marine insurance companies the tax imposed by this section shall be at the rate of [three] five mills upon each dollar of the actual value of the whole capital stock Provided That nothing in this act shall be so construed as to apply to building and loan associations chartered by the State of Pennsylvania

Section 2 If this act is declared unconstitutional by a final judgment order or decree of a court of competent jurisdiction all the provisions of section twenty-one of the act amended by this act pertaining to the taxation of the capital stock of foreign corporations which were made inapplicable and inoperative thereto by this amendment shall thereupon become operative and applicable in respect to such corporations from the effective date of this act and such corporations shall for that period and thereafter be taxed to the same extent and in the same manner as if this amendment had not been enacted In such event any taxes which were settled under this act shall to the extent that such taxes have been paid and are unrefunded be credited against the taxes settled and imposed for the same period under the provisions of said section twenty-one which are again made operative and applicable to foreign corporations by this section Provided That if such credit exceeds the taxes due the excess may be refunded upon application being made to the Board of Finance and Revenue in the manner prescribed by law

Section 3 The provisions of this act shall be retroactive to the first day of January one thousand nine hundred thirty-five so that capital stock of domestic corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products and for

manufacturing purposes shall pay the tax imposed for the calendar years one thousand nine hundred thirty-five and one thousand nine hundred thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six in the same fashion as other corporations limited partnerships and joint-stock associations

Section 4 This act shall become effective immediately upon its final enactment and its provisions shall be applicable to the settlements of franchise taxes on foreign corporations for the year ending the thirty-first day of December one thousand nine hundred and thirty-five or any fiscal years ending in the calendar year one thousand nine hundred and thirty-six

Section 5 The sum of eighteen million dollars ($18,000,000) derived from the tax imposed under the provisions of this act on reports filed for the year one thousand nine hundred and thirty-five shall be used only for unemployment relief and for such purposes is hereby appropriated

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. BATCHELOR. Mr. President and members of the Senate, in my opinion, we have under consideration in the Senate two bills, Nos. 1192 and 838, that, if enacted into law, will greatly increase the number of unemployed and to a large degree further delay the return to normalcy and place a new additional and to a large degree unnecessary burden on the manufacturers of this State. I subscribe to the humble philosophy that it is a mighty mean dog that will bite the hand that feeds it, and it is most unwise to kill the goose that lays the golden egg.

For more than forty years, under the wise administration of great statesmen, Pennsylvania has prospered more than any other State in the Union. Its budget was always balanced, was free from any bonded debt, and its industries unhampered by restrictive regulations and confiscatory taxes, have sold their products in all parts of the world, bringing back a stream of gold that in normal times has enriched the workers and made the citizens of Pennsylvania, to a very large degree, happy and prosperous. Under this wise system of taxation Pennsylvania became the greatest manufacturing State in the Union, and trade, commerce and agriculture followed closely in its wake.

According to a report of the Department of Internal Affairs, published in 1931, there was invested in the manufacturing industry in Beaver County 221 million dollars. Under the provision of one of these bills the tax collector would collect additional taxes amounting to over one million, one hundred thousand dollars and under both bills taxes amounting to over two million dollars would be collected from manufacturing industries located in Beaver County alone and many of these industries have been operating in the red, or at a loss, for the last three or four years. As a specific instance, I would call to your attention how it affects one particular industry in my district.

In my district in Beaver County is a plant which was located there in 1930. The actual investment in this plant is nearly $3,000,000. The location of this plant was determined by an economic survey which indicated that the most favorable location would be in the Cleveland district, inasmuch as a large market for the products existed in that district. However, due to a tax study, of various taxes which would affect corporations, this plant was located at a greater distance from their consuming market, in Beaver County, due to an advantage amounting to several thousands of dollars a year in favor of a Pennsylvania location. The major factors in the location were cost of power, fuel, freight and taxes. The raw products which are processed in this plant are derived outside of the State and amount to 40% of the operating cost in Pennsylvania. This corporation operates in several States and while in effect the Pennsylvania operation has incurred a deficit every year of its operation. The corporation had a net income last year entirely derived from a western gold mining property. However, the application of the formula in the income tax bill would assess this company a tax of $4415.00 based on its 1934 operations on income earned entirely outside of the State. The application of the corporation foreign franchise tax as applied to this operation, based on the price of its capital stock on the New York Stock Exchange, would incur a tax of over $1,000,000 in excess of its actual capital invested in Pennsylvania. This company had a payroll in Beaver County in excess of $300,000 for 1934, and spent for power, materials and supplies in Pennsylvania a half million dollars. The fact that this company located in Pennsylvania because of a favorable tax attitude on the part of the State is a most powerful argument against these corporation taxes. It certainly will be inimical to the interest of the Commonwealth as a whole to pass a tax program on such conditions.

On a whole this tax program is based upon a program similar to that of the State of Massachusetts. That State has consistently lost capital industry due to its taxing methods; why should we pass a tax program upon methods which have been detrimental to that Commonwealth?

We have in Beaver County a plant that was constructed at a cost of over one million dollars. It is conceded to be one of the most modern and up to date establishments in the United States for the manufacture of ornamental tile. This fully equipped plant was sold to the City of Beaver Falls the other day for $8500, and I am advised that it will be given to anyone that will agree to place it in operation. We have the new, modern, fully equipped plants of the Fry Glass Company and the Fry Pump Company, whose products enjoyed a national reputation, and representing invested capital of over two million dollars. I am advised that either of these plants may be purchased for $50,000 or less; and we have many other plants, that have been unable to weather the depression, that will be sold for a song to anyone with sufficient courage to engage in the manufacturing business at this time.

I consider these bills most unwise legislation and I propose to vote against them.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Aron,	Kahle,	Reed,	Staudenmeier,
Baumer,	Lanius,	(Washington)	Thompson,
Cavalcante,	Law,	Rice,	(Centre)
Ealy,	McCreesh,	Roberts,	Thompson,
Frey,	McGinnis,	Rodgers,	(Westmoreland)
Harris,	Miller,	Rupp,	Trainer,
Homsher,	Prince,	Salus,	Woodward,
Howell,	Pytko,	Shapiro,	Ziesenheim,
Huffman,	Rankin,	Sones,	

NAYS—16

Batchelor,	Clark,	Harvey,	Owlett,
Bean,	Coyne,	Mallery,	Pierson,
Bennett,	Gelder,	McClure,	Reed,
Buckman,	Graff,	Norton,	(Dauphin)
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 721 (House Bill No. 857), entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securties belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by requiring every person, copartnership, bank, national bank, bank and trust company, safe deposit company, trust company, association, and corporation, and savings fund, savings institution, and savings bank to report unclaimed deposits after certain years; and repealing certain acts.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Homsher,	Owlett,	Rupp,
Batchelor,	Howell,	Pierson,	Salus,
Baumer,	Huffman,	Prince,	Shapiro,
Bean,	Kahle,	Pytko,	Sones,
Bennett,	Lanius,	Rankin,	Staudenmeier,
Cavalcante	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Dauphin)	(Centre)
Daly,	McClure,	Reed,	Thompson,
Frey,	McCreesh,	(Washington)	(Westmoreland)
Gelder,	McGinnis,	Rice,	Trainer,
Graff,	Miller,	Roberts,	Woodward,
Harris,	Norton,	Rodgers,	Ziesenheim
Harvey,			

NAYS—3

Buckman,	Chapman,	Clark,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 722 (House Bill No. 858), as follows:

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and or any district within the Commonwealth or in the custody of any officer of such court and

for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" as amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (P. L. 223) are hereby further amended to read as follows

An Act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and intreest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth [except saving-funds savings institutions and savings banks subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two) except building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another

Section 7 After any particular deposit of money made [otherwise than in a saving-fund savings institution or savings bank subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two)] with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall not have been increased or decreased or if not increased or decreased shall not be known to have been credited with interest on the pass book or certificate of deposit of the depositor at his request for the period of [fourteen] ten successive years in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited for a period of twenty-one years the same shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest thereon actually accrued to the date of the decree for the escheat of the same whether such deposit was at the expiration of said period in the possession of the depositary with which it was originally deposited or in the possession of another depositary which took over mediately or immediately in any manner whether before or after the expiration of said period of [fourteen] ten years or twenty-one years as the case may be the deposits of the depositary with which the deposit was originally made

After the owner beneficial owner or person entitled to any of the following named moneys or property shall be and remain unknown or the whereabouts thereof shall have been unknown for the period of seven successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same namely

(a) Moneys or other estate of any kind whatsoever held by any person bank national bank trust company or other association or corporation as guardian committee executor administrator assignee or receiver or as trustee under or by reason of any other trust the active duties of which have terminated except the delivery or payment to the beneficiaries thereunder of the subject of the trust and any increments accrued thereon

(b) Any moneys estate or effects paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of any such court

After any moneys or property held by any person bank national bank trust company or other corporation or by any association limited partnership or copartnership belonging to any other person the escheat of which is not otherwise provided for in this section has been and remained unclaimed by the person for whom the same is held for the period of seven or more successive years such moneys or property shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

After any dividend or dividends profit or profits declared by any bank national bank trust company or other corporation or association or by any partnership and after any debt or interest on any debt or debts owed by any such bank national bank trust company or corporation association or copartnership shall have been and remained due and unpaid for three successive years such dividends or profits debt or interest on debt shall be escheatable to the Commonwealth and shall be escheated in the manner hereinafter provided with interest actually accrued thereon to the date of the decree for the escheat of the same

Such escheat shall at the suggestion of the Auditor General be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the depositary fiduciary or debtor and all of his or its depositors beneficiaries or creditors for whom he or it holds unclaimed moneys escheatable under the provisions of this act in the appropriate court for the county where the debtor if an individual resides or if a corporation where it maintains its principal office Such action shall be brought in the court of common pleas except (a) Where it is sought to escheat unclaimed trust funds in which case the same shall be brought in the court having jurisdiction of such funds and except (b) where it is sought to escheat moneys paid into or deposited in a court or in the custody of any officer thereof in which case such action shall be brought in the court into which the money was paid or in which it was deposited or in the custody of an officer of which court the said moneys are

When the moneys have been paid into and are in the custody of any court the escheat of the same shall be determined and enforced at the suggestion of the Auditor General by a petition filed by the Attorney General in said court upon which proceedings shall be had as in other cases of escheat provided for by this section Proceedings for the escheat of moneys in the possession or custody of any officer of any court shall be by a bill as provided for by this section in other cases in which bill such officer and the persons entitled to such moneys shall be made codefendants

Any such escheat proceedings may be prosecuted whether the deposits dividends moneys funds or other property or estate sought to be escheated shall have been reported to the Auditor General in conformity with the provisions of this act or have not been so reported Any number of items may be joined in one action against one debtor though owed to different creditors

If service of the bill cannot be had on the creditors defendant within the State service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which the debtor is resident or has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the debtor the creditor had his residence Publication may be made in such form as the court shall direct and need not contain any order or other paper in full

If such creditors or their legal representatives shall appear in the cause within the time limited by the court and establish their right to recover said sums from the debtor

but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said sums to them after paying their proportionate part of the costs of the cause and of said advertising Provided That such persons on demand may have any issue of fact determined by a jury and if they shall not so appear and establish such right a decree shall be made that said sums have escheated and shall be paid by the debtor to the State Treasury for the use of the Commonwealth and the amount of such decree shall bear interest at the rate of twelve per centum per year from sixty days after the same is made and such decree shall be effectual to bar the creditors from claiming the said sums from the debtor An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein

An action may be begun in the nature of a bill for discovery merely with respect to the subject matter of this act whether in this or other sections hereof against the debtor without the necessity of specifying the items which should escheat with the right to compel an answer under oath to subpoena all persons as witnesses and to compel the production of all books papers and records and from time to time the bill may be amended to pray for the escheat of specific items under this section seven and to make parties to the bill the creditors as ascertained

Section 2. All moneys received prior to June first one thousand nine hundred and thirty-six as escheats under the act to which this is an amendment or under any other act of assembly without escheat as the result of the reduced period of time provided for by this amendment which are in excess of the average amount per annum received from escheats or payments into the State Treasury without escheat from the same sources under any acts of assembly during the preceding five fiscal years ending May thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief purposes and for such purposes are hereby appropriated On and after June first one thousand nine hundred and thirty-six such revenues shall be credited to the General Fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Homsher,	Owlett,	Rupp,
Batchelor,	Howell,	Pierson,	Salus,
Baumer,	Huffman,	Prince,	Shapiro,
Bean,	Kahle,	Pytko,	Sones,
Bennett,	Lanius,	Rankin,	Staudenmeier,
Cavalcante	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Dauphin)	(Centre)
Ealy,	McClure,	Reed,	Thompson,
Frey,	McCreesh,	(Washington)	(Westmoreland)
Gelder,	McGinnis,	Rice,	Trainer,
Graff,	Miller,	Roberts,	Woodward,
Harris,	Norton,	Rodgers,	Ziesenheim,
Harvey,			

NAYS—3

Buckman,	Chapman,	Clark,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with informatioon that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 726 (House Bill No. 1192), as follows:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties.

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life fire and casualty insurance companies and surety companies and trust companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to and ascertained by the Federal Government subject however to any corrections thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That deductions shall be allowed from net income on account of any taxes paid to the Government of the United States And provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policy holders out of net income

2 In case the entire business of any corporation is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's property wherever situated

(2) Of one-third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose

numerator is the expenditure of the corporation for wages salaries commissions and other compensation to its employes and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employes

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employes shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employes not chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from (1) sales except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business owned or rented by the taxpayer outside the Commonwealth and sales otherwise determined to be attributable to the business conducted on such premises and (2) rentals or royalties from property situated or from the use of patents within this Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts from sales attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation Such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation during the calendar year one thousand nine hundred and thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the Department as required by section four of this act in which case such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred and thirty-five and ending in the calendar year one thousand nine hundred and thirty-six

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred and thirty-six and on or before the fifteenth day of April one thousand nine hundred and thirty-seven to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of this return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation at the time of making the report required herein shall pay to the department not less than one-half of the tax due to the Commonwealth by it for the preceding year and the remaining one-half of such tax shall be paid on or before the fifteenth day of May succeeding The amount of all taxes imposed under the provisions of this act not paid on or before the time as above provided shall bear interest at the rate of twelve per centum per annum from the date they are due and payable until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court if such payment is accompanied by a protest that the whole or any part of such payment is not justly or legally due If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it or assigned to any other person or corporation for use in the payment of any obligation to the Commonwealth

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation shall certify to the department that its fiscal year does not close upon the thirty-first day of December but upon some other date and that it reports to the Federal Government as of such other date or that it would so report were it to make a return to the Federal Government then such corporation shall be permitted to make the report herein required within sixty (60) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The Department shall upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to the payment from the due dates fixed by this act at the rate of six per centum

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally charged or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make report under oath or affirmation to the department of such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars ($5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any deduction made from the amount of the net income of any corporation upon which tax is imposed by this act the Board of Finance and Revenue shall have the power and its duty shall be to hear and determine any petition for the refund of taxes alleged to have been overpaid and upon the allowance of such petition to refund such taxes out of any appropriation made for the purpose or to credit the account of the corporation entitled to such refund All such petitions must be filed with the board within two (2) years of the date of such change or correction Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the manner provided by law for appeals in the case of tax settlements

Section 8 Determination and Redetermination of Tax Penalties and Interestt Due (a) If within a period of two years after the filing of the report the department is not satisfied with the report and payment of tax made by any corporation under the provisions of this act or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act it is hereby authorized and empowered to make a determination of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such corporation Within thirty (30) days after the date of any such determination such corporation may file with the department a petition for redeterimnation of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The department shall within ninety (90) days after the date of any determination dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the corporation against which such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit of an officer of the corporation that it is not made for the purpose of delay and that the facts therein set forth are true to the best of his knowledge information and belief The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioners

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and determine the amount due by it for taxes penalties and interest thereon as prescribed herein

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The Department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and assess the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of two (2) years such record or records of its business within this Commonwealth and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully and corruptly make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report and to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 All taxes and penalties received and collected under the provisions of this act shall be paid into the State Treasury and those imposed for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in one thousand nine hundred and thirty-five and collectible in the year one thousand nine hundred and thirty-six or thereafter shall be used only for unemployment relief purposes and for such purposes are hereby appropriated All other taxes and penalties received and collected under the provisions of this act shall be credited to the General Fund

Section 13 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes on net income for the two calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the two fiscal years ending in the calendar years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 38

Aron,	Kahle,	Prince,	Shapiro,
Baumer,	Lanius,	Pytko,	Sones,
Bean,	Law,	Rankin,	Staudenmeier,
Cavalcante,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Centre)
Frey,	McCreesh,	Rice,	Thompson,
Gelder,	McGinnis,	Roberts,	(Westmoreland)
Harris,	Miller,	Rodgers,	Trainer,
Homsher,	Owlett,	Rupp,	Woodward,
Howell,	Pierson,	Salus,	Ziesenheim,
Huffman,			

NAYS—10

Batchelor,	Chapman,	Graff,	Reed,
Bennett,	Clark,	Harvey,	(Dauphin)
Buckman,	Coyne,	Norton,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 990 (House Bill No. 1631), on second reading, entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1169 (House Bill No. 1473), on second reading, entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax.

go over in its order.

The PRESIDENT. Is there objection?

Mr. ARON. Mr. President, I would like to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. ARON. Mr. President, I would like to know from the Senator from Monroe, Mr. Huffman, why he asks unanimous consent that this bill go over in its order.

Mr. HUFFMAN. Mr. President, I was asked to present an amendment to this bill, and now that the bill is before us I cannot find the amendment.

The PRESIDENT. Is there objection? The Chair hears none.

CONSIDERATION OF THE CALENDAR

Mr. BUCKMAN. Mr. President, I move that the Senate continue its consideration of the calendar.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILL FOR CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 668 (House Bill No. 88), as follows:

An Act providing for the organization under certain conditions of two colored battalions of infantry and making an appropriation therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That within six months after this act becomes effective the Adjutant General of the Commonwealth if authorized and empowered by the proper department or agency of the Federal Government shall organize and equip two colored battalions of infantry in the Commonwealth one of which shall have headquarters in the city of Philadelphia and the other in the city of Pittsburgh Such battalions when organized and equipped shall become a part of the National Guard of the Commonwealth

The officers of such battalions shall be commissioned by the Governor in the same manner as provided by law for the commissioning of officers of other units of the National Guard of the Commonwealth

The Armory Board of the Department of Military Affairs shall provide quarters for such regiment or the different units thereof as may be necessary

Section 2 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the organization of such battalions

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended.

Said amendment having been printed as required by the Constitution,

Mr. SHAPIRO. Mr. President, I move that the Senate concur in the amendments.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate concur in the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1046 (House Bill No. 1885) on third reading, entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 752, on third reading, entitled:

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 39, on third reading, entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

COMMUNICATION FROM STATE TREASURER

The PRESIDENT. Pursuant to a motion adopted this morning, the State Treasurer has sent to the Senate a communication, which will be read by the Secretary.

Commonwealth of Pennsylvania,
Office of State Treasurer,
Harrisburg, May 16, 1935.

Honorable Thomas Kennedy,
Senate Chamber
Harrisburg, Pennsylvania.

My dear Governor:

I understand the Senate desires to be advised of the effect of the passage of the Gelder Bill on the General Fund of the Commonwealth, considered in connection with the present obligations against that Fund.

You are advised that on May 15, 1935, there was a cash balance in the General Fund of $5,986,756.88, to which amount should be added $2,344,000.00, representing transfers due the General Fund under previous legislation for disbursements from the General Fund on account of relief. This addition makes a total amount available in our General Fund of $8,330,756.88.

If $3,000,000. is taken from this balance, as indicated above, it will in no way interfere with the payment of the ordinary expenses of the Commonwealth for the re-

mainder of the present biennium, except the payment of the recent deficiencies passed by the Legislature and signed by the Governor, in the sum of approximately $5,700,000. Revenue measures to meet this deficiency appropriation have not as yet been finally enacted into law, and until enactment which is contemplated in the budget now before you, the deficiencies cannot be paid.

Hence, while it is true that the $3,000,000. can be paid from the General Fund at the present time, it should nevertheless be remembered that our budget is out of balance, or will be on May 31, 1935, at the close of the biennium, in addition to the Deficiency Bill mentioned above, in a further sum of approximately $8,000,000.00 due to State-aided hospitals, homes, schools, and universities, which group of appropriations are classed as non-preferred appropriations.

Our experience in the Treasury has demonstrated that relief allocations other than cash relief in Philadelphia and Pittsburgh do not reach the treasury for payment for a period of from thirty to sixty days after the allocations are made. Hence, we would not be called upon to pay the $3,000,000 authorized in the Gelder Bill for at least that period of time. However, it should be borne in mind that while the cash is immediately available, its expenditure only should be considered in connection with the ultimate balancing of our budget prior to the close of the present biennium on May 31, 1935.

Very truly yours,

CHARLES A. WATERS,
State Treasurer.

The PRESIDENT. The communication from the State Treasurer will be entered in the Journal.

Mr. HARRIS. Mr. President, I understood that the motion made by the Senator from Allegheny, Mr. Coyne, was that the State Treasurer should come here personally to answer the inquiry—I may be wrong in that; but I want to point out, in the plainest terms possible, that the balance as reported by the State Treasurer, while it is stated to be $8,000,000.00—I want the Senate to know that the money is already obligated, and even more than that; and the State Treasurer states very plainly in his letter that the budget is out of balance now. I want to make the point that the $8,000,000.00 in the Treasury now has already been spent.

Mr. COYNE. Mr. President, I am not interested in getting the State Treasurer himself up here to be interrogated; all I wanted to find out was the condition of the Treasury at this time. I hope this will please the Brother Crawfords in the Senate who are worried about their wives and children back home.

Mr. HARRIS. Mr. President, I am perfectly satisfied with the letter from the State Treasurer; I think it gives the facts as far as it goes; but I simply want to state again that the money now in the Treasury is already spent—obligated.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 577 (House Bill No. 1281), as follows:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of gas and oil under lands of the Pennsylvania Training School at Morganza

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) is hereby further amended by adding thereto clause (k) to read as follows

(k) With the consent and approval of the Governor to lease to persons firms and corporations lands of the Commonwealth in possession of the Pennsylvania Training School at Morganza for the purpose of extracting the oil gas thereon or to sell such gas and oil in the ground with the right to extract the same in either event upon such terms and conditions as may be acceptable to the Governor and the Secretary of Property and Supplies and to pay the moneys derived therefrom into the General Fund

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution ,and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziegenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 946, on third reading, entitled:

An Act relating to the buying selling and transportation of live and dressed poultry requiring poultry dealers to be licensed requiring records of sales and purchases of poultry to be kept imposing duties and liabilities on poultry dealers poultry producers and other persons buying and selling poultry and on county farm agents and the Department of Agriculture and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1232 as follows:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended by the act approved the twelfth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-nine) is hereby further amended to read as follows

Section 1 Definition of Terms Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

"Buyer" means the person who buys the goods covered by the conditional sale or any legal successor in interest of such person

"Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed

"Goods" means all chattels personal other than things in action and money and machinery and equipment attached or to be attached to real estate and includes emblements industrial grwoing crops and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether such event is the performance of an act by the buyer or the happening of a contingency

"Person" includes an individual partnership corporation and any other association

"Purchase" includes mortgage and pledge

"Purchaser" includes mortgagee and pledgee

"Seller" means the person who sells the goods covered by the conditional sale or any legal successor in interest of such person

Section 7 Fixtures [First As against a subsequent purchaser subsequent mortgagee or other subsequent encumbrancer of the realty for value and without notice of the reservation of property in the goods such reservation shall be void as to any goods so attached to the realty as to form a part thereof unless the conditional sale contract or a copy thereof shall be filed as required in section six before such purchase is made ar such mortgage is given or such encumbrance is effected "Subsequent" as used in this paragraph refers to the time of attaching the goods to the realty

Second As against an owner a prior mortgagee or other prior encumbrancer of the realty who has not assented to the reservation of property in the goods if any of the goods are so attached to the realy as not to be severable without material injury to the freehold the reservation of property in the goods so attached shall be void notwithstanding the filing of the contract or a copy thereof unless such injury although material be such as can be completelv repaired and the seller before retaking such goods furnishes or tenders to such owner] [prior mortgagee or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs "Prior" as used in this paragraph refers to the time of attaching the chattels to the realty

Third In order to entitle the conditional sale contract or copy thereof referred to in this section to be filed and indexed it shall have endorsed thereof or attached thereto a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto]

Goods to be affixed to realty shall not become a part of the said realty or of the freehold to which they are attached or are to be attached or of any operating plant of which they may form a part but shall be treated as severable and subject to removal as against the conditional vendee his heirs executors administrator successors and assigns and also as against any mortgagee encumbrancer owner purchaser or other persons having any interest in or liens against such real property or chattels real until the unpaid balance due under the said conditional sale contract has been paid if prior to the said affixing or attaching of the goods to the realty the conditional sale contract or a copy thereof together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto shall have been filed in the office of the prothonotary for the county in which the said realty is situate Provided however if a prior owner or encumbrancer of the said realty shall demand a bond to protect him against loss to be caused by the removal of the said goods conditionally sold the conditional seller or his successor in interest shall deliver to the said prior owner or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs said bond to be in a sum equal to the cost of making the said repairs before commencing the detachment or removal of the said goods If the amount of the bond cannot be agreed upon by the parties upon petition by any party at interest the amount shall be fixed by the common pleas court of the county where the conditional sale contract is filed at the sum necessary to repair the damage caused to the physical structure by the removal of the goods conditionally sold

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,	Miller,	Rodgers,	

NAYS—1

Batchelor,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GRAFF. Mr. President, I ask unanimous consent that Senate Bill No. 19, on third reading, entitled:

An Act to amend sections two, four, five, eight, eleven, twelve, section fourteen as amended, sections twenty-one and twenty-two, and to repeal section three as amended, and sections thirteen, sixteen and nineteen, of the act approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules of issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by prohibiting employment of minors between fourteen and sixteen years of age, except in certain types of work which will not interfere with school attendance; further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work, and the hours of labor; further regulating employment certificates, and requiring minors under eighteen to procure such certificates; and imposing on school districts the duty to issue such certificates.

go over in order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 234, entitled:

An Act to amend paragraph (a) of section twenty-three of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws three hundred thirty-seven) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" as amended providing that the orphans' court may order the sale of real estate of a decedent upon petition of a majority of the parties in interest

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 235, entitled:

An Act to amend the title and to re-enact sub-section (b) of section thirty-five as amended of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof the lien thereof, sales and mortgages of real estate for the payment thereof, judgements and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtailage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor, appeals in certain cases; and also, generally deal-

ing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors and administrators to sue and be sued in certain actions in which their decedent might have sued or been sued.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. BUCKMAN. Mr. President, I move that the question together with the further consideration of Senate Bill No. 235, on third reading, be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. REED (Dauphin). Mr. President, in the absence of the sponsor of this bill, I ask unanimous consent that Senate Bill No. 484 on third reading, entitled:

An Act to amend section seven of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchases, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," as amended; further regulating the construction of voting machines.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 553 (House Bill No. 493), on third reading, entitled:

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 647 (House Bill No. 902), entitled:

An Act making a deficiency appropriation to the Department of Military Affairs

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Shapiro,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 762 (House Bill No. 1209), entitled:

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 788 (House Bill No. 676), entitled:

An Act to amend sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. PYTKO. Mr. President, I ask unanimous consent that Senate Bill No. 853 (House Bill No. 953), on third reading, entitled:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK. Mr. President, I ask unanimous consent that Senate Bill No. 863 (House Bill No. 1734), on third reading, entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and on additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1005, entitled:

An Act to amend the penal clause of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribing fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend section one of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 509), entitled "An act relating to petitions for laying out certain public roads and to reports of viewers thereon" extending said act to the laying out of public roads for the benefit of property owners on vacated public highways

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Staudenmeier,
Buckman,	Huffman,	Pytko,	Thompson
Cavalcante,	Kahle,	Rankin,	(Centre)
Chapman,	Lanius,	Reed	Thompson
Clark,	Law,	(Dauphin)	(Westmoreland)
Coyne,	Mallery,	Reed	Trainer,
Ealy,	McClure,	(Washington)	Woodward,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,	Roberts,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1125 (House Bill No. 2175), entitled:

An Act to amend section one of the act approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House fo Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 1149 (House Bill No. 1683), on third reading, entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 497) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances

go over in order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 1189 (House Bill No. 2035) on third reading, entitled:

An Act to amend article fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain children between the ages of sixteen and eighteen to attend school

be recommitted to the Committee on Education for further consideration.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 1193 (House Bill No. 2194) on third reading, entitled:

An Act to amend section one hundred twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof tha tare or may be inconsistent therewith" making it unlawful for any board or school directors to demand request or accept directly or indirectly any gift or donation from any teacher or supervisor within its employ

be recommitted to the Committee on Education.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1194 (House Bill No. 2270), entitled:

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the estblishment of a reservior for the flood control of Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservior providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and matrials" conferring additional powers and duties on the Water and Power Resources Board.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Salus,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

MOTION TO DEFER FURTHER CONSIDERATION OF BILLS ON THIRD READING

Mr. BUCKMAN. Mr. President, I move that the Senate do now defer the further consideration of Bills on Third Reading for today, and proceed to the consideration of Bills on Second Reading.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 26, as follows:

A Joint Resolution Proposing an amendment to section article eighteen of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one article eighteen of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives and if the same shall be agreed to by a majority of the members elected to each House such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election in at least two newspapers in every county in which such newspapers shall be published and if in the General Assembly next afterwards chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time at least three months after being so agreed to by the two Houses as the General Assembly shall prescribe and if such amendment or amendments shall be approved by a majority of those voting thereon such amendment or amendments shall become a part of the Constitution An amendment or amendments may be submitted at any general or municipal election but no amendment which has been submitted and has failed of approval shall be again submitted within a period of five years thereafter When two or more amendments shall be submitted they shall be voted upon separately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 52, as follows:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no certificate of incorporation of a proposed domestic corporation and no statement and designation of a foreign corporation having for its purpose the formation of an organization of a group or a combination of groups of working men and women or wage-earners having the name of labor Organize Labor Federation of Labor Brotherhood of Labor Union Labor Union Labor Committee Trade Union Trades Union Union Labor Council Building Trades Council Building Trades Union Allied Printing Trades Council Allied Trades Union Central Labor Body Central Labor Union Federated Trades Council Local Union National Union State Union International Union District Labor Council District Labor Union American Federation of Labor Pennsylvania State Federation of Labor or the component parts thereof or the significant words therein whether the same are used in juxtaposition or with interspace shall be filed or recorded for the purpose of effecting incorporation or of authorizing it to do business in this State unless such certificate of designation shall be accompanied by an indorsement thereon by the Secretary of the Commonwealth that he has held a hearing into the aims and purposes of such organization and has determined that it will not be harmful to the community in which it proposed to operate or to the Commonwealth and that there is a necessity therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 106, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and colleced under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Income and other excise taxes shall be levied and collected under general laws but such laws grant exemptions and may impose graded or graduated rates

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147) on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 167, as follows:

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 2204 Statistics The Department of Labor and Industry shall have the power to collect compile and transmit to the Department of Property and Supplies for publication statistics relating to labor and industry to organizations of employes and to organizations of employers Provided however That this section shall not be construed as requiring or authorizing the Department of Labor and Industry to collect compile and transmit to the Department of Property and Supplies the statistics data and information which the Department of Internal Affairs under the provisions of section one thousand two hundred and five of this act is required and authorized to collect compile prepare for publication and transmit to said Department of Property and Supplies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 332 (House Bill No. 547), entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the

Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 521, as follows:

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by extending the benefits of State appropriations to teachers employed after the making of the annual certificates

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause twenty of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

20 On or before the first day of November of each year each school district of the first and second class and each school district of the third class having a district superintendent shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him showing the number of full-time teachers supervisors principals and other full-time members of the teaching and supervisory staffs the certificates held by each and the compensation paid each for the current school year and showing further the number of part-time teachers supervisors and principals employed in extension schools and classes established as herein provided the certificates held by each and the compensation paid each during the preceding school year On or before the first day of October of each year each school district of the third class not having a district superintendent and each school district of the fourth class shall forward such a certificate to the county superintendent and if approved by him the county superintendent shall forward the same to the Superintendent of Public Instruction on or before the first day of November of each year Whenever any school district shall employ an additional teacher or teachers at any time subsequent to the days herein fixed for such certification such school district shall at once certify such fact in like form and manner and the same shall be forwarded to the Superintendent of Public Instruction

Section 2 Clause twenty-one of said act as last amended by section two of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

21 The Superintendent of Public Instruction shall ascertain and determine the amount of funds required to meet each of the four payments to school districts which become due and payable within the two fiscal years beginning June first one thousand nine hundred and twenty-three and ending on May thirty-first one thousand nine hundred and twenty-five and each biennium thereafter on the data and material contained in the certificates which school districts are required by law to file with the said superintendent on November first immediately preceding the beginning of each biennium and in any certificates covering additional teachers forwarded to him at any time thereafter and the said superintendent also shall apportion and allot the same to and among the respective districts Provided That the amount paid to any school district within any biennium shall be computed on the data and information contained in the certificates required to be filed on the first day of November of each year and in any certificates covering additional teachers forwarded to him at any time thereafter as herein provided In no case shall the amount paid to any school district exceed the amounts computed on such data

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 575 (House Bill No. 1220), entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 706, as follows:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight providing for one general court of common pleas

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That article five of the Constitution of the Commonwealth be amended by adding adding thereto section twenty-eight which section and its various clauses shall read as follows

Section 28 The Legislature shall have the power to abolish and alter wholly or in part to the extent in the manner and subject to the exceptions and limitations in this section and its clauses specified the present system of courts and judges now organized and hloding office under the foregoing existing provisions of this article and to replace the said present system of courts and judges by the following judiciary plan provided that

nothing therein shall affect the composition jurisdiction or functions of the Supreme and Superior Courts of this Commonwealth nor of the separate orphans' courts of the several counties and further provided that should the plan here authorized be duly established it shall not be revocable as a whole and the court thereby established shall not be abolished except by constitutional amendment though matters of detail in the functioning of the said plan and the work of said court may be altered from time to time by the Legislature

(a) There shall be one general court of common pleas in the Commonwealth of Pennsylvania and there shall be no other courts of record within the Commonwealth save the Supreme and Superior Courts and the separate orphans' courts whether the said orphans' courts be now in existence or hereafter to be created by virtue of section twenty-two of this article

(b) The general court of common pleas and the judges thereof shall have all the powers and jurisdiction at law and in equity of the present courts of common pleas and the judges thereof of the courts of oyer and terminer and general jail delivery of the courts of quarter sessions of the peace of the orphans' courts in coutnies where no separate orphans' court is in existence of the Municipal Court of Philadelphia and the County Court of Allegheny County and all other powers and jurisdiction possessed by any court or record of first instance and by the judges thereof now in existence within the Commonwealth whether or not the same be herein specifically named provided however that in counties where a separate orphans' court shall have been established the general court shall not exercise any of the exclusive powers of such separate orphans' court The powers herein granted shall include the appellate powers of the existing courts of common pleas and other courts of record other than the Supreme and Superior Courts and the orphans' courts in counties where a separate orphans' court exists The term "courts of grst instance" as used herein does not include the Supreme and Superior Courts of Pennsylvania

(c) The judges of the general court shall be learned in the law They shall be elected at municipal elections in the several judicial districts to hold office for the term of ten years if they so long behave themselves well and shall be eligible for re-election The total number of judges composing the general court and the number to be elected by each judicial district shall be fixed by law but no district shall be represented by less than one judge Any judicial vacancy occurring in the general court by death resignation or otherwise shall be filled by appointment by the Governor The judge so appointed shall hold office until the first Monday of January next succeeding the first municipal election which shall take place and not less than ninety days after the occurrence of the vacancy No person shall be eligible for election or appointment to judicial office in the general court save in the district in which he resides and during his term of office each judge shall maintain his residence in said judicial dstrct

(d) The qualfied electors at large of the Commonwealth shall elect at a general election a chief judge of the general court of common pleas who shall hold such office if he so long behave himself well for a term of fourteen years and shall be eligible for reelection A vacancy occurring in the chief judgeship shall be filled ad interim by the Governor in the same manner as other judicial vacancies The chief judge shall hav epower subject to such limitations as may be fixed by law to designate others of the judges of the general court as associate chief judges to asist him in his duties in addition to performing their duties as judges of the general court The maximum number of associate chief judges which may be appointed in the foregoing manner shall be fixed by law Each associate chief judge shall hold such office until the expiration of his term as a judge of the general court or until the expiration of the term or removal by death or any other cause of the chief judge by whom he was appointed to be associate chief judge whichever sooner occurs Associate chief judges shall be eligible for re-appointment to that office No person shall hold the office of associate chief judge except during such person's term of office as a duly elected or appointed judge in one of the judicial districts of the general court

(e) The chief judge shall be the executive and administrative head of the general court of common pleas with all the powers and jurisdiction of other judges of the said court an dalso with such supervisory powers consistent herewith as shall be conferred upon him by law He shall have power subject to such limitations as may be imposed by law to delegate from time to time to the associate chief judges such of his supervisory and administrative powers and duties as he may see fit It shall be his duty to delegate judges for the performance of specific assignments and to direct them to sit in districts other than thos ein which they have been elected or appointed as in his judgment the business of the general court may from time to time require The Legislature may divide the Commonwealth into major judicial divisions each containing a number of judicial districts and may pass suitable legislation for the creation abolition or organization of appropriate executive and clerical forces to function for the general court as a whole and in the several divisions and districts For the judicial district of Philadelphia there shall be one prothonotary's office and one prothonotary for all the business of the general court in the said district to be appointed by the judges of the general court resident in said judicial district and to hold office for a term of three years subject to removal by a majority of the said judges the said prothonotary shall appoint such assistants as may be necessary and authorized by the said judges and he and his assistants shall receive fixed salaries to be determined by law and paid by the county of Philadelphia all fees collected in said office except such as may be by law due to the Commonwealth shall be paid by the prothonotary into the county treasury The prothontary shall maintain appropriate dockets for the general court without regard to the provisions for separate dockets contained in section seven of this article

(f) Upon creation of the general court by act of the Legislature as herein provided all provisions of the Constitution of this Commonwealth and more especially of article five thereof which are not inconsistent with the provisions of this section shall be and remain in full force and effect Inconsistent provisions of the Constitution to the extent to which they are inconsistent shall be suspended and of no effect during the effectiveness of the said act or acts of the Legislature creating and further organizing the general court

(g) The manner of selecting and electing the chief judge and first judges of the general court shall be fixed by law but all judges of the courts of record to be replaced by the general court whose terms have not expired at the effective date of the institution of the general court shall hold office as judges of the said general court for the balance of their unexpired terms

The Legislature may from time to time increase or reduce the number of judges in the general court but in making such reductions no judicial place may be abolished during an incumbent's term of office

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1007, as follows:

An Act to amend sections nine hundred one and one thousand eighty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for the collection of county borough and school taxes by the county commissioners in certain cases conferring powers on boroughs and school districts with respect to the collection of their taxes and pro-

viding that the bonds of borough tax collectors shall be fidelity bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine hundred one and one thousand eighty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred seventeen) are hereby further amended to read as follows

Section 901 Filling Vacancies in Elective Borough Offices If any vacancy shall occur in the office of burgess member of council auditor controller high constable or tax collector by death resignation removal from the borough or from a ward in the case of a ward office or by failure or neglect to give bond as provided by law or in any other manner whatsoever the borough council shall fill such vacancy by appointing by resolution a qualified resident of the borough to such office for the unexpired term of the office

Where a vacancy in the office of tax collector exists or where a tax collector shall fail to file bond as required by law and in either case no resident of the borough can in the opinion of the council qualify as required by law the borough council shall appoint county treasurer as tax collector for the unexpired term Where the county treasurer is so appointed he shall have authority to appoint a deputy to assist in the collection of the taxes set forth in the duplicates delivered to him The county treasurer shall be entitled to retain for his own use so much of the commissions payable for the collection of said taxes [and] as may be required for the payment of his deputy and the premium on his bond and shall not be required to pay the same over to the county but any commissions over and above such costs shall belong to the county to reimburse the county for office rent light heat telephone service compensation insurance supplies postage and equipment The salary board of the county or where there is no salary board then the county commissioners shall fix the compensation of any deputy appointed If the county treasurer so appointed shall fail to file bond the borough council shall appoint any suitable resident of the county to perform the duties of tax collector for the unexpired term

If no person can be found within the county to accept appointment as tax collector for the borough the council of the borough may proceed to collect its taxes through is treasurer as tax collector who shall not be required to give additional bond but shall otherwise have the powers and perform all the duties of the tax collector or the borough may notify the county commissioners that the borough is without a tax collector and that it desires the county commissioners to collect such taxes Thereupon the county commissioners shall proceed to collect the taxes for the county and the borough and also the school district unless the school district has appointed a tax collector or desires to collect its taxes directly through is own treasurer which it shall have power to do without requiring additional bond from such treasurer in the same manner as above provided for the borough

The county commissioners shall in any such case have power to collect the taxes for the county and for any borough and school district and shall perform all the duties and have all the powers herein conferred on tax collectors and shall have power to appoint a deputy as herein provided where the county treasurer is appointed and to fix his compensation The county commissioners shall pay the amounts received over to the county treasurer who shall pay to the borough and school district taxes received for their use less such amount as is allowed as a commission for the collection of such taxes which shall be retained for the use of the county to reimburse the county for the costs incurred by the county commissioners in collecting such taxes The county commissioners shall not be required to give any bond for the duties herein imposed nor shall they receive any compensation for collecting such taxes The county commissioners shall where they collect taxes as herein provided have all the powers and perform all the duties vested in collectors of county township and school taxes

Section 1081 Bond of Tax Collector The tax collector shall before he enters upon the duties of his office take and subscribe an oath of office and file the same in the court of quarter sessions and shall annually enter into a fidelity bond to the Commonwealth in not more than the amount of taxes charged and assessed in the duplicates with at least two sufficient sureties or one trust or bonding company The bond shall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court The condition of the bond shall be that the tax collector shall well and truly pay over [or] all taxes received and collected and account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him together with penalties and interest legally due by paying over the tax penalties and interest received less commissions by showing exonerations or filing schedules of unpaid occupation poll and per capita taxes and by making return of unpaid taxes on real estate in accordance with existing law or filing schedules with the taxing authority showing unpaid taxes on real estate and personal property in order to enter liens therefor in the office of the prothonotary Upon so accounting truthfully for all of the taxes charged in the duplicates the bond of the tax collector shall be discharged This bond does not cover the collection and payment over of school taxes for which purpose a separate bond is required by the school laws of the Commonwealth but nothing contained in this section shall be construed so as to require the collector of taxes to give separate bonds for the collection of borough and county taxes Security for the payment of borough and county taxes may be given by a joint or by separate bond

Where the county treasurer is appointed as tax collector if the condition of his bond as county treasurer does not secure the payment over and accounting of moneys other than county moneys the court of quarter sessions shall fix the amount of the special bond to be given by the county treasurer for payment over and accounting of other than county taxes

Section 2 This act shall become effective immediately upon final enactment

And said bill having ben read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1128, as follows:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any real property is sold on or before June thirtieth one thousand nine hundred and thirty-seven on any execution on the foreclosure of any mortgage or on a judgment entered on any obligations secured by mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs the plaintiff or use plaintiff shall within six months after such sale petition the Court out of which such execution issued to fix the fair value of the property sold

Section 2 The petition shall set forth

(a) The location by address or description of the real estate sold the name or names of the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

(b) The price for which said property was sold at Sheriff's sale

(c) The cost of the proceedings under which the property was sold

(d) The amount of the judgment and the accrued and unpaid taxes water rents and other State and Municipal liens and interest and penalties thereon and other prior mortgage or judgment liens at the time of the said sale

(e) A statement of the fair value of said property at the time of said sale and shall name as respondents the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

Section 3 The Court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each and all of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer his interest in the proceedings and answering the averments of the petition Any party in interest may prior to the time of the hearing demand in writing a jury trial on any material issue or issues of fact raised by the pleadings whereupon the said issue or issues shall be determined by a jury trial as in other cases

Section 4 Said petition may be served by the Sheriff of the County or by the Sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods and the return of the petition is that the respondent or respondents or any of them cannot be found in this county or state said respondent or respondents may be served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county a notice to the said respondent or respondents of the filing of said petition and of the time and place fixed for hearing thereon

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed at least five days before the time fixed for hearing No judgment shall be entered or hearing had until the Court shall be satisfied that service has been made upon all the respondents in one or the other of the three methods herein provided

Section 6 At such hearings any party in interest may introduce into evidence testimony of the fair value of the premises sold at the time of the sale or of any other matter in issue If the fair value of the said property at the time of the said sale shall be finally determined to be less than the total of the amounts of the judgment with interest and costs any prior mortgage or judgment liens not discharged by the sale the secured and unpaid taxes water rents and other state or municipal liens with interest and penalties thereon the Court shall enter a deficiency judgment in the said proceeding in the amount of the difference and thereupon the liability of all persons directly or indirectly liable for the payment of the said mortgage debt shall be limited to the amount of the said deficiency judgment Provided however that in no event shall the fair value be determined to be less than the price for which the property was sold at such Sheriff's sale

Section 7 After such Sheriff's sale no such plaintiff or use plaintiff shall take any proceedings to recover or collect the amount of the mortgage debt until and unless such deficiency judgment shall have been entered and if the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the Prothonotary shall enter satisfaction of such judgment upon the written motion of the defendant or other party in interest provided however that such motion bears the written approval of a Judge of a Court in which the petition was filed Such satisfaction shall have the effect of terminating as well the liability of all persons directly or indirectly liable for the payment of said mortgage debt

Section 8 The defendant in the foreclosure proceedings or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing the payment of the mortgage debt or other person in interest may at any time after the sale present a petition to the Court in like manner ot fix the fair value of the property sold In such case there shall be named as respondents the plaintiff and use plaintiffs as well as all other persons known to petitioner to be directly or indirectly liable to petitioner or any other person for the payment of the said mortgage debt and the case shall proceed in the same manner as hereinbefore provided for in the case of a petition by the plaintiff or use plaintiff

Section 9 Whenever at such Sheriff's sale the holder of a lien subsequent to that upon which the sale was had shall become the purchaser of the said property he shall not be entitled to take any proceedings to recover or collect the amount of the debt secured by the said lien or encumbrance until and unless a deficiency judgment shall be entered at the time and in the manner as hereinbefore provided for further proceedings to recover the amount of the debt under the mortgage upon which the Sheriff's sale was had and in such case all the provisions of this Act shall apply with the same force and effect as if the said sale had been held upon said subsequent lien or any obligation secured thereby

Section 10 All acts and parts of acts inconsistent herewith are hereby repealed

Section 11 The provisions of this act shall become effective on July 1 1935

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1262, as follows:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 231 Assistant Clerks of Orphans' Court in Counties Except Counties of the Second Class Where There is a Separate Orphons' Court and Chief Assistant Clerk and Assistant Clerks in the Orphans' Court of Counties of the Second Class The cler kof the orphans' court of each county excepting counties of the second class in which a separate orphans' court is now or hereafter shall be established may appoint an assistant clerk or clerks but only with the consent and approval of sai dcourt The [salary] salaries of such assistant clerks shall be as provided by law or as may be fixed by the salary board In counties of the second class the judges of the orphans' court shall appoint a chief assistant clerk to the clerk of the orphans' court and also the minute clerks of said court which court shall fix the salaries of the said chief assistant clerk and the minute clerks All other assistant clerks of the orphans' court in said counties of the second class shall be appointed by the clerk of the orphans' court but only with the consent and approval of said court which also shall fix the salaries of such other assistant clerks

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and sonation of Senate Bill No. 1288, as follows:

An Act to amend section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be completed records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work to be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing fo rthe improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over tain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be same requiring boroughs and incorporated towns to maincomplete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property o rotherwise in the improvement thereof providing for purchase or acquiring of turnpikes or tol-roads forming all or part of any State Highway and procedure therein providing for work of improvewhere the State Highway Commissioner decides the work ment of State Highways to be done by contract except be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 13 All work of construction building or rebuilding of highways excepting that of repairing and maintenance done under the provisions of this act may be by contract and shall be according to plans and specifications to be prepared in every case by the Department of Highways and in awarding any contract the work shall be given to the lowest responsible bidder with the option on the part of the Secretary of Highways to reject any or all bids if the prices named for the work or materials to be used are higher than the estimated cost or for any other reason appearing to said secretary Every person co-partnership association or corporation before being awarded any contract for the construction or improvement of any State highway or State-aid highway under the provisions of this act shall furnish a bond with sufficient surety or sureties in a sum equal to fifty per centum of the contract price of the work conditioned that the contractor shall well and truly and in the manner satisfactory to the Secretary of Highways complete the work contracted for and shall save harmless the Commonwealth of Pennsylvania from any expense incurred through the failure of said contractor to complete the work as specified or from any damages growing out of the carelessness of said contractor or his or its servants and where the amount of such contract is in excess of five hundred ($500) dollars it shall be the duty of the Department of Highways to require every person copartnership association or corporation entering into such contract before commencing work thereunder to execute and deliver to the Commonwealth of Pennsylvania an additional bond for the use of any and every person co-partnership association or corpora-

tion interested in a sum equal to fifty per centum o fthe contract price of the work which bond shall be conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work whether or not the said material or labor enter into and become component parts of the work or improvement contemplated and the prompt payment of the rental agreed the Department of Highways for the use ofany party interested therein Every such additional bond shall provide upon for all construction and dirt moving equipment and tools leased rented o rhired for the prosecution of the work Such additional bond shall be deposited with and held by that every person co-partnership association or corporation who whether as sub-contractor or otherwise has furnished material or supplied or performed labor o rhas rented construction and dirt removing equipment and tools in the prosecution of the work as above and who has not been paid therefor may sue in assumpsit on such additional bond in the name of the Commonwealth for his their or its use and prosecute the same to final judgment for such sum or sums as may be justly due him them or it and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expense ofany suit Each of such surety bonds shall have as surety thereon one or more surety companies legally authorized to transact business in this Commonwealth and satisfactory to the Secretary of Highways

The Secretary of Highways however is hereby authorized and empowered in his discretion to construct build or rebuild by the agents servants and employes of the Department of Highways and highway or highways for the construction building or rebuilding of which he may contract under the provisions of this act

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and conation of Senate Bill No. 1294, as follows:

An Act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school district in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as amended by providing that bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by issuance of bonds pursuant to the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in the Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" which was amended by section one of the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred seventy-three) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where and county city borough municipality or school district in this Commonwealth has by virtue of any general or special act of Assembly issued bonds or other interest-bearing evidences of indebtedness with or without interest coupons attached to secure any indebtedness of any such county city borough municipality or school district or where any municipal corporation has issued bonds or other obligations for the payment of the cost of a public improvement secured or to be secured by assessments against property benefited by such improvement and were to rest alone for their security and payment upon such assessments and such bonds and obligations have been ratified confirmed and made valid and binding obligations and debts of the municipality by act of the Assembly which bonds obligations or other interest-bearing evidences of indebtedness which may have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any county city borough municipality or school district shall have the option to redeem or pay any such bonds obligations or interest-bearing evidences of indebtedness or whenever holders of any bonds obligations or interest-bearing evidences of indebtedness of any county city borough municipality or school district which may not have matured or become redeemable are willing to surrender the whole or any part of such issue of bonds obligations or interest-bearing evidences of indebtedness it shall be lawful for any such county city borough municipality or schooi district for the purpose of redeeming or paying off any or all of the bond obligations or other interest-bearing evidences of indebtedness together with the accrued interest thereon payable redeemable or offered for redemption as aforesaid to issue and sell or to exchange for outstanding bonds [either] registered or coupon bonds bearing interest at a rate not exceeding six per centum per annum and payable at any time not exceeding twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds obligations or other evidences of indebtedness and the accrued interest thereon so redeemed or paid and the said bonds so issued or sold in accordance with the provisions of this act shall be exempt from taxation except for State purposes Provided however That all moneys for the redemption of the issue of bonds obligations or other evidences of indebtedness proposed to be refunded placed in the sinking fund if any shall be first applied to the payment as far as applicable of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1295, as follows:

An Act to ratify confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by municipal corporations for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway street or alley or part thereof in any such municipality or for the payment of the cost of construction of any sewer or sewers which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost and to authorize the municipal corporation to fund such debts by the issuance of bonds and to provide for their payment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any municipal corporation has issued improvement bonds or obligations by any other name for the payment of th ecost

of a public improvement for the purpose of paving or macadamizing or otherwise improving the roadway of any highwa ystreet or alley or part thereof in any such municipality which bonds or obligations were to rest alone for their securtiy and payment upon assesments upon the abutting real estate according to the front foot rule or according to benefits such bonds and obligations are hereby ratified confirmed and made valid and binding obligations and debts of the municipality That whenever heretofore any municipal corporation has issued improvement bonds or obligations by any other name for the payment of the cost of a public improvement for the purpose of constructing a sewer or sewers in any such municipality which bonds or obligations were to rest alone for their security and payment upon assessments upon the abutting property according to the front foot or the assesed valuation of such property for city purposes or accirding to benefits such bonds and obligations are hereby ratified confirmed and made valid and binding obligations and debts of the municipality

Section 2 Whenever any such improvement bonds or obligations have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any such municipal corporation shall have the option to redeem or pay any such bonds or obligations or whenever holders of any such bonds or obligations which may not have matured or become redeemable are willing to surrender the whole or any part of any issue of such bonds or obligations it shall be lawful for the municipal corporation to issue tither registered or coupon bonds with or without coupons attached to be registered "refunding improvement bonds" bearing interest at a rate not exceeding siv per centum per annum and payable at any time or times not exceeding twenty years from the date thereof for the purpose of funding and exending the time of payment of the debts represented by such outstanding bonds or obligaions and he interest thereon which said refunding improvemen bonds mal be sold for cash at public sale or exchanged for the outstanding bonds or obligations and the coupons evidencing the accrued intertst thereon but no such refunding improvement bonds shall be issued and sold or exchanged except to pay redeem or to exchange for a like amount in par value of each outstanding bonds or obligations and the accrued interest thereon and such outstanding bonds or obligations and the interest coupons when paid redeemed or received in exchange shall be immediately cancelled Such refunding improvement bonds shall be exempt from taxation except for state purposes

Section 3 Nothing in this act contained shall impair the right and duty of the municipal corporation to collect from the owners of the real estate abutting on any highway sreet or alley or part thereof in such municipality any and all assessments levied for the payment of the cost of paving macadamizing or otherwise improving the same or to enforce the lien of such assessments but the right and duty to collect such assessments and to enforce such lien shall remain and coninue unimmpaired as now provided by law Nothing in this act contained shall impair the right and duty of th municipal corporation to collect from the owners of the property abutting upon any such sewer improvement any and all assessments levied for the payment of constructing any such sewer or sewers or to enforce the lien of such assessments but the right and duty to collect such assessments and to enforce such liens shall remain and continue unimpaired as now provided by law

Section 4 While any of such refunding improvement bonds remain outstanding and unpaid there shall be annually levied assessed and collected by ad valorem tax upon all the taxable property within such municipal corporation an amount sufficient to pay the interest on said bonds and the principal thereof within twenty years from he time of the issuance of said bonds

Section 5 Before or at the time of issuing any refunding improvement bonds authorized by this act the municipal corporation issuing the same shall create a sinking-fund for the payment of the interest on said bonds and the principal thereof as and when the same respectively become due and payable which said sinking-fund is hereby irrevocably pledged to the payment of the debt thereby incurred It shall be the duty of the municipal corporation to pay into such sinking-fund all ad valorem taxes authorized by this act as and when collected It shall be further duty of the municipal corporation to pay into such sinking-fund all assessments applicable to the payment of the bonds or obligations authorized by this act to be funded less the cost of collection as and when such assessments shall be collected and received by the municipal corporation and the amount to be raised by the taxes provided for in section four of this act shall be reduced accordingly

Section 6 In the event that under the provisions of this act the debt of any municipal corporation would be increased to an amount exceeding two per centum upon the assessed valuation of the taxable property within such municipal corporation the question of the increase of such indebtedness shall be submitted to the electors thereof at a public election in the manner provided by law and if at such election the electors shall consent to such increase of indebtedness then refunding improvement bonds may be issued as provided in this act

Section 7 This act shall be full and complete authority for the issuance of bonds as herein authorized without reference to any other law

Section 8 If any part of this act shall be declared unconstitutional by a court of competent jurisdiction he remainder of this act shall remain in full force and effect

Section 9 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1327 (House Bill No. 1204), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1334 (House Bill No. 2302), entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1341 (House Bill No. 2601), entitled:

An Act to amend sections two three and four of the act approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedi-

cating and setting aside certain lands in Cameron and Clinton Counties, as a public park and pleasure-ground, to be known as 'Bucktail State Park'; and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth," further defining the control rights of the Department of Forests and Waters over private lands; and providing for the acquisition thereof.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1345, as follows:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purpose of erecting a monument or memorial commemorating the valiant services of Brigadier General Casimir Pulaski during the war for independence and his heroic death at the siege of Savannah Georgia

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. SALUS. Mr. President, I ask unanimous consent that Senate Bill No. 1346, on second reading, entitled:

An Act to amend section one of the act approved the day of May one thousand nine hundred and thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain citiy taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the installment payments provided therein shall commence

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1347, as follows:

An Act making an appropriation to the Lancaster General Hospital Lancaster Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred fifty thousand dollars ($150,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Lancaster General Hospital Lancaster Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1348, as follows:

An Act making an appropriation to the Lancaster County Tuberculosis Society Rossmere Lancaster County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eighty thousand dollars ($80,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Lancaster County Tuberculosis Society Rossmere Lancaster County Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to regulations and in the manner prescribed by law at the rate of three dollars (3) per diem for the medical and surgical services rendered to and maintenance of each person treated in said hospital who is entitled to free service and for each day of part pay service such proportion of the aforesaid three dollars ($3) per diem rate as the part of the regular ward charge which the person so treated is not able to pay bears to the regular ward charge for such free service Provided however That said hospital shall not receive compensation at a rate exceeding the actual cost of service per capita in the public ward of such hospital

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1349, as follows:

An Act making an appropriation to the Thaddeus Stevens Industrial School of Lancaster Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ninety thousand dollars ($90,000) or so much thereof as may be necessary is hereby specifically appropriated to the Thaddeus Stevens Industrial School of Lancaster Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1350, as follows:

An Act making an appropriation to the Home for Friendless Children of Lancaster Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby specifically appropriated to the Home for Friendless Children for the city and county of Lancaster for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1776.

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1776, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "Administrative Code of 1929," permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1641.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1641, entitled:

An Act for the protection of producers of farm produce providing for the licensing, bonding and regulation of certain individuals and entities receiving, selling or offering for sale on consignment or on a net return basis within this Commonwealth, farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act, providing for appeals, and prescribing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 181.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 181 entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" as amended, permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1221.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1221 entitled:

An Act to amend a part of section one of the act, approved the twelfth day of May one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth, in counties having a population of over two hundred thousand and under one million, and to provide the time of paying the same," as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over, by reducing the fee charged for filing municipal and tax liens.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 181, entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" as amended, permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line.

House Bill No. 1221, entitled:

An Act to amend a part of section one of the act, approved the twelfth day of May, one thousand nine hundred and eleven (P. L. 301), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth, in counties having a population of over two hundred thousand and under one million, and to provide the time of paying the same," as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over, by reducing the fee charged for filing municipal and tax liens

House Bill No. 1641, entitled:

An Act for the protection of producers of farm produce providing for the licensing, bonding and regulation of certain individuals and entities receiving, selling or offering for sale on consignment or on a net return basis within this Commonwealth, farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act, providing for appeals, and prescribing penalties.

House Bill No. 1776, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "Administrative Code of 1929," permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 862

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 862, entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 862

Mr. OWLETT. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. STAUDENMEIER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL INTRODUCED

Mr. CHAPMAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, read in place and presented to the Chair Senate Bill No. 1384, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

Which was committed to the Committee on Education.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 888, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, by exempting in certain cases the security required of State depositories for State deposits.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 712

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

Resolved (if the House of Representatives concur), That Senate Bill No. 712, Printer's No. 360, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed

be recalled from the Governor for further consideration.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 838

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 838, entitled:

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax for a limited time upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which was heretofore exempt increasing the rate of tax on the capital stock of fire and marine insurance companies and making an appropriation

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 857

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 857, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any

agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after certain years and repealing certain acts

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1128

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1128, entitled:

An Act to provide revenue by imposing a State Stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 858

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 858, entitled:

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878), entitled as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62), and except also buildings and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such money property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1127

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1127, entitled:

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by extending the tax imposed by the act to certain gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax increasing for a limited period of time the rate of tax imposed by the act exempting street passenger railway companies and traction companies and making an appropriation

HOUSE CONCURS IN AMENDMENT MADE BY THE SENATE TO HOUSE BILL NO. 1192.

He also presented a communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House

Bill No. 1192, entitled:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1128, entitled:

An Act to provide revenue by imposing a State Stamp tax upon certain documents and obligations prescribed and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties

Hause Bill No. 1192, entitled:

An Act to provide revenues for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

House Bill No. 838, entitled:

An Act to further amend section twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax

on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax for a limited time upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which was heretofore exempt increasing the rate of tax on the capital stock of fire and marine insurance companies and making an appropriation

House Bill No. 1127, entitled:

An Act to further amend section twenty-three of the act approved he first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred seventy-nine" by extending the tax imposed by the act to certain gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax increasing for a limited period of time the rate of tax imposed by the act exempting street passenger railway companies and traction companies and making an appropriation

House Bill No. 858, entitled:

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 878) entitled as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (P. L. page 62) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys propery and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

House Bill No. 857, entitled:

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for he settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after certain years and repealing certain acts

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 862, AND APPOINTS COMMITTEE OF CONFERENCE.

The Clerk of the House of Representatives, being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 862 entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigaretts at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties.

and has appointed Messrs. LaRue, Weiss and Witkin as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. BEAN. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messre. Howell, Owlett and Huffman be said committee on the part of the Senate, and that the Clerk inform the House of Representatitves accordingly.

MOTION TO READ BILL THE FIRST TIME

Mr. GELDER. Mr. President, I move that bill reported from committee at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1216 (House Bill No. 2242), entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:13 P. M. until 9:00 o'clock Monday evening, May 20, 1935.

HOUSE OF REPRESENTATIVES

THURSDAY, May 16, 1935

The House met at 11:00 A. M.

The SPEAKER, (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

In the name of the Father, and of the Son and of the Holy Ghost, Amen. Almighty God, our Heavenly Father, to whom all hearts are open and from whom no secrets are hid, we come before Thee today. We lay ourselves under Thy direction and guidance. We pray that Thou will bless all those in authority in this State and all who have responsibility. May we realize that Thou will guide us if we ask Thee to.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BROWNFIELD, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate, being introduced presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 31. (HOUSE BILL No. 2859).

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

Referred to the Committee on Elections.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk as follows:

FRATERNAL CODE

A resolution from the Slovenska Narodna Podporna Jednota urging passage of Fraternal Code.

Referred to the Committee on Insurance.

BLUE LAWS

Communications from

Presbytery of Westmoreland
West Newton Ministerial Association
Bible Classes of West Newton
Wilkensburg W. C. T. U.
Womans Home Missionary Society of Pittsburgh Presbytery

protesting amendment of blue laws.

Referred to the Committee on Law and Order.

SOCIAL LEGISLATION

A petition from mass meeting in Labor Temple, Erie, urging passage of social legislation.

Referred to Committee on Labor.

INVESTIGATION LUZERNE COUNTY RELIEF BOARD

A communication from Luzerne County Unemployed League, Inc. requesting investigation of Luzerne County Emergency Relief Board.

Referred to Committee on Unemployment Relief.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 14, 1935.

Resolved (if the Senate concur), that House Bill No. 965, Printer's No. 147, entitled "An act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution form the House of Representatives, as follows:

In the House of Representatives, May 15, 1935.

Resolved (if the Senate concur), that House Bill No. 1633, Printer's No. 432, entitled "An act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws Laws three hundred thirty-five) entitled 'An act to provide for the consolidation of boroughs and the government and regulation thereof' making further regulations for the election of justices of the peace in such consolidated boroughs," be recalled from the Governor for further consideration.

SENATE MESSAGE

HOUSE BILL CONCURRED BY THE SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1221.

An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and one) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALL HOUSE BILL NO. 815

May 14, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 815, Printer's No. 960, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. GEORGE E. DOWNEY. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. GEORGE E. DOWNEY. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. GEORGE E. DOWNEY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 1 and 2 of title, by striking out the words "and one thousand four hundred and two"

Amend title, page 2, lines 11, 12 and 13 from top of page, by striking out the words "and establishing a board for the determination and payment of minor damages caused by the National Guard"

Amend section 2, page 4, lines 15 to 29, by striking out all of said lines, both inclusive.

Amend section 2, page 5, lines 1 and 2, by striking out all of said lines.

Amend section 3, page 5, line 3, by striking out the figure "3" and insert in lieu thereof "2"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 14, 1935.

Resolved, (if the House of Representatives concur), That Senate Bill No. 712 Printer's No. 360, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed registered and in active operation

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVE OF ABSENCE

Mr. Alexander asked and obtained leave of absence for Messrs. HETRICK, KLINGLER and MURRIN.

REPORTS FROM COMMITTEES

Mr. FLANAGAN, from the Committee on Highways, reported as amended House Bill No. 314, entitled:

An Act to amend Route fifty-eight of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over

same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid Highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended.

Miss BRANCATO, from the Committee on Judiciary General reported as committed, House Bill No. 2249, entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April, one thousand eight hundred fifty five (P. L. 328), entitled "An act relating to Corporations and to Estates held for Corporate, Religious and Charitable uses," by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed, devised or conveyed for the use of any church, congregation or religious society, and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

Mr. FURMAN, from the Committee on Ways and Means reported as committed, House Bill No. 1911, entitled:

An Act permitting, licensing, regulating and controlling horse racing and betting and wagering on such races; creating a State racing commission with jurisdiction over the same; defining its powers and duties; imposing certain license fees and State taxes; providing penalties; providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon; and making an appropriation.

Mr. DECKER, from the Committee on Boroughs and Townships reported as amended, House Bill No. 2655, entitled:

An Act providing for the creation of public "Authorities" in boroughs; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorities" with the right of eminent domain, and with the power to finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

Mr. BRADLEY, from the Committee on Judiciary General reported as committed, House Bill No. 2756, entitled:

An Act exempting dental fixtures and equipment leased, loaned, hired or conditionally sold, from levy or sale on execution or distress for rent.

Mr. ALEXANDER, from the Committee on Highways, reported as committed House Bill No. 2524, entitled:

An Act to amend section one thousand two hundred three of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "For the protection of the public safety; regulating the use of the highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justice of the peace, the courts and clerks thereof, owners of vehicles, and garage keepers! providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds" by providing for the right of arrests on view by certain peace officers for summary offenses in certain cases, and regulating the procedure with respect thereto.

Mr. HOOPES, from the Committee on Cities, reported as committed House Bill No. 2469, entitled:

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenue thereof, secured solely by liens upon the respective properties and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

Mr. EBERHARTER, from the Committee on Cities, reported as committed, House Bill No. 1980, entitled:

An Act to repeal the act approved the twenty-second day of April, one thousand nine hundred and fifteen (P. L. 172), entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities, to facilitate the assessment, levy, and collection of taxes and municipal claims in such cities; authorizing the preservation and use of records heretofore employed in such cities for such purposes."

Mr. STEWART, from the Committee on Cities reported as committed, House Bill No. 2410, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities.

Mr. GERARD, from the Committee on Highways reported as committed House Bill No. 2487, entitled:

An Act amending sections eight, ten, sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property,, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by providing for the abandonment of sections of State Highway Routes, providing for an effective date for the condemnation of casements for highway purposes and slopes; providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings; extending the Commonwealth's obligation to additional bridges; providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures; requiring occupancy permits for additional types of structures.

Mr. BOYER, from the Committee on Cities, reported as committed, House Bill No. 315, entitled:

An Act to amend section one of article six of the act approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class" as amended, by providing for the assessment of a less rate of tax upon buildings than upon land graded over a period of years until the rate upon buildings shall become one-fifth of the rate upon land.

Mr. WESTRICK, from the Committee on Highways reported as committed, House Bill No. 1369, entitled:

An Act to amend section one thousand and twenty-five of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" as amended, increasing the penalty for failure to stop and render assistance under certain circumstance.

BILL ON FIRST READING

Miss BRANCATO asked and obtained unanimous consent to have House Bill No. 2249 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2249, entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April, one thousand eight hundred fifty-five (P. L. 328), entitled "An act relating to Corporations and to Estates held for Corporate, Religious and Charitable uses," by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed, devised or conveyed for the use of any church, congregation or religious society, and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

STATEMENT BY JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

Mr. Speaker, It is with the utmost reluctance that I rise to speak for the justice of my own proposals. Legislation should ride to victory or fall in defeat on the merit it possesses. But we are being gripped in the hysteria of stampede by hired propogandists so that we no longer deliberate but rush to satisfy the desires and inventions of self centered groups whose interests justify an elaborate lobby and publicity service for the fostering of legislation applicable alone to the interests of urban peoples.

On February 6 the gentleman from Allegheny, Mr. Moran, submitted to the House a bill providing for the centralization of tax collection. Exactly one month later the gentleman from Franklin, Mr. Moomaw, submitted to you a similar bill. I have a deep seated interest in reduction of government costs. I organized and am now Secretary of the Cumberland County Taxpayers' Federation. I studied these bills with care and concluded that

while they served the interests of city people admirably they failed to take into consideration the needs and interests of rural people. Consequently I consulted with a former clerk to the County Commissioners of my county who is now chief of the tax division of the Federal Land Bank of Baltimore. I consulted with the Chief of the Legal Department of the same institution which now pays nearly $200,000 annually in taxes into the townships, counties, and municipalities of Pennsylvania.

I consulted with rural members of this House and with the facts gathered I went to the Legislative Reference Bureau for an open minded discussion with Mr. Fertig and an assistant. The outgrowth of all this effort is House Bill 1720, and in my opinion at least this bill provides for an adequate system of centralized tax collection equally adapted to city and county. The bill is not the expression of personal wisdom. I even recognize that the very skeleton of this intent is the property of my colleagues Messrs. Moran and Moomaw, whose names appear on the title. I seek no personal emulation. I ask no personal consideration. I bespeak your support should this bill emerge from the committee in the name of the farmer and backwoods laborer. I bespeak your support in the interests of democratic government and democratic principles because it provides for equal if not greater economy and a full net return to county, municipality or township.

I voted to excuse my county from the provisions of the Moomaw-Moran bills because I have made a careful study of the tax needs of my county covering several years. I am satisfied that great tax delinquency would follow the adoption of the Ohio or Indiana plan. If I am correct in this thought I can see no advantage in saving $30,000 in commissions for the sake of increasing our delinquency by $40,000 or more. I have consulted some of the wisest heads of our county with perfect agreement and I am satisfied that my position has been partly vindicated by the hauling of House Bill 1373 into dry dock for repairs before it sets out on its maiden voyage for final passage.

This old system is all out of joint it is true but I am satisfied that the mechanics who started out to repair it for me have made a good job. House Bill 1720 is a stream lined model of our old system, with a counterbalanced crankshaft and a down draft carburetor. It will now hit all the high spots and work economically. Get one and look it over. I am sure you will like it and while you consider all its good points please consider that it is not legislation for Philadelphia, Pittsburgh, Harrisburg, or Scranton, but for the whole State of Pennsylvania. After all we farmers want to go along, too.

The Attorney General's Office is finding some difficulty in transplanting an Ohio or Indiana Plan of tax collection to the Constitutional soil of Pennsylvania. As a concluding analogy may I suggest that we continue to buy our citrus fruits in Florida and diligently apply ourselves to the perfection of the native York Imperial Apple.

STATEMENT BY MR. WELLIVER

Mr. WELLIVER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, forty years ago I remember some of my friends who were here at that time. One of them was Mr. Danbey from Skippbeck, Montgomery County. Another was a great friend of mine, seventy years old, Mr. Hawkins, from York County, a wonderful lawyer. I received a message that he passed away night before last. I thought he had been dead these forty years, because I knew nothing of late about him or his family.

One thing I want to say is that I have been very modest during this session for the reason that for the last year or so I have had six sets of teeth made for my lower jaw, and one minute they want to go to Heaven and the next minute go down my throat. That is he reason I have not had very much to say.

I want to say in this body I am always in my seat and, if I am not, I also want to say "When the roll is called up yonder I'll be there."

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1641.

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of he House of Represenatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 8, by striking out at the beginning of said line the word "fruit".

Amend section 2, page 3, line 5, by striking out after the word "farm" the word "products".

Amend section 5, page 4, line 20, by striking out after the word "farm" the word "products" and inserting in lieu thereof the word "produce"; also in lines 22 and 23, by striking out after the word "farm" the word "products" and inserting in lieu thereof the word "produce"; also in line 28 by striking out after the word "farm" the word "products" and inserting in lieu thereof the word "produce".

Amend section 9, page 6, line 15, by striking out after the numeral "two" the word "Make" and inserting in lieu thereof the word "Made"; also in line 28 by striking out after the word "purchased" the word "goods" and inserting in lieu thereof the words "farm products".

Amend section 13, page 8, line 14 by striking out after the word "Commonwealth" the word "contray" and inserting in lieu thereof the word "contrary".

On the question,

Will the House concur the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McCreary,	Simon,
Altenburg,	Duffort,	McDermott,	Simpson,
Andrews,	Eberharter,	McDevitt,	Sinwell,
Arnold,	Eroe,	McElroy,	Sloan,
Atkins,	Falkenstein,	McHenry,	Smith, J. A.,
Aukerman,	Ferko,	McKinney,	Smith, W. G.,

Baine,	Finnerty,	Melchiorre,	Snyder, F. E.,
Baker, F. T.,	Fitch,	Mentzer,	Sowers,
Baker, J. J.,	Flanagan,	Moomaw,	Spangler,
Baldi,	Flinchbaugh,	Mooney,	Sproul,
Barber,	Flynn,	Moore,	Stank,
Barnhardt,	Furman,	Moran,	Stevens,
Bernhard,	Gates,	Moul,	Stewart,
Blumberg,	Gerard,	Muir,	Stockham,
Boose,	Habbyshaw,	Munley,	Stott,
Boyd, R.,	Haberlen,	Nagel,	Sumney,
Boyer,	Hagerty,	Nothnagle,	Surface,
Bradley,	Haluska,	O'Keefe,	Terry,
Brancato,	Hamilton, F. P.,	Ominsky,	Tronzo,
Brennan,	Hamilton, R. S.,	O'Neill,	Trout,
Brown, H. S.,	Harkins,	Panton,	Tumelty,
Brown, J. E.,	Hart,	Parks,	Turner,
Brownfield,	Hartman,	Patterson, C.,	VanAllsburg,
Brumbaugh,	Hefferon,	Patterson, J. W.,	VanSickle,
Burke,	Hermansen,	Pearson,	Wall,
Cannon,	Hindman,	Perry,	Wasserman,
Caputo,	Hoffner,	Pfaff,	Weidemann,
Carson,	Holstrom,	Phillips,	Weiss,
Chervenak,	Hoopes,	Piole,	Welliver,
Coakley,	Horst,	Powers,	Welsh,
Cochran,	Jackson,	Reising,	Westrick,
Cohen,	Jones,	Rhys,	White,
Coleman,	Kelder,	Roan,	Wickersham,
Condon,	Kelso,	Ruth,	Winner,
Conner,	Kilroy,	Sarraf,	Witkin,
Coolahan,	Kinney,	Schrock,	Wood,
Cordier,	Kobelak,	Schrope,	Woodside,
Davies,	LaRue,	Schwab,	Yeakel,
Decker,	Linderman,	Shaw,	Yourishin,
Denning,	Long,	Shepard,	Zimmerman,
Dent,	Lovett,	Shortz,	Sarig,
Diehl,	Lynch,	Shreiner,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered as follows:

HOUSE BILL No. 1776.

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 5, line 1 by inserting after the word "division" the following: "To which no other source of supply is available."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McCreary,	Simon,
Altenburg,	Duffort,	McDermott,	Simpson,
Andrews,	Eberharter,	McDevitt,	Sinwell,
Arnold,	Eroe,	McElroy,	Sloan,
Atkins,	Falkenstein,	McHenry,	Smith, J. A.,
Aukerman,	Ferko,	McKinney,	Smith, W. G.,
Baine,	Finnerty,	Melchiorre,	Snyder, F. E.,
Baker, F. T.,	Fitch,	Mentzer,	Sowers,
Baker, J. J.,	Flanagan,	Moomaw,	Spangler,
Baldi,	Flinchbaugh,	Mooney,	Sproul,
Barber,	Flynn,	Moore,	Stank,
Barnhardt,	Furman,	Moran,	Stevens,
Bernhard,	Gates,	Moul,	Stewart,
Blumberg,	Gerard,	Muir,	Stockham,
Boose,	Habbyshaw,	Munley,	Stott,
Boyd, R.,	Haberlen,	Nagel,	Sumney,
Boyer,	Hagerty,	Nothnagle,	Surface,
Bradley,	Haluska,	O'Keefe,	Terry,
Brancato,	Hamilton, F. P.,	Ominsky,	Tronzo,
Brennan,	Hamilton, R. S.,	O'Neill,	Trout,
Brown, H. S.,	Harkins,	Panton,	Tumelty,
Brown, J. E.,	Hart,	Parks,	Turner,
Brownfield,	Hartman,	Patterson, C.,	VanAllsburg,
Brumbaugh,	Hefferon,	Patterson, J. W.,	VanSickle,
Burke,	Hermansen,	Pearson,	Wall,
Cannon,	Hindman,	Perry,	Wasserman,
Caputo,	Hoffner,	Pfaff,	Weidemann,
Carson,	Holstrom,	Phillips,	Weiss,
Chervenak,	Hoopes,	Piole,	Welliver,
Coakley,	Horst,	Powers,	Welsh,
Cochran,	Jackson,	Reising,	Westrick,
Cohen,	Jones,	Rhys,	White,
Coleman,	Kelder,	Roan,	Wickersham,
Condon,	Kelso,	Ruth,	Winner,
Conner,	Kilroy,	Sarraf,	Witkin,
Coolahan,	Kinney,	Schrock,	Wood,
Cordier,	Kobelak,	Schrope,	Woodside,
Davies,	LaRue,	Schwab,	Yeakel,
Decker,	Linderman,	Shaw,	Yourishin,
Denning,	Long,	Shepard,	Zimmerman,
Dent,	Lovett,	Shortz,	Sarig,
Diehl,	Lynch,	Shreiner,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 181.

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight entitled "An act relating to fish and amending revising and consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 6 by striking out after the word "River" the words "below the northern boundary of Berwick the New York state line on" and inserting in lieu thereof the words "below the boundary line of the city of Pittston and the Duryea borough line on"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McCreary,	Simon,
Altenburg,	Duffort,	McDermott,	Simpson,
Andrews,	Eberharter,	McDevitt,	Sinwell,
Arnold,	Eroe,	McElroy,	Sloan,
Atkins,	Falkenstein,	McHenry,	Smith, J. A.,
Aukerman,	Ferko,	McKinney,	Smith, W. G.,
Baine,	Finnerty,	Melchiorre,	Snyder, F. E.,
Baker, F. T.,	Fitch,	Mentzer,	Sovers,
Baker, J. J.,	Flanagan,	Moomaw,	Spangler,
Baldi,	Flinchbaugh,	Mooney,	Sproul,
Barber,	Flynn,	Moore,	Stank,
Barnhardt,	Furman,	Moran,	Stevens,
Bernhard,	Gates,	Moul,	Stewart,
Blumberg,	Gerard,	Muir,	Stockham,
Boose,	Habbyshaw,	Munley,	Stott,
Boyd, R.,	Haberlen,	Nagel,	Sumney,
Boyer,	Hagerty,	Nothnagle,	Surface,
Bradley,	Haluska,	O'Keefe,	Terry,
Brancato,	Hamilton, F. P.,	Ominsky,	Tronzo,
Brennan,	Hamilton, R. S.,	O'Neill,	Trout,
Brown, H. S.,	Harkins,	Panton,	Tumelty,
Brown, J. E.,	Hart,	Parks,	Turner,
Brownfield,	Hartman,	Patterson, C.,	VanAllsburg,
Brumbaugh,	Hefferon,	Patterson, J. W.,	VanSickle,
Burke,	Hermansen,	Pearson,	Wall,
Cannon,	Hindman,	Perry,	Wasserman,
Caputo,	Hoffner,	Pfaff,	Weidemann,
Carson,	Holstrom,	Phillips,	Weiss,
Chervenak,	Hoopes,	Piole,	Welliver,
Coakley,	Horst,	Powers,	Welsh,
Cochran,	Jackson,	Reising,	Westrick,
Cohen,	Jones,	Rhys,	White,
Coleman,	Kelder,	Roan,	Wickersham,
Condon,	Kelso,	Ruth,	Winner,
Conner,	Kilroy,	Sarraf,	Witkin,
Coolahan,	Kinney,	Schrock,	Wood,
Cordier,	Kohelak,	Schrope,	Woodside,
Davies,	LaRue,	Schwab,	Yeakel,
Decker,	Linderman,	Shaw,	Yourishin,
Denning,	Long,	Shepard,	Zimmerman,
Dent,	Lovett,	Shortz,	Sarig,
Diehl,	Lynch,	Shreiner,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

Mr. TURNER in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2464, entitled:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2450, entitled:

An Act to amend section one thousand two hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith, reducing the number of votes required to employ teachers in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2374, entitled:

An Act to further amend Section 23 of the act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916), entitled "An act defining fraternal benefit socities and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by, the Insurance Commissioner; and repealing existing laws" to require such societies to file with the Insurance Commissioner on or before the first day of March, succeeding the submission of the last preceding annual report, a valuation report of its benefit fund obligations in force.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2394, entitled:

An Act to amend sections five hundred and sixteen, five hundred and thirty-one, five hundred and thirty-five, five hundred and forty, five hundred and forty-five, five hundred and forty-seven, clause one of section nine hundred and five, section one thousand one hundred and forty-one of, and to add section one thousand one hundred and forty-seven to, the act approved the first day of May, one thousand nine hundred and thirty-three (P. L.

103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," conferring on supervisors power over streams; changing the minimu, compensation of the secretary-treasurer; further regulating depositories; imposing additional duties on the secretary; fixing the place of meeting of the auditors, and limiting the number of days for the completion of audits; providing that the road tax shall be used for general township purposes; decreasing the minimum widths of certain roads; and providing for records of dedictated roads and streets and for the opening thereof, and the acceptance of roads, streets, lanes and alleys heretofore dedicated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2586, entitled:

An Act to amend sections nine, fifteen and sixteen of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by extending the period of redemption to five years.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2653, entitled:

An Act granting permission to the Borough of Camp Hill, Pennsylvania, and the Borough of New Cumberland, Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township CumberlandCounty Pennsylvania and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2210, entitled

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2383, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two and validating the liens of such taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2191, enttiled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending, revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2684, entitled:

An Act providing for the registration regulation and control of lobbyists and lobbying of for by or on behalf of any person partnership association or corporation imposing duties on employes of lobbyists on the Secretary of the Commonwealth and lobbyists and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1253, entitled:

An Act providing for and regulating the appointment, promotion, reduction in rank and removal of paid members of the Bureau of Fire, Bureau of Police, Bureau of Detectives, Bureau of Electricity, Bureau of Electricity in connection with fire and police departments, Police Telephone Operators and their assistants, and Police Radio Operators and their assistants in counties of the second class and in the cities, boroughs, towns, and townships within such counties, ceating a county civil service commission in each county, the members thereof to receive salaries to be payable by the counties, defining the powers and duties of such civil service commissions, imposing certain duties and expenses on such counties and the cities, boroughs, towns and townships located therein, imposing penalties and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 727, entitled:

An Act relating to the appointment of persons to the police departments in boroughs and townships of the first class providing and regulating examinations the manner of appointments and the manner and power of removal of employes of said departments and providing a method for fixing compensation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2376, entitled:

An Act to amend sections five hundred six and five hundred seven of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies; Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing procedure in the dissolution and liquidation of companies et cetera, and conferring additional powers and duties upon courts, the Insurance Commissioner and the Attorney General; providing for joint action in case of foreign companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2679, entitled:

An Act to provide for the payment of the expenses of maintenance and instruction of children committed to Houses of Refuge which are not exclusively under the control of the Commonwealth jointly by the Commonwealth and by the counties from which they may be sent and providing a method for determining the amount due and collecting the same from the said counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2852, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2488. entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employe of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2676, entitled:

An Act to further amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws seven hundred eighty-nine), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing laws," by providing for the suspension, involuntary dissolution, and liquidation of corporations which have the power to insure owners of real property, mortgages, and others interested in real property from loss by reason of defective titles, liens, and encumbrances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2745, entitled:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital

And said bill having been read at length the first time, Ordered, To be laid aside for second reading..

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 248, entitled:

An Act fixing the salaries of court criers and tipstaves in counties of the third class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1074, entitled:

An Act fixing the salaries of members of the county board of prison inspectors in counties of the third class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2404, entitled:

An Act to further amend Section seventeen of the act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to

pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for thea organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing exising laws" to require such societies seeking admission to this Commonwealth to file a valuation report

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2742, entitled:

An Act to regulate the sale of certain hypnotic analgesic and bodyweight reducing drugs in the interest of public health

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2338, entitled:

An Act to amend section three of the act approved the twentieth day of April one housand nine hundred and twenty-seven (P. L. 322) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock sated capital or capital of domestic corporations banks and trust companies and certain partnerships" exempting credit unions from the provisions of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1914, entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the quaranty by the Commonwealth of certain of said funds imposing powers and duties upon board having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and pudicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2002, entitled:

An Act fixing a uniform rate telephone companies may charge for listings in telephone directories

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2675, entitled:

An Act to amend article two section one (f) and article five section four of an act approved the tweny-sixth day of July one thousand nine hundred and thirteen (P. L. 1374) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporaions or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensations of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate procedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subjec to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commissinn making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for he appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved he twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public servicce company and empowering the Public Service Commission to decree reparations

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2685 entitled:

An Act providing for the regulation supervision and control of pubic service company holding companies and affiliated interests requiring approval of contracts between such holding companies or affiliated interests and public service companies subjecting such contracts to continuing supervision and control providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies conferring powers and imposing duties on the public service commission conferrng jurisdiction on the courts of common pleas and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County imposing penalties and repealing certain provisions of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) as amended commonly known as the "Public Service Company Law"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1973 entitled:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2339 entitled:

An Act to amend section thirteen and section fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances return benefits and rights from taxation and judicial process and providing penalties" changing the ages fixed for the retirement of such employes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1338 entitled:

An Act relating to limited dividend housing companies defining and providing for the formation of such corporations for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold extending to such corporations certain existing laws relating generally to business corporations providing for the supervision and regulaton of the activities of such corporations by the State Board of Housing in the Department of Health exempting from control by the State Board any such companies aided by the Federal Government or agencies thereof providing for the protection of such corporations and the parties dealing with them prescribing defining and limiting the powers and duties of such corporations authorizing them to borrow moneys from agencies of the United States government conferring upon certain of such corporations and limiting their use of the power of eminent domain exempting such corporations from the payment of the capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions and authorizing certain existing companies to accept the provisions of ths act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2407, entitled:

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further consideration and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1576, entitled:

An Act to further amend sections five hundred and twenty-eight and five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the conditions of the bonds of collectors and receivers of school taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2666, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain

rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public public officers and State Departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name and the advertisement of certain corporate name and the advertisement of certain corporate procedure

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2659, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name the advertisement of certain corporate procedure and formal actions by shareholders

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1135, entitled:

An Act to repeal certain parts of acts relating to struck juries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2716, entitled:

An Act to amend clause two of section four hundred and tow of the act approved the third day of July one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain cats and parts of acts relating to corporations" by limiting the number of directors who may be officers clerks employes or agents of the corporation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2835, entitled:

An Act increasing the number of courts of common pleas in the county of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2145, entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2784 (Senate Bill No. 144), entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 607 (Senate Bill No. 105), entitled:

An Act empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Wilson G. Sarig) in the Chair.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2321, entitled as follows:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Finance Business License Act"

Section 2 Definition of Terms The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Financing means buying discounting trading in exchanging collecting making advances or loans upon the security of or otherwise acquiring or dealing in contracts notes leases agreements liens mortgages or other instruments arising from a conditional sale

"Conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon payment of part or all of the purchase price or upon the performance of any other condition or the happening of any contingency or any contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value of the goods and by which it is agreed that the bailee or lessee is bound to become or has the option of becoming the owner of such goods upon full compliance with the terms of the contract

"Goods" mean all chattels or personal property of any nature whatsoever

"Person" includes an individual partnership corporation and any other association

"Seller" means a person primarily engaged in the business of selling goods at retail

"Buyer" means the person purchasing the goods covered by the conditional sale or any other legal successor in interest to such person

"Licensee" means any person partnership corporation or other association holding a license under the provisions of this act

"Secretary" means the Secretary of Banking of the Commonwealth of Pennsylvania or his duly authorized deputy or representative

Section 3 Doing business without license prohibited No person shall in this Commonwealth engage in the business of financing conditional sale contracts in the amount of two thousand dollars ($2,000) or less except as authorized by this act and without first obtaining a license from the Secretary of Banking

Section 4 Application for license fees renewals Application for such license shall be in writing under oath and in the form prescribed by the Secretary and shall contain the name and address of the residence and address of the place of business of the applicant and if the applicant is a partnership or association of every member thereof and if the applicant is a corporation of each officer and director thereof also the county and municipality with street and number if any office building and room number if any where the business is to be conducted and such further information as the Secretary may require Such applicant shall at the time of making such application pay to the Secretary the sum of fifty dollars ($50) as an annual license fee for a period terminating the first day of October of each year No abatement of the said license fee shall be made if the license is issued for less than one year Every such license shall be renewed annually on the first day of October in each year Not more than one office or place of business may be maintained under the same license but the Secretary may issue more than one license to the same licensee upon compliance with all the provisions of this act governing an original issuance of a license and payment of the aforesaid license fee for each such additional license

Section 5 Issuance of License The Secretary if he approves the application for license shall issue to each licensee a certificate showing the name of the licensee and the address of the place of business of the licensee Such license shall be posted in a conspicuous place in the office of the licensee Such license may not be transferred or assigned Whether a licensee shall change his place of business to another location within the same city borough or township he shall at once give written notice thereof to the Secretary who shall attach to the license in writing his record of the change and the date thereof which shall be authorized for the operation of such business under such license at such new location No change in the place of business of a license to a location outside the original city borough or township shall be permitted under the same license

Section 6 Powers of the Secretary A The Secretary shall have the power to reject any application for license if he is satisfied that the character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be operated honestly fairly and within the laws of this Commonwealth

B The Secretary may upon thirty days written notice to the licensee forwarded by registered mail to the address of the place of business of such licenses as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license issued hereunder if he shall find that

(a) The licensee has failed to comply with any demand ruling or requirement of the Secretary lawfully made pursuant to and within the authority of this act

(b) The licensee has violated any provisions of this act or any rule or regulation lawfully made by the Secretary under and within the authority of this act

(c) Any fact or condition exists which if it had existed at the time of original application of such licensee clearly would have warranted the Secretary orginally in refusing to issue this license

C Whenever the Secretary shall reject any application for license or issue a notice of intention to revoke a license issued pursuant to this act the licensee may within the period of thirty days appeal from such action to the Court of Common Pleas of Dauphin County

D The Secretary is hereby authorized and empowered to make such general rules and regulations and such specific demands rulings and requirements as may be necessary for the proper conduct of such business and the enforcement of this act which rules and regulations shall have the force and effect of law

Section 7 Examinations by the Secretary A For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary may at any time investigate the business and examine the books accounts records and files used therein of every licensee and of every person who or which shall be engaged in the business of financing defined in Section 2 of this act whether such person shall act or claim to act as principal or agent or under or without the authority of this act For the purpose the Secretary shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

B The Secretary shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary has authority by this act to consider or investigate and for this purpose the Secretary may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary the Secretary may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative

to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

C Each witness required to attend before the Secretary shall receive for each day's attendance the sum of two dollars ($2.00) and shall receive in addition the sum of ten cents (10c) for each mile circular traveled by such witness by the usual route between his home and the place where his presence is required The fees expenses and cost of or in connection with any hearing may be imposed by the Secretary upon any party to the record or may be divided between any or all parties to the record in such proportions as the Secretary may determine

Section 8 Costs of examinations to be paid by licensees The costs of every examination of the business of a licensee by the Secretary shall be paid by the licensee so examined and the Secretary may maintain an action for the recovery of such costs in any Court of competent jurisdiction

Section 9 Disposition of License Fees The license fees herein provided shall be deposited with the State Treasurer through the Department of Revenue to the credit of the Banking Department Fund for the use of the Secretary in the administration of this act

Section 10 Scope of Act This act does not apply to and does not affect any act relating to persons operating under the laws relating to banks trust companies bank and trust companies savings banks private banks national banking associations federal reserve banks or persons operating under the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements or to persons operating in conjunction with the National Housing Administration Act

Section 11 Penalties A Any person partnership corporation or association or any partner director officer agent or member thereof who shall engage in the business of financing conditional sale contracts in the amount of two thousand ($2,000) dollars or less as defined in this act in this Commonwealth without first having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) or to suffer imprisonment not less than six months nor more than three years in the discretion of the Court

B No contract note lease agreement lien mortgage or other obligation in the amount of two thousand ($2,000) dollars or less arising from a conditional sale of goods which was executed by a buyer in this Commonwealth shall be enforceable against the buyer within this Commonwealth except such contracts notes leases agreements liens mortgages or obligations held by the original seller of the goods or lawfully acquired by a person licensed under this act or exempted under Section 10 of this act

Section 12 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine or neuter

Section 13 Repealer All acts and parts of acts inconsistent herewith are hereby repealed

Section 14 Effective Date This act shall become effective on the first day of October one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The ruling requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2499, as follows:

An Act requiring the licensing of portable grinding mills by the respective counties fixing fees therefor and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "portable grinding mill" as used in this act shall mean an apparatus or machine so constructed as to be moved from place to place and which is not located in a permanent place used and employed as a food or feed grinder oat huller or mill

Section 2 No person association copartnership or corporation shall engage in the business of operating a portable grinding mill in any county of this Commonwealth after the first day of January one thousand nine hundred and thirty-six unless having first obtained from the county treasurer a license so to do Provided however That the provisions of this act shall not apply to portable grinding mills used by farmers for their own use or to any portable grinding mill owned by an organization of farmers and used only for the benefit of the members of such organization

Section 3 Application for such license shall be made on forms furnished by the county treasurer Licenses shall expire on the thirty-first day of December of the year for which issued Each portable grinding mill shall require a separate license the fee for which shall be twenty-five dollars ($25) which shall be paid into the county treasury for the use of the county

License fees for licenses issued for less than a year shall be reduced one-twelfth for each month not covered by said license

Section 4 Any person association copartnership or corporation operating a portable grinding mill contrary to the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions of the county within which such offense occurred shall be sentenced to pay a fine of two hundred dollars ($200) and costs of prosecution

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The ruling requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2509, as follows:

An Act to amend section one of the act approved the twenty-first day of July one thousand nine hundred and nineteen (P. L. 1064) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by providing that each of said judges in counties of the second class may appoint a clerk and providing for the compensation of said clerks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-first day of July one thousand nine hundred and nineteen (P. L. 1064) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as last amended by section one of the Act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 740) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the first and

second class of his Commonwealth each of the judges of the orphans' court of said [county] counties in order to facilitate the disposition of the business of the court may select and appoint a clerk which said clerks [shall] may be competent stenographers and shall perform such clerical duties in the court rooms or judges' chambers as said judges may direct Said clerks shall each receive such annual compensation as shall be fixed by said judges and shall be paid out of the county treasury in the same manner as other county officers are paid

And said bill having been read at lentgh the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2580, as follows:

An Act to further amend section one of the act approved the nineteenth day of August one thousand nine hundred and thirty-two (Special Session Pamphlet Laws page eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" by empowering the State Emergency Relief Board to utilize means and agencies which will facilitate the securing of cooperation and financial assistance from the Government of the United States

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of August one thousand nine hundred and thirty-two (Special Session Pamphlet Laws page eighty-eight) entitled "An act creating the State Emergency Relief Board consisting of the Governor the Lieutenant Governor and Auditor General State Treasurer and the Speaker of the House of Representatives prescribing its powers and duties empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board and making an appropriation" as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eleven act Number one hundred thirty-one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a State Emergency Relief Board to consist of the Governor the Lieutenant Governor the Auditor General State Treasurer and the Speaker of the House of Representatives whos duty it shall be to plan and adopt a comprehensive program for the expenditure by the Governor of Federal moneys received from the Reconstruction Finance Corporation or any other Federal agency for relief and work relief such program to provide for (a) an equitable allocation of the moneys for expenditure in the various counties of the Commonwealth taking into consideration the needs of the various communities and the relief funds available from taxation and other sources in such local communities (b) the nature character and location of the public works to be constructed or improved by the use of such Federal moneys (c) the method and manner of distributing direct relief and the public and private agencies through which such relief shall be distributed in the various counties and the manner in which private agencies shall be organized in communities where the same is deemed necessary and (d) the coordination of the relief work carried on by the Governor from Federal moneys and that provided for by any appropriation from the General Fund for unemployment relief so that the best results may be obtained duplication be avoided and the available funds from all sources be extended over the longest possible period of time

Such program may be revised by the board from time to time as experience shows the necessity for the same

The board is hereby empowered to utilize such means and agencies as shall be found useful or necessary to carry out the purposes of this act and which will facilitate the securing of cooperation and financial assistance from the Government of the United States its departments or agencies in aid thereof

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Afreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1736 as follows:

An act to amend sections eighteen and twenty-four of the act approved the fourth day of June one thousand nine hundred and one (Pamphlet Laws four hundred four) entitled "An act relating to insolvency embracing among other matters voluntary assignments for the benefit of creditors and adverse proceedings in insolvency by creditors forbidding also certain preferences providing for the distribution of the insolvent's estate and in certain contingencies relieving him and others liable with him from further liability for his or their debts" shortening the time for the liquidation of the assets of an insolvent and the filing of an account by the assignee or receiver

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections eighteen and twenty-four of the act approved the fourth day of June one thousand nine hundred and one (Pamphlet Laws four hundred four entitled "An act relating to insolvency embracing among the other matters voluntary assignments for the benefit of creditors and adverse proceedings in insolvency by creditors forbidding also certain preferences providing for the distribution of the insolvent's estate and in certain contingencies relieving hm and others lable wth him from further liability for his or thier debts" are hereby amended to read as follows

Section 18 The assignee or receiver within [one year] six months after his appointment unless the court upon cause shown shall extend the time shall collect all the moneys due to the insolvent shall sell at public or private sale all the stocks bonds mortgages evidences of debt and other like property of the insolvent and shall sell at public unless upon cause shown the court shall authorize a private sale After the expiration of that time the court may sale the real and other personal property of the insolvent upon cause shown authorize a public or private sale of all the assets of whatever kind or character the same may be and wherever situate All sales shall be for cash unless the court shall otherwise authorize The purchaser from the asignee or receiver may maintain any action regarding the property purchased in his own name or continue any action already brought to his use with the same rights and to the same effect as the assignee or receiver might or could do but shall be liable for all costs accrued and to accrue in case of an unsuccessful issue

Section 24 As soon after the expiration of said [year] six months as the assets shall have been collected or whensoever thereafter required by the court the assignee or receiver shall file his account and a list of the claims proven before him in the proper court duly sworn to by him as correct in all particulars and if there are no claims remaining unadjusted he shall give a written or printed notice to the insolvent and all the creditors known to him in the following form

You are hereby notified that my account and a list of the claims proven before me has been filed in the court of common pleas of county as of Term eighteen hundred and Number and that said account will be allowed and distribution of the balance shown thereby will be made among the creditors therein named according to their respective claims on the day of eighteen hundred and unless objections be filed thereto or to any of said claims before that time

And said bill having been read at length the second time and agreed to,

Ordered To be transcribed for a third reading.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1115 as follows:

An Act to limit the operation of the rule in Shelly's case by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority fo the same That grants or devises in trust or otherwise becoming effective hereafter which shall express an intent to create an estate for life with remainder to the heirs of the life tenant shall not operate to give such life tenant an estate in fee

Section 2 All laws inconsistent herewith are hereby repealed.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2461, as follows:

An Act to provide for and regulate counsel fees to garnishees in attachment proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where in an attachment execution or foreign attachment issued out of any court of record in this Commonwealth the garnishee shall have in his possession or control real or personal property of the defendant or owe him any debt every such garnishee shall be entitled in addition to the costs already allowed by law to a reasonable counsel fee out of the property in his or their hands to be determined and taxed in case of dispute by the court or some persons appointed for that purpose

Section 2 Where upon issue joined the garnishee shall be found to have in his possession or control no real or personal property of the defendant nor to own him any debt except such as may have been admitted in the answer filed every such garnishee shall be entitled to recover from the plaintiff in addition to the costs already allowed by law and in addition to such fee as may have been allowed on judgment for the amount admitted in the answer filed a reasonable counsel fee to be determined and taxed as above provided

Section 3 Upon any settlement discontinuance or other final disposition of any attachment after an appearance by an attorney shall have been entered by any garnishee or garnishees therein each garnishee so appearing shall be entitled to recover from the plaintiff in addition to the costs already allowed by law or a reasonable counsel fee to be taxed as part of the costs and to be determined and taxed as above provided

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2416, as follows:

An Act to further amend section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows and childrens exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devisd at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" by repealing clause (c) and otherwise changing and revising said section

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows and childrens exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and excutions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings

devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedetns the audit and review of amounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the the recording and registration of decrees reports and other proceedings and the fee threfor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1235) is hereby further amended to read as follows

Section 58 (a) Except as hereinafter provided no letters testamentary or of administration or otherwise which may be granted out of this Commonwealth purporting to authorize any person to intermeddle with the estate of a decedent shall confer upon such person any of the powers and authorities possessed by an executor or administrator under letters granted within this State nor except as hereinafter provided shall any appointment of a trustee of a decedent estate or any part thereof bv will probated out of this Commonwealth or by any court out of this Commonwealth confer upon such person any of the powers and authorities possessed by a trustee under a will probated within this State or appointed by an orphans court of this State

(b) Except as hereinafter provided no appointment of a guardian made or granted by any authority out of this State shall authorize the person so appointed to interfere with the estate or control the person of a minor in this State Provided That such foreign guardian may at the discretion of the orphans court having jurisdiction be appointed by said court on giving security for the due performance of his trust

[(c) It shall be lawful for any executor administrator trustee or other person duly authorized to take charge or possession of the personal estate of any decedent or for any guardian or other legal representative of the estate of a minor acting under letters testamentary or of administration or other authority granted by or under the laws of any other State territory or possession of the United States of America or of any foreign country to assign and transfer and to receive the dividends or interest of any public debt or loan of the Commonwealth of Pennsylvania or of any county city borough township or school district thereof or any stocks or bonds of any corporation incorporated under the laws of this Commonwealth or the stock of any national bank standing in the name of or belonging to the decedent minor or cestui que trust or any mortgage debt or indenture of mortgage held by or belonging to the decedent minor or cestui que trust upon real estate situate within the Commonwealth and to enter or cause to be entered satisfaction upon the record of such indenture of mortgage Provided That before any such executor administrator or trustee shall assign or transfer any such loans stock bonds or mortgages or receive any interest or dividends thereon or enter satisfaction of any such mortgage he shall also file with said register of wills an affidavit stating that the said decedent is not indebted to any person in this Commonwealth and that the proposed transfer assignment receipt or entry of satisfaction is not made for the purpose of removing any of the assets of said decedent beyond the reach of any of the creditors in this Commonwealth and any such transfer assignment receipt or entry of satisfaction without first making and filing such affidavit shall be void]

Upon demand of any person copartnership association or corporation charged with the payment of any interest to or owning any money on any mortgage debt or indenture to the tstate of any such decedent or minor the executor administrator trusee guardian or oher person before assigning or transferring any such loans stocks bonds or mortgages or before receiving any interest or dividends thereon shall file in the office of the register of wills for the county in which is located the office for the transfer of such loans stocks or bonds or in the case of a mortgage of the county where the mortgaged real estate may be situated when such person is acting under letters or other authority granted by or under the laws of any other State territory or possession of the United States of America a copy of the will probate and letters issued thereon or of such other grant of authority duly authenticated in acordance with the acts of Congress or when such person is acting under letters or other authority granted by or under the laws of any foreign country a copy of such will probate and letters issued thereon or such other grant of authority certified by the official custodian of such documents or records under his official seal if any to be a true and correct copy of the originals thereof in his possession or under his control together with the cerificate of the presiding judge or the officer having jurisdiction or authority over such cusodian that the attestation is in due form and by the proper officer

[(d)] (c) Whenever a citizen of the United States nonresident in the Commonwealth of Pennsylvania shall have died owning real estate in this Commonwealth and by his last will and testament shall have empowered his executor or trustee to sell and convey his real estate it shall be lawful for said executor or trustee or his duly appointed successor although not a resident in this Commonwealth from and after the expiration of one year from the death of such decedent to execute any power of sale contained in said last will and testament and to sell and convey to the purchaser the whole or any part of such real estate located in this Commonwealth Provided That before executing the power of sale a copy of the last will probate and letters testamentary and of the decree appointing such successor if any there be [duly authenticated as provided in clause (c) of this section] shall be filed in the office of the register of wills of the county where the land is situated Provided further That nothing in this clause shall change or modify the acts of Assembly relating to collateral inheritances

[(e)] (d) It shall be lawful for foreign executors or administrators to cause to be issued in their names as such executors or administrators writs of scire facias within this Commonwealth in all judgments in favor of their decedents the lien of which judgments is about expiring Provided That before any further proceedings are had letters testamentary or of administration must be granted within this Commonwealth as provided by law

[(f)] (e) It shall be lawful for the orphans court having jurisdiction of the accounts of any fiduciary to award personal property to the foreign executor or administrator of a deceased nonresident creditor legatee or distributee when it shall appear to the satisfaction of the court by affidavit or other evidence that there are no creditors of such nonresident decedent within this Commonwealth and when it shall further appear by certificate of the register of wills surrogate or court of the proper jurisdiction duly authenticated as required by the acts of Congress if the domicile of such nonresident creditor legatee or distributee was in another State territory or possession of the United States of America or by the proper diplomatic or consular officer appointed by the United States of America under his official seal if such domicile was in a foreign country that the person claiming to receive such award is authorized under the laws of such State territory possession or country to receive the property of his decedent Provided That the benefits of this clause shall not extend to any case in which it shall appear that the rights of any resident of this Commonwealth may be adversely affected by such transfer of property to such foreign executor or administrator

[(g)] (f) 1 In all cases where any guardian and his ward or trustee and his cestui que trust or committee and his lunatic or any other fiduciary and the person in whose interest he is acting shall both be nonresidents of this State and such ward or cestui que trust shall be entitled to money personal property of any description or the proceeds of any sale of real estate in this State under the control or jurisdiction of any orphans court and such guardian trustee or other fiduciary shall produce satisfactory proof to said court by certificates that he has given bond and security with special

reference to the money or personal property to be removed in the State or county in which he and his ward or cestui que trust reside in double the amount of such money or of the value of such property as guardian trustee or other fiduciary and it shall be found that a removal of the property will not conflict with the terms or limitations attending the righ by which he ward or cestui que trust owns the same and that no right of any resident of this Commonwealth will be prejudiced by such removal then any such guardian trustee or other fiduciary may demand or sue for and remove any such money or property to the place of residence of himself and his ward or cestui que trust If such guardian trustee or other fiduciary and his ward or cestui que trust reside in another State territory or possession of the United States of America such certificate shall be authenticated as required by the acts of Congress and if they reside in a foreign country shall be made by the court having jurisdiction of such guardian trustee or other fiduciary and authenticated by and under the official seal of a diplomatic or consular officer appointed by the United States of America and residing in such country Provided That if it shall appear by such certificate that under the laws of such State territory possession or foreign country such guardian trustee or other fiduciary is not required to enter security but that the interests of his ward or cestui que trust are safeguarded by a deposit of the money or property in the court having proper jurisdiction then it shall be lawful for the orphans court of the proper county in this State to cause suitable orders to be made authorizing the delivering and passing over of such money or property to such court without the entry of security

2 When such nonresident guardian or trustee shall produce an exemplification under the seal of the office if there be a seal of the proper court in the Etate or county of his residence containing all the entries on record in relation to his appointment and giving bond and authenticated as required by the acts of Congress or by a diplomatic or consular officer appointed by the United States of America as provided in paragraph one of this clause the orphans court of the proper county in this State may cause suitable orders to be made discharging any resident fiduciary and authorizing the delivering and passing over of such personal property and also requiring receipts to be passed and filed if deemed advisable Provided That in all cases thirty days notice shall be given to the resident fiduciary if such there be of the intended application for the order of removal and the court reject the application and refuse such order whenever it is satisfied that it is for the interest of the ward or cestui que trust that such removal shall no take place or that the claims of residents of this Commonwealth are not fully protected

[(h)] (g) When all the persons for whose benefit a valid trust shall have been created by will for a term of years or for life shall have removed from this State into any other State territory or possession of the United States to reside permanently herein the orphans court having jurisdiction of such trust is hereby authorized and empowered on application by or on behalf of all the persons interested in the trust to direct the trustees or trustees appointed in and by said will to pay over said trust moneys or transfer the securities in which they may have been invested to a trustee or trustees duly appoined by the court of such other State territory or possession upon the production to said court of satisfacory proof by certificates of the appointment of such trustee or trustees in the other State territory or possession the authority of such trustee or trustees to receive such moneys or securities and the entry of bond and security or proof of the fact that under the laws of such State territory or possession security is not required such certificate to be authenticated in the maner provided in clause [(g)] (f) paragraph one of this section and upon the production of satisfactory proof that the removal of the property will not conflict with the terms or limitations attending the rights which the cestuis que trust have in such money or securities

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2681, as follows:

An Act making an appropriation out of the General Fund of the State Treasury for the purpose of reimbursing certain special funds of the State Treasury for moneys transferred from such special funds to the General Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time between June first and December thirty-first of one thousand nine hundred thirty-five to transfer from the General Fund of the State Treasury to the Motor License Fund the Liquid Fuels Tax Fund the Liquor License Fund the State Stores Fund the Fire Insurance Tax Fund and the State School Fund such sums not exceeding in the aggregate the sum of twenty-three million forty-three thousand dollars ($23,043,000) as the Governor shall direct in repayment of such sums as have been or shall be transferred from such special funds to the General Fund during the years one thousand nine hundred thirty-four and one thousand nine hundred thirty-five Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor The aforesaid aggregate sum or so much thereof as may be necessary is hereby appropriated out of the General Fund to carry out the purposes of this act

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2429 (Senate Bill No. 67), entitled:

An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and con-

sideration of House Bill No. 2430 (Senate Bill No. 73), entitled:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2440, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by removing the exemption in the case of certain private banks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section fifteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain otther courts and their prothonotaries registers of wills recorders of deeds and certain State departments commisions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as last amended by the act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 15 Act Not Applicable to Small Loan Companies [and Certain Private Banks] A This act does not apply to and does not affect any act relating to corporations and persons licensed by the Department to make small loans as provided by the act approved the seventeenth day of June one thousand nine hundred fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300.00) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements

[B This act likewise does not apply to any individual partnership or unincorporated association engaged in business as a private banker or private bankers if such individual partnership or unincorporated association and his or their predecessor or predecessors or one or more of the members thereof have continuously and in the same locality conducted the business since a date not less than seven years prior to the nineteenth day of June one thousand nine hundred eleven and if such individual partnership or unincorporated association on or before the sixteenth day of June one thousand nine hundred and thirty-four and continuously thereafter shall submit to periodic examination by the Comptroller of the Currency or by the Federal Reserve Bank of the district in which he or they are located and shall make and publish periodic reports of his or their condition exhibiting in detail his or their resources and liabilities such examination and reports to be made and published at the same times and in the same manner as are provided by section twenty-hundred and thirty-three approved the sixteenth day of one of the Federal Banking Act of one thousand nine June one thousand nine hundred and thirty-three its amendments and supplements]

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2853 as follows:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penaltes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Check Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to

them in this section except where the context clearly indicates a different meaning

"Bank" Any bank bank and trust company trust company private bank savings fund savings institutions savings bank and national banking association receiving moneys on deposit

"Check" Checks drafts assignments and other written evidences for the payment or transfer of money honored by a bank by payment or by receipt for deposit

"Department" the Department of Revenue of this Commonwealth

"Person" Any natural person association corportion receiver trustee or assignee

Section 3 There is hereby imposed a state tax of two cents on each check as herein defined drawn on any bank in this Commonwealth Such tax shall be paid by the maker or drawer of such check

The tax hereby imposed shall not apply with respect to any checks drawn by the Commonwealth or any of its political subdivisions against any public funds

Section 4 Every bank paying any check as herein defined as drawee of such check shall collect the amount of the tax imposed under this act by charging such amount against any deposits to the credit of the maker or drawer of such check and shall on or before the tenth of each month make a return under oath or affirmation for the preceeding month and pay such taxes to the department Such returns shall contain such information and be made in such a manner as the department may by regulations prescribe Every bank required to collect any tax under this section is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section If any bank shall neglect or refuse to make any return or payment as herein required an additional ten per centum of the amount of the tax shall be added by the department to the tax assessed against such bank

Section 5 (a) If the department is not satisfied with the report and payment of tax by any bank under the provisions of this act it is hereby authorized and empowered to make an additional assessment of the tax due based upon the facts contained in the return or upon any information within its possession Such bank shall be liable for the amount of such additional assessment

(b) Promptly after the date of such additional assessment the department shall give or send by mail or otherwise a notice thereof to such bank Within thirty days after the date of such additional assessment such bank of such addiional tax Every petition for reassessment shall state specifically the reasons which the petitioner suported by affidavit that it is not made for the purpose believes entitle him to such reassessment and shall be may file with the department a petition for reassessment of delay and that the facts therein set forth are true It shall be the duty fo the department within nintey days after the date of any additional assessment to dispose of any petition for reassessment Notice of the action taken upon any petition for reassessment shall be given to the petitioner promptly after the date of such reassessment by the department

(c) Within thirty days after notice by the department of the action taken on any petition for reassessment filed with it the bank against which such reassessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reasons upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety days after they have been received and in the event of the failure of said Board to dispose of any such petition within ninety days the action taken by the department upon the petition for reassessment shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the Board's failure to act upon any petition for review within ninety days may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law in appeals in the case of tax settlement

(e) If any bank shall neglect or refuse to make any return or payment of tax required by this act the department shall estimate the tax due by such bank and assess he amount due by it for taxes penalties and interest thereon as prescribed herein from which assessment there shall be no right of review or appeal

Section 6 The amount of all taxes imposed under the provisions of this act shall be due and payable at the time the return is required to be filed with the department under the provisions of this act and shall bear interest at the rate of one per centum a month from the date they are due and payable until paid except that any taxes found due as a result of an appeal to the Court of Common Pleas of Dauphin County or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid

Section 7 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 8 The department or any agent authorized in writing by it is hereby authorized to examine the books papers records and equopment and to investigate the character of the business of any bank in order to ascertain whether such bank is collecting the tax hereby imposed and in order to verify the accuracy of any return made or if no return was made by such bank to ascertain and assess the tax imposed by this act Every such bank is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and required Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred ($500.00) and costs of prosecution or to undergo imprisonment for not more than six months or both

Section 9 All taxes interest and penalties that shall be received paid or collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes interest and penalties paid into the State Treasury on or after June first one thousand nine hundred thirty-six shall be credited to the General Fund

Section 10 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included therein

Section 11 This act shall become effective ten days after its final enactment and shall remain in force until the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to

Ordered, To be transscribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2538, as follows:

An Act to amend further a part of section forty-one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durente absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by authorizing executors administrators guardians and trustees to invest moneys in their custody or possession eligible for investment in mortgages insured and in debentures issued by the Federal Housing Administrator pursuant to title two of the National Housing Act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section forty-one (a) 1 of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minor and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents rents of real estate as assets for payment thereof decedents widow's and children's exemptions debts of the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) 1 When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation o fany of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortgages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which trust funds may be invested under the prescribing provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

It shall be the duty of any trustee of any property securing any investment which may be made hereunder at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that this valuation was made after inspection of the premises

Irrespective of any limitation contained in this clause it shall be lawful for fiduciaries to invest the moneys in their custody or possession eligible for investment in bonds secured by mortgages insured by the Federal Housing Administration and to accept the debentures issued by the Federal Housing Administrator in settlement of claims for insurance pursuant to title two of the National Housing Act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2100, as follows:

An Act to regulate and control the sale of baby chicks and started chicks at the site of auctions auction sale barns and community sales or sold by hucksters or peddlers and imposing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

(a) the word "department" as used in this act shall mean the Department of Agriculture of this Commonwealth

(b) The term "baby chicks" as used in this act shall mean any chicks that have not been given any food nor water

(c) The term "started chicks" as used in this act shall mean any chicks over seventy-two hours old that have been fed and are under six weeks of age

(d) The words "producers" "dealers" or "brokers" as used in this act shall mean any person copartnership association or corporation engaged in the business of producing buying receiving selling exchanging or the transferring of any baby chicks and started chicks at the site of auctions auction sale barns and community sales or marketing as peddlers and hucksters chicks and started chicks not hatched by the person copartnership association or corporation so peddling or huckstering

(e) The term "agent" as used in this act shall mean any person firm partnership or corporation buying or receiving or soliciting or negotiating the sale of baby chicks and started chicks for or on behalf of any producer dealer or broker

Section 2 (a) On and after the effective date of this act no producer dealer or broker shall engage in or carry on business as such unless duly licensed as hereinafter provided No agent shall act for any producer dealer or broker unless such producer dealer or broker is duly licensed and has designated such agent to act in his behalf and notified the department in his application for license or given official notice in writing of the appointment of such agent and requested the department to issue to such agent an agent's license Such producer dealer or broker shall be accountable and responsible for the contracts made by said agents

(b) An annual license fee of fifty dollars ($50) shall be paid and a permit for each location at which chicks are to be offered for sale at public auctions auction sale barns and community sales or sold by hucksters or peddlers shall be secured

Section 3 Each producer dealer or broker engaged in such business for the purpose aforesaid shall annually file an application with the department for a license to transact such business The application shall state the nature of the business as hereinabove set forth the breed classes or kinds of chicks which the applicant proposes to handle the name or names of the producer dealer or broker applying for the license the name of each member of any such association or partnership or the names of the officers of the corporation and the name of each agent of such producers dealer or broker and the city borough town or township and the post office address at which the business is to be conducted

The applicant shall further satisfy the department of his their or its character and good faith in seeking to engage in such business The department shall thereupon issue to such applicant a license and a license card entitling the applicant to conduct the business of acting as a producer dealer or broker as in this act defined at the place named in the application until the thirty-first day of December next following and to each of his their or its agents a license card to act as agent for such producer dealer or broker until the thirty-first day of December next following

Section 4 The department through its officers or employes shall have the power to investigate upon complaint or of its own motion the record of any applicant applying for or holding a license as a producer dealer or broker or his their or its agents and for such purpose may examine the ledgers books of accounts memoranda or other documents of any such applicant licensee or agent and may take testimony thereon under oath but information relating to the general business or any such applicant licensee or agents disclosed by such investigation and not relating to the immediate purpose thereof shall be deemed of a confidential nature by the department

Section 5 The department may refuse to grant or may revoke a license when it is satisfied that the applicant or licensee

(a) Has violated the laws of this Commonwealth or official regulations governing the inter-state or intra-state movement shipment or transportation of baby chicks and started chicks

(b) Has been guilty of misrepresentation as regards grade quality character nature origin size vigor condition weight breeds strains record of performance general production qualities blood testing and freedom from disease such offenders shall be heavily penalized

(c) Has resorted to a continual course of dealings of such a nature as to satisfy the department of the inability or unwillingness of the applicant or licensee properly to conduct the business of a producer dealer or broker

(d) Has engaged in or is engaging in producing buying or receiving baby chicks and started chicks or receiving selling exchanging soliciting or negotiating the sale resale or exchange of baby chicks and started chicks that are dismissed or exposed to disease and likely to transmit disease to other baby chicks and started chicks

(e) Has failed to practice measures of a humane character and sanitation as prescribed by the department of premises or vehicles used for the confining housing holding or transporting of baby chicks and started chicks

(f) Has offered for sale baby chicks and started chicks at auctions auction sale barns community sales or by hucksters or peddlers that do not show good vigor good condition and good weight according to breed

(g) Has continually and persistently failed to keep records required by the department or by law or has refused to produce books accounts or records of transactions in the carrying on of the business for which such license is granted

(h) Has sold chicks and started chicks other than by actual number no more or no less

Section 6 Before any such chicks are offered for sale or sold under the provisions of this act each box crate coop or other container shall be plainly labeled with appropriate statements designating the kind and number of chicks in each such container the date on which such chicks were hatched and by whom hatched and any other representations made at or prior to the time of sale relative to the purity of the breed

Section 7 Within three days after the sale shall have been held or made the person who conducted the sale shall send a statement to the department giving a complete list of the number and kind of baby chicks sold the name and address of each purchaser together with a copy of the representations and guarantees made in relation thereto if any were made by the person who conducted such sale and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representations and guarantees as is the person who set forth such representations and guarantees on the containers as provided in section six of this act

Section 8 Every producer dealer and broker licensed under the provisions of this act and carrying on or conducting business under such license shall post in a conspicuous place in or at the place of business of such licensee a copy of such license furnished by the department to be kept so posted and exposed for inspection by any duly authorized representative of the department The licensee and each of his agents shall at all times when buying or receiving baby chicks and started chicks or receiving exchanging soliciting or negotiating the sale resale or shipment of baby chicks or started chicks carry a license card or an agent's license card as the case may be which shall be exhibited to persons when negotiating with or soliciting business from them and such card shall

also be exhibited to officers or employes of the department when requested by them

The department is authorized to formulate adopt promulgate and enforce standards rules and regulations for the purpose of carrying into effect the provisions of this act

Section 9 Any person association partnership corporation or agent violating failing or refusing to comply with any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) or more than one hundred dollars ($100) and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not less than ten or more than thirty days

Section 10 All license fees and fines imposed and collected under the provisions of this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 11 All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 12 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

BILL RECOMMITTED

Mr. PARKS. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for further consideration.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1010, as follows:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for a retirement system for county and poor district employes in counties of the third class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(q) Retirement System Counties of the Third Class

Section 331 "County Employe" Defined A county employe for the purpose of this subdivision of this act is any person employed by the county or by the county poor district at a wage or salary payable at stated intervals that is to say semi-monthly monthly quarerly or annually The term may at the option of the Retirement Board include any person eleced by the vote of the people

Section 331.1 Retirement System and Fund to be Established Each county of the third class shall provide a county employes' retirement system for such county for employes of the county and the county poor district and shall establish and regulate a retirement fund in connection therewith

Section 331.2 Retirement Board The retirement system shall be under thte sole direction of a retirement board hereinafter designated the board which shall consist of the county commissioners the treasurer the controller of the county and two persons elected from among the members of the retirement system one to serve for two years and one for four years Following the completion of the initial terms the stated terms of such members shall be four years A vacancy occurring during the term of any member of the retirement board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as his predecessor A majority of the members of the retirement board shall constitute a quorum for the transaction of any business

Section 331.3 Treasurer and Secretary of Board The county treasurer shall be the treasurer of the board and shall give such bond for the proper performance of his duties as is required by the board The premium on said bond shall be paid from the retirement fund on warrants of the board The treasurer shall receive for his services the sum of one hundred dollars ($100.00) per annum from the retirement fund payable on warrants of the board The county controller shall be the secretary of the board

Section 331.4 Register of Employes Regulations of Board The board shall keep a register of employes containing the names ages residence nature of employment time of entering the employ of the county or of the county poor district and such other information as the board deems necessary in the performance of its duties The board may adopt amend devise and abolish in its discretion such regulations not inconsistent with law as it deems necessary

Section 331.5 List of Employes The head of each department or office of the county or of the county poor district shall file with the board a list of all employes of such department or office with the amount of the salary of wage received by each the age of the employe time of entering the county or county poor district employ and such other information relative to such employes as is required by the board From time to time and whenever requested by the board all dismissals appointments resignations transfers changes in salaries or in employment and other information relative to employes shall be furnished to the board by the head of such department or office

Section 331.6 Appropriations to Retirement Fund The county and county poor district shall pay into the retirement fund a sum equal to six per centum of the amount received by each county employe as salary of wages from the county or the poor district during each year The county commissioners and the directors of the poor district shall prior to February fifteenth of each year appropriate out of county taxes and poor taxes of said county and county poor district a sum of money sufficient to pay the amount hereby required to be paid by such counties and poor districts The amount so appropriated shall be paid into the fund on or before August fifteenth of each year

Section 331.7 Payment by Employes Each county employe shall each month pay into the retirement fund three per centum of the amount received by him or her as salary or wages from the county or the county poor district during the preceding calendar month In no event however paying at a rate greater than eight dollars ($8.00) a month Such amount shall be collected by the county treasurer and by him paid into the retirement fund No employe shall be entitled to a retirement allowance who does not make the monthly payment herein required

Section 331.8 Investment or Deposit of Fund The board may in its discretion invest the money of the retirement fund or any part thereof in obligations of the United States or of this State or of any political subdivision of this State or it may deposit such moneys or any part thereof in one or more banks or trust companies of the county selected by the board The banks or trust companies offering to pay the highest rate of interest and that have a paid-in capital and surplus of not less than three hundred thousand dollars shall be selected A contract with a depository shall be for a period covering the term of the county treasurer No moneys shall be paid to a depository until it shall have executed to the board a bond for the proper safeguarding of the funds so deposited The bonds shall have such surety as is approved by the court of common pleas No moneys exceeding in the aggregate the amount of the bond shall be paid to any depository

Section 331.9 Persons Entitled to Retirement Allowances Every person now or hereafter in the employ of the county or the county poor district who has reached the age of sixty years or upwards and who shall have

been in the employ of the county or the county poor district during a period of not less than twenty years shall upon application to the board be retired from service and shall thereafter receive during life a retirement allowance as herein provided for The time spent in the employ of the county or the county poor district need not necessarily have been continuous Provided That when any employ has had twenty or more years of service and has reached the age of fifty years and shall be or shall have been separated from the service by reason of no cause or act of his own he shall thereafter receive during life a retirement allowance as herein provided for The time spent in the employ of the county or the county poor district need not necessarily have been continuous

Section 331.10. Exception in Favor of Persons Totally and Permanently Disabled Any employe who has been in the county or county poor district employe for a period of not less than fifteen years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled even though such employe has not reached the age of sixty years Proof of total and permanent disability shal be by the sworn statement of three practicing physicians of the county designated by the board to the effect hat such employe is totally and permanently disabled from performing the duties of his or her position or office

Section 331.11 Amount of Retirement Payment The retirement allowance paid under the provisions of this act shall equal annually fifty per centum of the average annual amount received by the employe as salary or wages during the two years immediately preceding the date of retirement of the employe receiving the retirement allowance except that ten per centum of such amount shall be deducted in equal monthly installments and be paid into the retirement fund as the contribution of the person receiving such retirement allowance to the said fund for such length of time as may be required by the retirement board No retirement allowance shall exceed the sum of one hundred dollars per month Retirement allowances shall be paid in monthly installments on warrant on the board

Section 331.12 Retirement Allowance After Leaving County or County Poor District Service If any employe after twenty years in the county or county poor district employ is dismissed or retires voluntarily or is in any other manner deprived of his or her employment before attaining the age of sixty years such employe if he continues to contribute to the retirement fund monthly a sum equal to the last monthly contribution paid while in the county or county poor district employ shall when he or she reaches the age of sixty years be entitled to a retirement allowance

Section 331.13 Refund of Contributions If any county or county poor district employe contributing monthly to the retirement fund shall for any cause cease to be an employe of the county or county poor district before he shall receive the benefits of the retirement allowances the total amount of the contributions paid into the retirement fund by such employe shall upon demand in writing be repaid to him or her or to his or her personal representatives or to such person or persons as are legally entitled thereto out of the fund

Section 331.14 Reinstatement Should any county or county por district employe who has withdrawn his contribution paid into the retirement fund desire to be reinstated and again become a beneficiary he or she may do so by the payment in full of the amount withdrawn and by paying the assessments provided for in section three hundred thirty-one and seven-tenths of this act

Section 331.15 Retirement Allowance Not Subject to Attachment or Assignment Suspension of Retirement Allowance No retirement allowance herein provided for shall be subject to execution or to attachment It shall be payable only to the beneficiary herein provided for and shall not be subject to assignment or transfer If any member of the retirement system is receiving a retirement allowance and he or she shall or may hereafter be employed by the government of the United States or the Commonwealth of Pennsylvania or any political subdivision thereof then the retirement board shall and is hereby given the authority to suspend the retirement allowance to such member of the retirement system during such employment

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

TIME EXTENDED ON BILL

Mr. MOOMAW. Mr. Speaker, I move that the time on House Bill No. 2356, Printer's No. 946, entitled:

An Act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to purchase articles produced manufactured made milled or mined in this Commonwealth regulating bids for contracts and prescribing penalties

on page 31 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. TURNER. Mr. Speaker, I desire to call up at this time House Bill No. 9, Printer's No. 696 on page 31 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. TURNER.

The House resumed the consideration on final passage of House Bill No. 9, entitled:

An Act to amend clause 1 of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to light the streets highways and public places and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. TURNER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, lines 7 and 8, by striking out the words "to light the streets highways and public places and"

Amend Sec. 1, page 2, line 6, by striking out with heavy-faced brackets the words "from revenues derived from the general road tax"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time?

Is there objection?

The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. WESTRICK. Mr. Speaker, I desire to call up at this time House Bill No. 2561, (Senate Bill No. 581) printer's No. 290, on page 40, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WESTRICK.

The House resumed the consideration on third reading of House Bill No. 2561 (Senate Bill No. 581), entitled:

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation.

And said bill having been read at length the third time considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McCreary,	Simon,
Altenburg,	Duffort,	McDermott,	Simpson,
Andrews,	Eberharter,	McDevitt,	Sinwell,
Arnold,	Eroe,	McElroy,	Sloan,
Atkins,	Falkenstein,	McHenry,	Smith, J. A.,
Aukerman,	Ferko,	McKinney,	Smith, W. G.,
Baine,	Finnerty,	Melchiorre,	Snyder, F. E.,
Baker, F. T.,	Fitch,	Mentzer,	Sowers,
Baker, J. J.,	Flanagan,	Moomaw,	Spangler,
Baldi,	Flinchbaugh,	Mooney,	Sproul,
Barber,	Flynn,	Moore,	Stank,
Barnhardt,	Furman,	Moran,	Stevens,
Bernhard,	Gates,	Moul,	Stewart,
Blumberg,	Gerard,	Muir,	Stockham,
Boose,	Habbyshaw,	Munley,	Stott,
Boyd, R.,	Haberlen,	Nagel,	Sumney,
Boyer,	Hagerty,	Nothnagle,	Surface,
Bradley,	Haluska,	O'Keefe,	Terry,
Brancato,	Hamilton, F. P.,	Ominsky,	Tronzo,
Brennan,	Hamilton, R. S.,	O'Neill,	Trout,
Brown, H. S.,	Harkins,	Panton,	Tumelty,
Brown, J. E.,	Hart,	Parks,	Turner,
Brownfield,	Hartman,	Patterson, C.,	VanAllsburg,
Brumbaugh,	Hefferon,	Patterson, J. W.,	VanSickle,
Burke,	Hermansen,	Pearson,	Wall,
Cannon,	Hindman,	Perry,	Wasserman,
Caputo,	Hoffner,	Pfaff,	Weidemann,
Carson,	Holstrom,	Phillips,	Weiss,
Chervenak,	Hoopes,	Piole,	Welliver,
Coakley,	Horst,	Powers,	Welsh,
Cochran,	Jackson,	Reising,	Westrick,
Cohen,	Jones,	Rhys,	White,
Coleman,	Kelder,	Roan,	Wickersham,
Condon,	Kelso,	Ruth,	Winner,
Conner,	Kilroy,	Sarraf,	Witkin,
Coolahan,	Kinney,	Schrock,	Wood,
Cordier,	Kobelak,	Schrope,	Woodside,
Davies,	LaRue,	Schwab,	Yeakel,
Decker,	Linderman,	Shaw,	Yourishin,
Denning,	Long,	Shepard,	Zimmerman,
Dent,	Lovett,	Shortz,	Sarig,
Diehl,	Lynch,	Shreiner,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 862.

An Act to provide revenue by imposing a State tax upon sales of tobacco by dealers as herein defined requiring persons engaged in the sale of tobacco at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of tobacco at retail or wholesale and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 2, by striking out after the word "of" the word "tobacco" and inserting in lieu there of the word "cigarettes;" also in line 3, by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes;" also in line 8, by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes."

Amend section 1, page 1, line 4 by striking out after the word "the" the word "Tobacco" and inserting in lieu thereof the word "Cigarettes."

Amend section 2, page 2, line 9, by striking out after the sylables "sylvania" the word "tobacco" and insert in lieu thereof the word "cigarettes"; also in line 11, by striking out after the word "whatsoever" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 14 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 20 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes": also by striking out lines 27, 28 and 29 as follows:

"Retail Selling Price" The price per package to the consumer as advertised by the manufacturer and when such price is not so advertised or published it shall mean the"

also on page 3 by striking out lines 1 to 16 inclusive as follows:

"usual customary or ordinary price paid by the consumer for each indiviqual package of tobacco within this Commonwealth and in all cases shall be the selling price before adding the amount of the tax In the event the retail selling price cannot be determined for any particular class of tobacco the department shall have the power to establish the same by adding to the manufacturer's quoted or advertised price without discount the usual retailer's profit on the class of tobacco in controversy

"Tobacco" Any cigarettes cigars cheroots stogies smoking tobacco including granulated plug cut crimp cut ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette and plug and twist chewing tobacco and snuff when such tobacco is manufactured and prepared for sale for personal consumption."

and inserting in lieu thereof as follows:

"Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

Amend section 3, page 3, line 25 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 26 by striking out after the word "a" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 29 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also on page 4, line 2 by striking out after the word "a" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 3 by striking out after the word "a" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also line 29 by striking out after the word "of" the words and figures "five dollars ($5.00)" and inserting in lieu thereof the word "one dollar ($1.00)"; also on page 5, line 7 by striking out after the word "a" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 9 by striking out after the word "application" the word "Tobacco" and inserting in lieu thereof the word "cigarette"; also in line 21 by striking out after the word "of" the words and figures "five dollars ($5.00)" and inserting in lieu thereof the words and figures "one dollar ($1.00)"; also on page 6, line 2 by striking out after the word "a" the word "tobacco" and inserting in lieu thereof the word "cigarette"; also in line 6 by striking out after the word "any" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 11 by striking out after the word "a" the word "tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 4, page 6, line 18, by striking out after the word "of" the word "tobacco" inserting in lieu thereof the word "cigarettes"; also in line 19 by striking out after the word "of" the words "one-half" and inserting in lieu thereof the word "one"; also in same line by striking out the word "cent" the words "for each five cents or fractional part thereof of the retail selling price" and inserting in lieu thereof the words "per ten cigarettes or fraction thereof"; also in same line by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 24 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also on page 7 line 3 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 4, by striking out after the word "in" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 7 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 10 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word 'cigarettes"; also in lien 11 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettees".

Amend section 5, page 7, line 1 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in lien 16 by striking out after the word "such" the words "tobacco is" and inserting in lieu ther3eof the words "cigarettes are"; also in line 17, by striking out after the word "before" the words "it is" and inserting in lieu thereof the words "they are"; also in line 18 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 20 by striking out at the beginning of said line the word "shall" and inserting in lieu thereof the word "may"; also in same line by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 26 by striking out after the word "any" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 27 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also on page 8, line 3, by striking out at the beginning of said line the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 9 by striking out after the word "such" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 10 by striking out after the word "any" the words "tobacco is" and inserting in lieu thereof the words "cigarettes are"; also in line 14 by striking out after the word "such" the words "tobacco is" and inserting in lieu thereof the words "cigarettes are"; also in line 16 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 19 by striking out after the word "be" the words "torn and mutilated after the package is opened" and inserting in lieu thereof the words "visible to the purchaser"; also in line 21 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 6, page 9, line 1 by striking out after the word "department" the words "may appoint persons" and inserting in lieu thereof the words "'shall appoint wholesale dealers in cigarettes"; also in line 4 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 9 by striking out after the word "of" the word "two" and inserting in lieu thereof the word "fifteen".

Amend section 7, page 9, line 17 by striking out after the word "'of" the word "'tobacco" and inserting in lieu thereof the word "cigarettes"; also in lien 20 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 26 by striking out after word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 27 by striking out after the word "same" the word "is" and inserting in lieu thereof the word "are"; also on page 10, line 1, by striking out after the word "of" the word "tobacco" and inserting thereof the word "cigarettes".

Amend section 8, page 10, line 15 by striking out after the word "of" the word "'tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 9, page 10, line 24 by striking out after the word "selling" the word "tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 10, line 25, by striking out after the word "any" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 26 by striking after the word "dealer" the word "has" and inserting in lieu thereof the word "have"; also in line 28 by striking out at the beginning of said line the word "has" and inserting in lieu thereof the word "have"; also in line 29 by striking out after the word "or" the word "has" and inserting in lieu thereof the word "have"; also on page 11, line 2 by striking out after the word "such" the word "tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 11, line 13, by striking out after the word "any" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 16 by striking out after the word "such" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 18 by striking out after the word "in" the "tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 12, line 21, by striking out after the word "sell" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 22 by striking out after the word "a" the word "tobacco" and inserting

in lieu thereof the word "cigarettes"; also on page 12, line 14 by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes"; also in line 16, by striking out after the word "of" the word "tobacco" and inserting in lieu thereof the word "cigarettes".

Amend section 13, page 13, line 7, by striking out after the word "All" the words "monies, fines" and inserting in lieu thereof the word "taxes"; also in line 8 by inserting after the word "act" the words "before June first, one thousand nine hundred and thirty-five"; also in line 9 by striking out after the word "into" the words "the General Fund of"; also in line 10 by inserting after the word "department" the words the following: "and shall be used only for unemployment relief purposes and for such purposes are hereby apropriated and all such taxes and penalties paid into the State Treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. LaRUE. Mr. Speaker, I move that the House do non-concur in the amendments of the Senate.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Berks, Mr. LaRue?

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. LaRUE. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, will the gentleman explain the purpose of his motion to non-concur in the amendments made by the Senate?

Mr. LaRUE. Mr. Speaker, I understand the way this bill has been amended that it is inoperative.

Mr. WITKIN. Mr. Speaker, is the gentleman in a position to advise the House wherein it is inoperative?

Mr. LaRUE. Mr. Speaker, the definition of "cigarette."

Mr. WITKIN. Mr. Speaker, can the gentleman be more specific in his explanation as to why it is inoperative because of the definition placed upon the word "cigarette," in view of the fact that on page three it appears that the word is rather clearly defined?

Mr. LaRUE. Mr. Speaker, I may say that it is the opinion of the Attorney General's office that this bill is not in proper form.

Mr. WITKIN. Mr. Speaker, is the gentleman in a position to advise me why this amendment was not placed in the bill in the Senate?

Mr. LaRUE. Mr. Speaker, I can't tell why it was not done in the Senate.

Mr. WITKIN. Mr. Speaker and members of the House, I believe that we ought to defeat this motion and vote upon the amendments of this bill. I see no reason for non-concurring and delaying final action upon this bill. Certainly any amendments that could have been offered or should have been offered, if of vital importance, would have been made. As a lawyer I have read this bill and I do not see where it is inoperative. We have no opinion from the Attorney General wherein he says it is inoperative. Insofar as I am concerned, irrespective of whether I would vote for the bill or for the amendments, I believe that the matter of the amendments ought to be voted upon promptly and not delayed. It seems to me that there is no proper reason that has been given to this House for any possible delay in non-concurrence in these amendments. The matter ought to be voted upon and the amendments either concurred in or non-concurred in, but the bill ought to be acted upon and not be permitted to go into conference with further delay.

Mr. RUTH. Mr. Speaker and members of the House, on page nine of the bill amendments were inserted by the Senate which raised the commission for the selling of the stamps from two percent to fifteen percent and instead of the manufacturers distributing the stamps having the wholesaler do so. That is the amendment we do not concur in, raising the commission from two to fifteen percent.

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Berks, Mr. Ruth?

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, do I understand that it is the position of the Democratic majority of this House that this bill as now amended is satisfactory with the one exception, to wit, on page nine, line 17, wherein the two percent has been changed to fifteen percent and that is not satisfactory?

Mr. RUTH. Mr. Speaker, that is the main reason. There is one other objection.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Berks, to state that other objection?

Mr. RUTH. Mr. Speaker, where the distribution of the stamps has been given to the wholesaler instead of to the manufacturer. Instead of placing the stamps on the products at the factory, the wholesaler places them on the products.

Mr. WITKIN. Then, Mr. Speaker, do I understand that with those two exceptions the bill is satisfactory in form to the Democratic majority of this House?

Mr. RUTH. Mr. Speaker, there is a question on the definition of "cigarettes." There are some cigarettes sold which are as long as lead pencils, to be cut into three pieces. The question is whether it will be satisfactory to have a one cent stamp placed on ten of those cigarettes the same as on ten of the smaller size cigarettes. Those are the three objections.

Mr. WITKIN. Mr Speaker and members of the House, in view of the explanation made by the gentleman from Berks, Mr. Ruth, I believe that the motion made by the gentleman from Berks, Mr. LaRue, ought to be adopted.

On the question recurring,

Will the House agree to the motion?

It was agreed to and the amendments were not concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FROM CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 838.

An Act to further amend sections twenty and twenty-one of the act approved the first day of June, one thousand eight hundred and eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight

hundred and seventy-nine," by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations; imposing a tax upon the capital stock of certain corporations, joint-stock associations, limited partnerships and companies heretofore exempt; and increasing the rate of tax on the capital stock of fire and marine insurance companies.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

In line ten of the title after the word "tax" insert the words "for a limited period;" and in the same line after the word "upon" insert the words "that portion of." In line 12 after the word "companies" insert the words "which was." In line 13 after the word "exempt" strike out the word "and." In line 14 after the word "companies" insert the words "and making an appropriation."

Amend Section one, page 8, line 21, after the word "the" word "mortgages"; also on page nine, line 3, after the by striking out the word "morrgages" and inserting the word "section" insert the following: "tax of five mills imposed by this section on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six"; also on page 9, line 8, after the word "purposes" insert the following: "excepting companies engaged in the distilling of liquors Provided further That after said two year period the provisions of this section shall not apply to the taxation of the capital stock of corporations limited partnerships and joint-stock associations organized for laundering for the processing and curing of meats their products and by-products or for manufacturing"; also on page 9, line 8, after the word "purposes" strike out the light faced bracket; also on page 9, line 11, after the word "State" strike out the light faced bracket; also on page 9, line 12, strike out the light faced bracket; also on page 9, line 28, strike out the light faced bracket after the word "by-products."

Amend Section three: on page 10, line 29, after the word "thousand" strike out thirty-four" and insert in lieu thereof the word "thirty-five"; also on page 11, line 5, by striking out after the word "tax" the word "license"; also in line 6, by striking out after the word "hundred" the word "thirty-four" and inserting in lieu thereof the word "thirty-five"; also in line 7, by striking out after the word "hundred" and inserting in lieu thereof the following "thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six."

Amend Section 4, page 11, line 14, by striking out after the word ending the words "after the effective date of this act" and inserting in lieu thereof the following: "in the calendar year one thousand nine hundred and thirty-six

Section 5 The sum of eighteen million dollars ($18,000,000) derived from the tax imposed under the provisions of this act on reports filed for the year one thousand nine hundred and thirty-five shall be used only for unemployment relief and for such purposes is hereby appropriated."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. WEISS. Mr. Speaker, I ask that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—121

Achterman,	Decker,	LaRue,	Sarraf,
Alexander,	Dent,	Long,	Schrock,
Allen,	Diehl,	Lovett,	Schrope,
Arnold,	Dilley,	Lynch,	Schwab,
Atkins,	Downey, G. E.,	Male,	Shaw,
Aukerman,	Downey, J. J.,	McCreary,	Shepard,
Baine,	Eberharter,	McDermott,	Shortz,
Baker, F. T.,	Eroe,	McDevitt,	Shugarts,
Baker, J. J.,	Falkenstein,	McHenry,	Siegel,
Barber,	Finnerty,	Melchiorre,	Simon,
Barnhardt,	Fitch,	Mentzer,	Simpson,
Bradley,	Flanagan,	Moomaw,	Sinwell,
Brancato,	Flinchbaugh,	Mooney,	Smith, J. A.,
Brennan,	Furman,	Moore,	Sowers,
Brown, H. S.,	Gerard,	Moran,	Stank,
Brown, J. E.,	Haberlen,	Moul,	Stevens,
Brownfield,	Hagerty,	Munley,	Sumney,
Brumbaugh,	Haluska,	Nagel,	Surface,
Burke,	Hamilton, F. P.,	O'Keefe,	Terry,
Cannon,	Harkins,	Ominsky,	Tronzo,
Caputo,	Harmuth,	O'Neill,	Tumelty,
Carr,	Hart,	Panton,	VanAllsburg,
Carson,	Hartman,	Patterson, C.,	VanSickle,
Chervenak,	Hermansen,	Patterson, J. W.,	Wasserman,
Coakley,	Holstrom,	Pearson,	Weiss,
Cochran,	Hoopes,	Pfaff,	Welliver,
Cohen,	Jackson,	Piole,	Welsh,
Coleman,	Kelso,	Powers,	Westrick,
Coolahan,	Kilroy,	Reising,	Yourishin,
Cordier,	Kinney,	Ruth,	Sarig,
Davies,			

NAYS—46

Altenburg,	Habbyshaw,	Roan,	Turner,
Andrews,	Hamilton, R. S.,	Root,	Wall,
Baldi,	Hefferon,	Shreiner,	Weidemann,
Bernhard,	Hoffner,	Sloan,	White,
Blumberg,	Kelder,	Snyder, F. E.,	Wickersham,
Boose,	Linderman,	Spangler,	Winner,
Boyd, R.,	Mason,	Sproul,	Witkin,
Boyer,	McKinney,	Stewart,	Wood,
Denning,	Nothnagle,	Stockham,	Woodside,
Duffort,	Perry,	Stott,	Yeakel,
Ferko,	Phillips,	Trout,	Zimmerman,
Flynn,	Rhys,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1127.

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighy-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by extending the tax imposed by the act to the gross receipts of natural and artificial gas companies and water companies and steam heating companies and to gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax and increasing the rate of tax imposed by the act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Represenatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 8, by striking out after the word "to" the word "the" and inserting in lieu thereof

the word "certain"; also line 8, by striking out after the word "receipts" the word 'of"; also line 9, also strike out the following in line 10: "steam heating companies and to gross receipts"; also at the beginning of line 13 by striking out the word "and"; insert after the word "increasing" in line 13, the words "for a limited period of time"; also in line 13 after the word "act" by adding the words "exempting street passenger railway companies and traction companies and making an appropriation."

Amend section 1, page 2, line 11 by striking out after the word "company" the words "street passenger railway company traction company"; also at the beginning of line 23, by striking out the words "street passenger railway traction system"; also at beginning of line 25 before the word "except" strike out the heavy bracket; also line 25 after the word "omnibuses" strike out the heavy bracket; also on page three at the beginning of line 2 strike out the words "natural gas company artificial gas company water company and steam heating company"; also line 11, after the word "hydro-electric" by striking out the words "natural gas artificial gas water company and steam heating"; also line 15 by striking out after the word "upon" the words "two per centum of" and inserting the words "fourteen mills for the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six and eight mills thereafter upon the dollar of."; also line 23 after the word "business" by striking out the words "natural gas business and artificial gas business and water business and steam heating business"; also on page 5, line 15 after the word "municipality" by inserting the word "municipally"; also at the beginning of line 17, by striking out the words "within the purview of this act"; also line 17, after the word "municipality" by inserting the words "to the extent of such gross receipts" as are derived from business done outside the limits of the municipality operating the public utility service"

Amend bill by adding after Section 1, section 2, as follows:

Section 2 The tax imposed by this act shall be settled at the rate of fourteen mills upon reports filed for the six months' period ending June thirtieth one thousand nine hundred and thirty-five December thirty-first one thousand nine hundred and thirty-five June thirtieth one thousand nine hundred and thirty-six and December thirty-first one thousand nine hundred and thirty-six and at the rate of eight mills upon reports filed for all periods thereafter

Of the proceeds from the tax imposed by this act the sum of two million dollars ($2,000,000) from the tax imposed for the six months' periods ending June thirtieth one thousand nine hundred and thirty-five and December thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief and for such purposes is hereby appropriated The balance of said proceeds for said periods shall be credited to the General Fund All other taxes penalties and interest received and collected under the provisions of this act shall be credited to the General Fund

also on page 5, line 23 after the word "section" strike out the figure "2", and insert in lieu thereof the figure "3"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. RUTH. Mr. Speaker, I ask that the House concur in the amendments made by the Senate.

QUESTION OF INFORMATION

Mr. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from York will state his question of information.

Mr. COHEN. Mr. Speaker, the clerk in reading the amendments on page two, line 29, indicated that taxicabs, motor buses and motor omnibuses were exempt. Is there an amendment to that particular line in the bill?

The SPEAKER. The Chair informs the gentleman that those words are in the last line "except taxicabs, motor buses, and motor omnibuses." The amendment is to strike out the other brackets.

On the question recurring

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—122

Achterman,	Dent,	Long,	Schrope,
Alexander,	Diehl,	Lovett,	Schwab,
Allen,	Dilley,	Lynch,	Shaw,
Andrews,	Downey, G. E.,	Male,	Shepard,
Arnold,	Downey, J. J.,	Mason,	Shreiner,
Atkins,	Eberharter,	McCreary,	Shugarts,
Aukerman,	Eroe,	McDermott,	Siegel,
Baine,	Falkenstein,	Melchiorre,	Simon,
Baker, J. J.,	Finnerty,	Mentzer,	Simpson,
Barber,	Fitch,	Moomaw,	Sinwell,
Bernhard,	Flanagan,	Mooney,	Smith, J. A.,
Bradley,	Flinchbaugh,	Moran,	Smith, W. G.,
Brancato,	Furman,	Moul,	Snyder, F. E.,
Brown, H. S.,	Gerard,	Munley,	Stank,
Brown, J. E.,	Habbyshaw,	Murrin,	Stevens,
Brownfield,	Haberlen,	Nagel,	Sumney,
Brumbaugh,	Hagerty,	O'Keefe,	Tronzo,
Burke,	Haluska,	Ominsky,	Tumelty,
Cannon,	Hamilton, F. P.,	O'Neill,	Turner,
Caputo,	Harkins,	Panton,	VanAllsburg,
Carson,	Hartman,	Parks,	VanSickle,
Castor,	Hefferon,	Patterson, C.,	Wasserman,
Chervenak,	Hindman,	Patterson, J. W.,	Weiss,
Coakley,	Holstrom,	Pearson,	Welliver,
Cochran,	Hoopes,	Pfaff,	Welsh,
Cohen,	Jackson,	Piole,	Westrick,
Coleman,	Kelso,	Powers,	Wickersham,
Coolahan,	Kilroy,	Reising,	Woodside,
Cordier,	Kinney,	Ruth,	Yourishin,
Davies,	Kobelak,	Sarraf,	Sarig,
Decker,	LaRue,	Schrock,	

NAYS—47

Baker, F. T.,	Hamilton, R. S.,	Perry,	Stott,
Baldi,	Hart,	Peters,	Terry,
Barnhardt,	Hermansen,	Phillips,	Trout,
Blumberg,	Hoffner,	Rhys,	Wall,
Boose,	Horst,	Roan,	Weidemann,
Boyd, R.,	Kelder,	Shortz,	White,
Brennan,	Linderman,	Sloan,	Winner,
Denning,	McDevitt,	Sowers,	Witkin,
Duffort,	McKinney,	Spangler,	Wood,
Ferko,	Moore,	Sproul,	Yeakel,
Flynn,	Muir,	Stewart,	Zimmerman.
Gates,	Nothnagle,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1128.

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 2, line 26, by striking out the light-faced bracket after the word "circulation" and inserting the words "and notes issued to mutual insurance companies payable only on the happening of certain contingencies"; also on page 3, line 1 by inserting after the word "writing" the following: "(except checks and drafts)"; also on line 2 by inserting after the word "documents" the following: "Provided that nothing herein contained shall refer or be construed to extend to contracts of insurance annuity suretyship indemnity and guarantee."

Amend section 5, page 5, line 20 by inserting after the word "stamps" the following: "signment to such agent of such stamps All moneys paid into the State Treasury during the first year after the effective date of this act from the stamp tax imposed by this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the remaining effective period of this act shall be credited to the General Fund."

Amend section 11, page 9, line 5 by striking out after the word "effective" the words "immediately upon" and inserting in lieu thereof the words "thirty days after"; also in line 6 by inserting after the word "enactment" the words "and shall remain in force for two written years after said effective date."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—159

Achterman,	Diehl,	Long,	Shaw,
Alexander,	Dilley,	Lovett,	Shepard,
Allen,	Downey, G. E.,	Lynch,	Shortz,
Altenburg,	Downey, J. J.,	Male,	Shreiner,
Arnold,	Duffort,	Mason,	Shugarts,
Atkins,	Eberharter,	McCreary,	Siegel,
Aukerman,	Eroe,	McDermott,	Simon,
Baine,	Falkenstein,	McElroy,	Simpson,
Baker, J. J.,	Ferko,	McHenry,	Sinwell,
Baldi,	Finnerty,	Melchiorre,	Sloan,
Barber,	Fitch,	Mentzer,	Smith, J. A.,
Barnhardt,	Flanagan,	Moomaw,	Smith, W. G.,
Bernhard,	Flinchbaugh,	Mooney,	Snyder, F. E.,
Blumberg,	Furman,	Moore,	Sowers,
Boyd, R.,	Gates,	Moran,	Spangler,
Boyer,	Gerard,	Moul,	Stank,
Bradley,	Haberlen,	Muir,	Stevens,
Brancato,	Hagerty,	Munley,	Stott,
Brennan,	Haluska,	Nagel,	Sumney,
Brown, H. S.,	Hamilton, F. P.	Nothnagle,	Surface,
Brown, J. E.,	Hamilton, R. S.,	O'Keefe,	Tronzo,
Brownfield,	Harkins,	Ominsky,	Trout,
Brumbaugh,	Hart,	O'Neill,	Tumelty,
Burke,	Hartman,	Panton,	Turner,
Cannon,	Hefferon,	Parks,	Van Allsburg,
Caputo,	Hermansen,	Patterson, C.,	Van Sickle,
Carson,	Hindman,	Patterson, J. W.,	Wasserman,
Chervenak,	Hoffner,	Pearson,	Weidemann,
Coakley,	Holstrom,	Perry,	Weiss,
Cochran,	Hoopes,	Pfaff,	Welliver,
Cohen,	Horst,	Phillips,	Welsh,
Coleman,	Jackson,	Piole,	Westrick,
Condon,	Jones,	Powers,	White,
Conner,	Kelder,	Reising,	Wickersham,
Coolahan,	Kelso,	Rhys,	Winner,
Cordier,	Kilroy,	Roan,	Witkin,
Davies,	Kinney,	Ruth,	Wood,
Decker,	Kobelak,	Sarraf,	Yourishin,
Denning,	LaRue,	Schrope,	Zimmerman,
Dent,	Linderman,	Schwab,	Sarig,

NAYS—15

Andrews,	Habbyshaw,	Sproul,	Wall,
Baker, F. T.,	McDevitt,	Stewart,	Woodside,
Boose,	McKinney,	Stockham,	Yeakel,
Flynn,	Schrock,	Terry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

REASONS FOR VOTE

Mr. SPROUL. Mr. Speaker, I vote "no" and desire to file my reason.

I believe that five cents a $100 on notes of individuals to banks is too high. Frequent renewals of notes which individuals are trying to liquidate causes a consequent heavy tax on this form of document.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled House Bill No. 1192 as follows:

HOUSE BILL No. 1192.

An Act to provide revenue for State purposes by imposing an excise tax on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments and providing penalties

With the information that the Senate has passed the same with amendments, in which he concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page one, line 2 by inserting after the word "tax" the words "for a limited peroid of time"; also in line 5, by inserting after the word "tax" the words "and appeals to courts"; also in line 8 by inserting after the syllable "ments" the words "making an appropriation."

Amend section 1, page 2, line 4, by inserting after the word "partnership" the word "either"; also in line 13, by striking out after the word "institutions" the words "title insurance companies" and insering in lieu hereof the following: "beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life fire and casualty insurance companies and surety companies and trust companies" also in line 20, by inserting after the word "to" the words "and ascertained by"; also in line 21 by inserting after the word "as" the word "finally"; also in line 22, by striking out after the word "the" the following: "by the department together with all interest and dividends received by or accruing on such corporation excluding only dividends received from corporations the net incomes of which are subject to tax under this act and interest received upon bonds notes certificates and evidences of indebtedness of the United States of America and this Commonwealth" and inserting in lieu thereof the words "Federal Government"; also in line 28, by striking out after the word "That" the word "no"; also on page 2 line 2 by inserting after the word "States" the following: "And provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the

mutual or participating plan the term "net income" shall not include the dividends paid to policy holders out of net income" also on page 5, line 8 by striking out after the word "determined" the words "by the department."

Amend section 3, page 6, line 11 by striking out after the word "corporation" the words "on and after the first day of January" and inserting in lieu thereof the following: "during the calendar year one thousand nine hundred and thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the Department as required by section four of this act in which case such tax shall first be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred and thirty-five and ending in the calendar year one thousand nine hundred and thirty-six"

Amend section 4, page 6, line 21 by striking out after the word "April" the words "of each year thereafter" and inserting the words "one thousand nine hundred and thirty-seven"; also on page 7, line 14 by inserting after the word "department" the words "not less than one-half of"; also in line 15 by inserting after the word "year" the words "and the remaining one-half of such tax shall be paid on of before the fifteenth day of May succeeding"; also in line 17 by striking out after the word "act" the words "shall be due and payable at the time the report is required to be filed with the department under the provisions of this act and" and inserting in lieu thereof the words "not paid on or before the time as above provided"; also in line 25, by inserting after the word "paid" the following: "Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court if such payment is accompanied by a protest that the whole or any part of such payment is not justly or legally due If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it or assigned to any other person or corporation for use in the payment of any obligation to the Commonwealth" also on page 8 by striking out the following in line 9: "may in the discretion of the department" and inserting in lieu thereof the word "shall"; also in line 10 by striking out after the word "within" the word and figure "thirty (30)" and inserting in lieu thereof the word and figure "sixty (60)."

Amend section 5, page 8, line 20, by striking out after figure "5" the following: "Consolidated Reports The department may upon application made to it in such form as it shall prescribe permit or in its discretion require any corporation owning or controlling directly or indirectly substantially all of the capital stock of another corporation or of other corporations to make a consolidated report showing the combined net income" and inserting in lieu thereof the following: "Consolidated Reports The Department shall upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income"

Amend section 6, page 9, line 4 by striking out after the word "filed" the words "without penalty" and inserting in lieu thereof the words "but the amount of tax due shall in such cases nevertheless be subject to the payment from the due dates fixed by this act at the rate of six per centum."

Amend section 7, page 9, line 9 by striking out at the beginning of said line the word "official" and inserting in lieu thereof the words "agency or court"; also in line 10 by inserting after the word "such" the word "final"; also in line 12 by inserting after the word "such" the word "finally"; also in line 15 by inserting after the word "correction"; also in line 20 by inserting after the word "such" the word "final"; also on page 10 line 3 by striking out after the word "correction" the words "the action of the board on all such petitions shall be final" and inserting in lieu thereof the following: "Any person aggrieved by the action of the Board of Finance and Revenue in the determination of any petition for the refund of taxes alleged to have been overpaid may within sixty days appeal to the court of common pleas of Dauphin County from the decision of the board in the manner provided by law for appeals in the case of tax settlements."

Amend section 8, page 10, line 6, by inserting after the word "If" the words "within a period of two years after the filing of the report"; also in line 12 by striking out at the beginning of said line the word "official" and inserting in lieu thereof the words "agency or court"; also in line 27 by inserting after the syllable "fidavit" the words "of an officer of the corporation"; also in line 28 by inserting after the word "true" the words "to the best of his knowledge information and belief"; also on page 11, line 14 by inserting after the word "affidavit" the words "of an officer of the corporation"; also in line 16 by inserting after the word "true" the words "to the best of his knowledge information and belief."

Amend section 9, page 12, line 21 by inserting after the word "regulation" the following: "not inconsistent with this act"; also in line 25, by striking out after the word "act" the words "Such rules and regulations shall have the same force and effect as law and violations thereof shall be punishable in the same fashion as violations of provisions of this act" and inserting in lieu thereof of the words "The Department is hereby required to have such rules and regulations promogulated and adopted printed and shall distribute the same to any person upon request."

Amend section 11, page 14, line 27 by striking out after the word "act" the following: "or who shall violate any rule or regulation prescribed adopted and promogulated by the department under the provisions of this act."

Amend bill page 15, line 6 by inserting after the word "act" at the end of said line the following new section:

Section 12 All taxes and penalties received and collected under the provisions of this act shall be paid into the State Treasury and those imposed for the calendar year one thousand nine hundred and thirty-five or the fiscal year beginning in the calendar year one thousand nine hundred and thirty-five and collectible in the year one thousand nine hundred and thirty-six or thereafter shall be used only for unemployment relief purposes and for such purpose are hereby appropriated All other taxes and penalties received and collected under the provisions of this act shall be credited to the General Fund

Amend section 12, page 15, line 7 by striking out after the word "Section" the figure "12" and inserting in lieu the figure "13."

Amend section 13, page 15, line 14 by striking out after the word "Section" the figure "13" and inserting in lieu thereof the figure "14"; also in line 15 by inserting after the word "enactment" the following: and shall remain in force only for the imposition and collection of taxes on net income for the two calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the two fiscal years ending in the calendar years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven

On the question,

Will the House concur in the amendments made by the Senate?

Mr. EBEHARTER. Mr. Speaker, I ask that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—164

Achterman,	Diehl,	Long,	Shaw,
Alexander,	Dilley,	Lovett,	Shepard,
Allen,	Downey, J. J.,	Lynch,	Shortz,
Andrews,	Downey, G. E.,	Male,	Shreiner,
Arnold,	Duffort,	Mason,	Shugarts,
Atkins,	Eberharter,	McCreary,	Siegel,
Aukerman,	Eroe,	McDermott,	Simon,
Baine,	Falkenstein,	McDevitt,	Simpson,

Baker, F. T.,	Ferko,	McElroy,	Sinwell,
Baker, J. J.,	Finnerty,	McHenry,	Sloan,
Baldi,	Fitch,	Melchiorre,	Smith, J. A.,
Barber,	Flanagan,	Mentzer,	Smith, W. G.,
Barnhardt,	Flinchbaugh,	Moomaw,	Snyder, F. E.,
Bernhard,	Furman,	Mooney,	Sowers,
Blumberg,	Gates,	Moore,	Spangler,
Boyd, R.,	Gerard,	Moran,	Sproul,
Boyer,	Habbyshaw,	Moul,	Stank,
Bradley,	Haberlen,	Munley,	Stevens,
Brancato,	Hagerty,	Nagel,	Stockham,
Brennan,	Haluska,	Nothnagle,	Sumney,
Brown, H. S.,	Hamilton, F. P.,	O'Keefe,	Surface,
Brown, J. E.,	Hamilton, R. S.,	Ominsky,	Terry,
Brownfield,	Harkins,	O'Neill,	Tronzo,
Brumbaugh,	Hart,	Panton,	Trout,
Burke,	Hartman,	Parks,	Tumelty,
Cannon,	Hefferon,	Patterson, C.,	Turner,
Caputo,	Hermansen,	Patterson, J. W.,	VanAllsburg,
Carson,	Hindman,	Pearson,	VanSickle,
Chervenak,	Hoffner,	Perry,	Wasserman,
Coakley,	Holstrom,	Pfaff,	Weiss,
Cochran,	Hoopes,	Phillips,	Welliver,
Cohen,	Horst,	Piole,	Welsh,
Coleman,	Jackson,	Powers,	Westrick,
Condon,	Jones,	Reising,	Winner,
Conner,	Kelder,	Rhys,	Witkin,
Coolahan,	Kelso,	Roan,	Wood,
Cordier,	Kilroy,	Ruth,	Woodside,
Davies,	Kinney,	Sarraf,	Yeakel,
Decker,	Kobelak,	Schrock,	Yourishin,
Denning,	LaRue,	Schrope,	Zimmerman,
Dent,	Linderman,	Schwab,	Sarig,

NAYS—10

Boose,	Muir,	Wall,	White,
Flynn,	Stewart,	Weidemann,	Wickersham,
McKinney,	Stott,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 858.

An Act to further amend section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy-eight) entitled "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation and savings fund savings institution and savings bank shall escheat after ten years

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 4, by striking out after the word "entitled" "An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which"; also at the beginning of line 16, by striking out "should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof" and inserting "as amended 'An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds institutions and savings banks subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual disribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another"; also on page 2, line 3, by striking out after the word "corporation" the word "and" and inserting in lieu thereof "shall escheat after ten years and in the case of"; also line 4, by striking out after the word "after" the word "ten" and inserting the word "twenty-one"; also in line 5, by adding the following words: "and making an appropriation."

Amend section 1, page 2, line 6, by striking out after the word "entitled" "'An act providing for the escheat of deposits of money or property of another received for storage or safe-keeping the dividends profits debts and interest on debts of corporations companies banks trust companies insurance companies limited partnerships and partnership associations organized under the laws of this Commonwealth except mutual saving-fund society not having a capital stock represented by shares and except also building and loan associations and property held for the benefit of another by the same and the profits accretions and interest on such property as well as interest thereon accrued or which should have accrued between the fixing of the amount of such property by the award of any court and the actual distribution thereof' as last amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred twenty-three) is hereby further amended to read as follows" and inserting the following: "as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer

of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" as amended by the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred twenty-three) are hereby further amended to read as follows

"An Act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth [except saving-funds savings institutions and savings banks subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two) except building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another"; also on page 3, line 15, by inserting after the word "years" the following: "in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited for a period of twenty-one years"; also line 24, by inserting after the word "years" the words "or twenty-one years as the case may be."

Amend the bill by adding after section 1, section 2 as follows: "Section 2 All moneys received prior to June first one thousand nine hundred and thirty-six as escheats under the act to which this is an amendment or under any other act of assembly without escheat as the result of the reduced period of time provided for by this amendment which are in excess of the average amount per annum received from escheats or payments into the State Treasury without escheat from the same sources under any acts of assembly during the preceding five fiscal years ending May thirty-first one thousand nine hundred and thirty-five shall be used only for unemployment relief purposes and for such purposes are hereby appropriated On and after June first one thousand nine hundred and thirty-six such revenues shall be credited to the General Fund"

Amend page 8, line 6, by striking out after the word "section" the figure "2" by inserting in lteu thereof the figure "3".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. FURMAN. Mr. Speaker, I ask that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McDermott,	Simon,
Altenburg,	Duffort,	McDevitt,	Simpson,
Andrews,	Eberharter,	McElroy,	Sinwell,
Arnold,	Eroe,	McHenry,	Sloan,
Atkins,	Falkenstein,	McKinney,	Smith, J. A.,
Aukerman,	Ferko,	Melchiorre,	Smith, W. G.,
Baine,	Finnerty,	Mentzer,	Snyder, F. E.,
Baker, J. J.,	Fitch,	Moomaw,	Sowers,
Baker, F. T.,	Flanagan,	Mooney,	Spangler,
Baldi,	Flinchbaugh,	Moore,	Sproul,
Barber,	Flynn,	Moran,	Stank,
Barnhardt,	Furman,	Moul,	Stevens,
Bernhard,	Gates,	Muir,	Stewart,
Blumberg,	Gerard,	Munley,	Stockham,
Boose,	Habbyshaw,	Nagel,	Stott,
Boyd, R.,	Haberlen,	Nothnagle,	Sumney,
Boyer,	Hagerty,	O'Keefe,	Surface,
Bradley,	Haluska,	Ominsky,	Terry,
Brancato,	Hamilton, F. P.,	O'Neill,	Tronzo,
Brennan,	Hamilton, R. S.,	Panton,	Trout,
Brown, H. S.,	Harkins,	Parks,	Tumelty,
Brown, J. E.,	Hart,	Patterson, C.,	Turner,
Brownfield,	Hartman,	Patterson, J. W.,	Van Allsburg,
Brumbaugh,	Hefferon,	Pearson,	Van Sickle,
Burke,	Hermansen,	Perry,	Wall,
Cannon,	Hindman,	Pfaff,	Wasserman,
Caputo,	Hoffner,	Phillips,	Weidemann,
Carson,	Holstrom,	Piole,	Weiss,
Chervenak,	Hoopes,	Powers,	Welliver,
Coakley,	Horst,	Reising,	Welsh,
Cochran,	Jackson,	Rhys,	Westrick,
Cohen,	Jones,	Roan,	White,
Coleman,	Kelder,	Ruth,	Wickersham,
Condon,	Kelso,	Sarraf,	Winner,
Conner,	Kilroy,	Schrock,	Witkin,
Coolahan,	Kinney,	Schrope,	Wood,
Cordier,	Kobelak,	Schwab,	Woodside,
Davies,	LaRue,	Shaw,	Yeakel,
Decker,	Linderman,	Shepard,	Yourishin,
Denning,	Long,	Shortz,	Zimmerman,
Dent,	Lovett,	Shreiner,	Sarig,
Diehl,	Lynch,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 857

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and ap-

peals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institutions and savings banks to report unclaimed deposits after ten years and repealing certain acts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title page 2, line 17, by striking out after the word "after" the word "ten" and inserting in lieu thereof the word "certain".

Amend Section 1, page 4, line 13, by inserting after the word "month" the following: "in all cases except savings funds savings institutions and savings banks and in the case of savings funds savings institutions and savings banks shall not have been so increased decreased or credited within a period of twenty-one or more consecutive years next preceding the first day of said month"; also in line 13, after the word "years" by inserting the words "or twenty-one years as the case may be"; also in line 19 after the word "ten" by inserting the words "or twenty-one"; also in line 23, after the word "ten" by inserting the word "twenty-one."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ANDREWS. Mr. Speaker, I ask that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McDermott,	Simon,
Altenburg,	Duffort,	McDevitt,	Simpson,
Andrews,	Eberharter,	McElroy,	Sinwell,
Arnold,	Eroe,	McHenry,	Sloan,
Atkins,	Falkenstein,	McKinney,	Smith, J. A.,
Aukerman,	Ferko,	Melchiorre,	Smith, W. G.,
Baine,	Finnerty,	Mentzer,	Snyder, F. E.,
Baker, F. T.,	Fitch,	Moomaw,	Sowers,
Baker, J. J.,	Flanagan,	Mooney,	Spangler,
Baldi,	Flinchbaugh,	Moore,	Sproul,
Barber,	Flynn,	Moran,	Stank,
Barnhardt,	Furman,	Moul,	Stevens,
Bernhard,	Gates,	Muir,	Stewart,
Blumberg,	Gerard,	Munley,	Stockham,
Boose,	Habbyshaw,	Nagel,	Stott,
Boyd, R.,	Haberlen,	Nothnagle,	Sumney,
Boyer,	Hagerty,	O'Keefe,	Surface,
Bradley,	Haluska,	Ominsky,	Terry,
Brancato,	Hamilton, F. P.,	O'Neill,	Tronzo,
Brennan,	Hamilton, R. S.,	Panton,	Trout,
Brown, H. S.,	Harkins,	Parks,	Tumelty,
Brown, J. E.,	Hart,	Patterson, C.,	Turner,
Brownfield,	Hartman,	Patterson, J. W.,	Van Allsburg
Brumbaugh,	Hefferon,	Pearson,	Van Sickle,
Burke,	Hermansen,	Perry,	Wall,
Cannon,	Hindman,	Pfaff,	Wasserman,
Caputo,	Hoffner,	Phillips,	Weidemann,
Carson,	Holstrom,	Piole,	Weiss,
Chervenak,	Hoopes,	Powers,	Welliver,
Coakley,	Horst,	Reising,	Welsh,
Cochran,	Jackson,	Rhys,	Westrick,
Cohen,	Jones,	Roan,	White,
Coleman,	Kelder,	Ruth,	Wickersham,
Condon,	Kelso,	Sarraf,	Winner,
Conner,	Kilroy,	Schrock,	Witkin,
Coolahan,	Kinney,	Schrope,	Wood,
Cordier,	Kobelak,	Schwab,	Woodside,
Davies,	LaRue,	Shaw,	Yeakel,
Decker,	Linderman,	Shepard,	Yourishin,
Denning,	Long,	Shortz,	Zimmerman,
Dent,	Lovett,	Shreiner,	Sarig,
Diehl,	Lynch,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the the House of Representatives, as follows:

In the House of Representatives, May 15, 1935.

Resolved (if the Senate concur) That House Bill No. 1156, Printer's No. 700, entitled

An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable ciations having the same or similar purposes and of such into any other funds organizations corporations or assoadditional monies as may be necessary to carry out the provisions of this Act

which was recalled from the Governor, May 1st, 1935, for amendment be returned to the Governor without amendment.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 42.

A Supplement to the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled "An act concerning declaratory judgments and decrees and to make uniform the law relating thereto' prescribing the practice to be pursued in such proceedings

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 181.

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line

HOUSE BILL No. 1221.

An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred one) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same" as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens

HOUSE BILL No. 1641.

An Act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties

HOUSE BILL No. 1776.

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administratime work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commssions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" permitting the tapping of water lines of States institutions and sanatoria in order to supply water to communities in proximity thereto

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. RUTH. Mr. Speaker, I move that the Committee on Ways and Means be granted permission to meet during the session of the House in the conference room.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. FURMAN, from the Committee on Ways and Means reported as amended, House Bill No. 1418, entitled:

An Act to amend section four of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors, providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," imposing an additional tax on liquid fuels.

Mr. SHUGARTS, from the Committee on Public Utilities reported as committed, House Bill No. 2411, entitled:

An Act providing for the creation of power districts prescribing powers and duties of such districts authorizing such districts to conduct and operate utilities for the production transmission or distribution of electric energy and to issue bonds and providing for the payment of such bonds and imposing duties and conferring powers on certain State officers and The Public Service Commission.

Mr. SHUGARTS, from the Committee on Public Utilities reported as committed, House Bill No. 2413, entitled:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management; authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this act; providing for the rights, powers, and duties of the auhority; authorizing and regulating the issuance of bonds by the authority; and providing for the payment of such bonds and the rights of the holders thereof.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 838.

An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax for a limited period upon that portion of the capital stock of certain corporations joint-stock associations limited partnership and companies which was heretofore exempt increasing the rate of tax on the capital stock of fire and marine insurance companies and making an appropriation

HOUSE BILL No. 857.

An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the fi-

nances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlemen of accounts and appeals of the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after certain years and repealing certain acts

HOUSE BILL No. 858.

An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy-eight) entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled 'An act relating to unclaimed deposits in savings banks and transfer of stock' approved the seventeenth day of April Anno Domini one thousand eight hundred seventy-two (Pamphlet Laws page sixty-two) and except also building and loan associations also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another" by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation

HOUSE BILL No. 1127.

An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by extending the tax imposed by the act to certain gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax increasing for a limited period of time the rate of tax imposed by the act exempting street passenger railway companies and traction companies and making an appropriation

HOUSE BILL No. 1128.

An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties

HOUSE BILL No. 1192.

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

SENTE INSISTS UPON AMENDMENTS TO HOUSE BILL NO. 862

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 862, entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarttes at retail or wholesale making an appropriation and providing penalties

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 862

Mr. LaRUE. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made by the Senate to House Bill No. 862, and that a committee of conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a committee of conference on House Bill No. 862, Messrs. LaRue, Weiss and Witkin.

Ordered. That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 888.

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including eschcated prop-

erty and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debitor or creditor of the Commonwealth" as amended by exempting in certain cases the security required of State depositories for State deposits

Whereupon,

The SPEAKER. in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1281.

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and offices fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Chair will read the amendments.

The Clerk read the amendments as follows:

Amend the title page 2, line 8, by striking out after the word "of" the words "mineral rights in certain State-owned lands" and inserting in lieu thereof "gas and oil under lands of the Pennsylvania Training School at Morganza".

Amend section 1, page 3, line 13, by striking out after the word "Commonwealth" the words "other than state forest and state park lands" and inserting in lieu thereof "in possession of the Pennsylvania Training School at Morganza"; also in line 14, by striking out after the word "the" the word "coal"; also in line 14, by striking out after the word "gas" the words "and other minerals"; also in line 15, by striking out after the word "such" the word "minerals" and inserting in lieu thereof the words "gas and oil."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. J. E. BROWN. Mr. Speaker, I ask that the House concur in the amendments made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Dilley,	Male,	Shugarts,
Alexander,	Downey, G. E.,	Mason,	Siegel,
Allen,	Downey, J. J.,	McDermott,	Simon,
Altenburg,	Duffort,	McDevitt,	Simpson,
Andrews,	Eberharter,	McElroy,	Sinwell,
Arnold,	Eros,	McHenry,	Sloan,
Atkins,	Falkenstein,	McKinney,	Smith, J. A.,
Aukerman,	Ferko,	Melchiorre,	Smith, W. G.,
Baine,	Finnerty,	Mentzer,	Snyder, F. E.,
Baker, F. T.,	Fitch,	Moomaw,	Sowers,
Baker, J. J.,	Flanagan,	Mooney,	Spangler,
Baldi,	Flinchbaugh,	Moore,	Sproul,
Barber,	Flynn,	Moran,	Stank,
Barnhardt,	Furman,	Moul,	Stevens,
Bernhard,	Gates,	Muir,	Stewart,
Blumberg,	Gerard,	Munley,	Stockham,
Boose,	Habbyshaw,	Nagel,	Stott,
Boyd, R.,	Haberlen,	Nothnagle,	Sumney,
Boyer,	Hagerty,	O'Keefe,	Surface,
Bradley,	Haluska,	Ominsky,	Terry,
Brancato,	Hamilton, F. P.,	O'Neill,	Tronzo,
Brennan,	Hamilton, R. S.,	Panton,	Trout,
Brown, H. S.,	Harkins,	Parks,	Tumelty,
Brown, J. E.,	Hart,	Patterson C.,	Turner,
Brownfield,	Hartman,	Patterson, J. W.,	Van Allsburg,
Brumbaugh,	Hefferon,	Pearson,	Van Sickle,
Burke,	Hermansen,	Perry,	Wall,
Cannon,	Hindman,	Pfaff,	Wasserman,
Caputo,	Hoffner,	Phillips,	Weidemann,
Carson,	Holstrom,	Piole,	Weiss,
Chervenak,	Hoopes,	Powers,	Welliver,
Coakley,	Horst,	Reising,	Welsh,
Cochran,	Jackson,	Rhys,	Westrick,
Cohen,	Jones,	Roan,	White,
Coleman,	Kelder,	Ruth,	Wickersham,
Condon,	Kelso,	Sarraf,	Winner,
Conner,	Kilroy,	Schrock,	Witkin,
Coolahan,	Kinney,	Schrope,	Wood,
Cordier,	Kobelak,	Schwab,	Woodside,
Davies,	LaRue,	Shaw,	Yeakel,
Decker,	Linderman,	Shepard,	Yourishin,
Denning,	Long,	Shortz,	Zimmerman,
Dent,	Lovett,	Shreiner,	Sarig,
Diehl,	Lynch,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

PETITION

The SPEAKER laid before the House the following petition which was read by the Clerk.

OLD AGE PENSION

A petition from citizens of Philadelphia urging passage of old pension legislation.

Referred to the Committee on Pensions and Gratuities.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 236. (HOUSE BILL No. 2860).

An Act to amend section three of the act approved the eighteenth day of April one thousand nine hundred and nineteen (Pamphlet Laws seventy) entitled "An act declaring it a misdemeanor for any maker or drawer with intent to defraud to make or draw or utter or deliver any check draft or order when such person has not sufficient funds in or credit with the depository upon which the same is drawn" by providing for the admission in evidence of the protest of nonpayment of checks drafts and orders.

Referred to the Committee on Judiciary General.

SENATE BILL No. 241. (HOUSE BILL No. 2861).

An Act to amend section four hundred and two of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended regulating the issuance of special licenses to taxidermists.

Referred to the Committee on Game.

SENATE BILL No. 457. (HOUSE BILL No. 2862).

An Act providing that any order of the juvenile court of any county of the second class or action of any of its probation officers touching the custody of any child under the jurisdiction of said court calculated to effect the liability of said county for the support or maintenance of said child shall in order to affect the county's liability for the same be certified or reported by the clerk chief probation officer or such other person as said court shall designate to the county commissioners of such county with full details within five days after said order is made or action taken and repealing inconsistent legislation.

Referred to the Committee on Counties.

SENATE BILL No. 628. (HOUSE BILL No. 2863).

An Act permitting courts of this Commonwealth which granted support or alimony to wives in divorce proceedings under the provisions of clause three section one of the act approved the eighth day of May one thousand eight hundred and fifty-four (Pamphlet Laws six hundred forty-four) entitled "A further supplement to the act entitled 'An act concerning divorces'" as amended to revoke annul or amend such order after investigation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 656. (HOUSE BILL No. 2864).

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws two hundred one) entitled "An Act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Referred to the Committee on Printing.

SENATE BILL No. 657. (HOUSE BILL No. 2865).

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

Referred to the Committee on Printing.

SENATE BILL No. 1006. (HOUSE BILL No. 2866).

An Act to amend sections four hundred and twenty-three and five hundred and seventy-one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning township of the second class and amending revising consolidating and changing the law relating thereto" providing for the collection of county township and school taxes by the county commissioners in certain cases conferring power on school districts and townships with respect to the collection of their taxes and providing that the bonds fo township tax collectors shall be fidelity bonds.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1049. (HOUSE BILL No. 2867).

An Act to amend clauses (i) and (1) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine.

Referred to the Committee on Law and Order.

SENATE BILL No. 1140. (HOUSE BILL No. 2868).

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by limiting the time within which applications therefor may be made

Referred to the Committee on Counties.

SENATE BILL No. 1234. (HOUSE BILL No. 2869).

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

Referred to the Committee on Judiciary Local.

SENATE BILL No. 1296. (HOUSE BILL No. 2870).

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county, city (except city of the first

class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act.

Referred to the Committee on Municipal Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. BURKE (Concurrent) RESOLUTION No. 153.

In the House of Representatives, May 16, 1935.

Whereas, The Public Service Commission was created by the General Assembly in 1913, for the purpose of safeguarding and protecting the interests of the public by giving to such Public Service Commission the power to regulate rates so that they would be just and reasonable; and

Whereas, The public has made demands from time to time that the Bell Telephone Company of Pennsylvania reduce its rates to subscribers; and

Whereas, A number of years ago, the Bell Telephone Company of Pennsylvania discharged tens of thousands of female telephone operators as a result of the company's introduction and use of mechanical dialing equipment; and

Whereas, The rates of the Bell Telephone Company of Pennsylvania to subscribers have during this period remained unchanged; therefore be it

Resolved, That the House of Representatives would be pleased to have the Public Service Commission submit a report by June 1, 1935, setting forth whether or not any inquiry has been made by the Public Service Commission during the last seven years, and if such inquiry was made, to set forth the results of the same; and be it further

Resolved, That if no such inquiry has heretofore been made, then the Public Service Commission should ascertain the number of female telephone operators discharged by the Bell Telephone Company of Pennsylvania as a result of the introduction and use of automatic dialing equipment; and be it further

Resolved, That the said Public Service Commission further ascertain the number of female telephone operators that would be necessary if the automatic dialing equipment was withdrawn from use; and be it further

Resolved, That the Public Service Commission conduct a new inquiry as to the fairness and reasonableness of the present rates charged subscribers of the Bell Telephone Company of Pennsylvania.

Referred to the Committee on Public Utilities.

ANNOUNCEMENTS

COMMITTEE MEETINGS

Members from Fourth Class Counties will meet Monday, May 20, at 4:00 P. M. in Room 324 to discuss a Fourth Class County salary reduction Bill.

BASE BALL

On Tuesday, May 21st, the game between the Democratic and Republican teams of the House will be played on the Island diamond. We are requesting that chairmen of committees will so arrange their programs as not to have meetings on the afternoon of this day. We understand that a public hearing on the "Sunday Movies" bill will be held at 2:30 on the day of the game. While we are fully aware that we are in the midst of the most important part of the session, yet we also believe that we will be just as far ahead by taking the afternoon off and taking part in a wholesome program that will make for a still better feeling between members of the House. The Press is going to give publicity to this game since the bnefits go to the interest of the Harrisburg Welfare Federation and we would appreciate a real good turn-out at this game. We will have a short program while the teams are warming up and the program and line-up of the tams are as follows:

PROGRAM WILL START AT 3 P. M.

1—Foot Race Between Simon, Clinton and Turner, Delaware
2—Hog Calling Contest Between Shephard, Phila. and Ruth, Berks
3—Rooster Crow Contest Between McCreary, Erie and Rinn, Lehigh
4—Prayer by Hoopes, Berks
5—Hoe-Down Dance by Witkins, Phila.
6—Speaker Sarig Throws out First Ball and Game Begins.

Line Up of Teams for Game to be Played Between Members of House on Tuesday, May 21, at 3 P. M.

Democrats	Positions	Republicans
O'Neill, Manager		Bernhard, Manager
Haluska, Cambria	Catcher	Sproul, Del.; Lindeman, Schuy.
Diehl, Blair and Holstrum, Lehigh	Pitcher	Longacker, Montg.
Brownfield, Fayette	1st Base	Ferko, Phila.
O'Neill, Lacka.	2nd Base	McDevitt, Phila; Davies, Lacka.
Harmuth, Alleg.	Short-Stop	Cordier, Lacka.
Falkenstein, Phila.	3rd Base	Bernhard, Carbon
Haberlen, Westmore.	Left Field	Winner, Montg.
O'Minsky, Phila.	Centre Field	Forrest, Montg.
Coakley, Northamp	Right Field	Reynolds, Phila.
All the Rest of the Dems.	Subs	All the Rest of the Reps.
Murtha, Alleg.	Umpires	McGrail, Westmd
Page Boys	Bat Boys	Page Boys

Hi Andrews, Cambria—Official Score Keeper and Advisor

Mr. TURNER. Mr. Speaker, I would like to suggest to the gentlemen arranging this baseball game that they left out one official that certainly should be in there. It seems to me that the gentleman from Philadelphia, Mr. Baldi, ought to be appointed betting commissioner.

The SPEAKER. The Chair believes that the suggestion of the gentleman from Delaware is a very good one.

Mr. SIMON. Mr. Speaker, in vew of the very great interest that is being stirred up on the forthcoming race between the gentleman from Delaware and myself, I want to call attention to the fact that I was treated a little unfairly this morning by the Speaker of this House. As you know, both of us are in training for this race, and I submit to you that it was unfair for the Speaker to give my opponent from Delaware County training in his wind. I submit to you that he did not need that training.

ADJOURNMENT

Mr. STANK. Mr. Speaker, I move that this House do now adjourn until Monday, May 20, 1935, at 9:00 P. M.

The motion was agreed to, and (at 2:12 P. M.) the House adjourned until Monday, May 20, 1935, at 9:00 P. M. (E.S.T.)

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, MAY 20, 1935 No. 64

SENATE

MONDAY, May 20, 1935

The Senate met at 9 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O Thou, the God of all nations, and the God of our nation, we are proud of the record made by our forefathers. In the early days of our history they blazed the paths which we today follow. We have built upon the foundations they laid. All the wealth, glory and honor we are today enjoying, and of which we justly boast, are ours because of their frugality, bravery and hardy patriotism.

May we honor their memory and emulate their example. Save us from passive patriotism. Grant us the same sturdy manhood our forebears possessed. Many we, like them, be deaf to the persuasion of insincere men and sinister movements who are willing to sacrifice the interests of our country for the sake of self aggrandizement.

Grant that the record made here during these days of legislative activity may be such as to make those who shall follow after us proud, in their generations, to be called our descendants.

In closing our prayer tonight we ask that Thy blessing may rest upon the member of this Senate into whose family circle death has come. Comfort him and all those who mourn with him.

We ask it in the name of the Great Comforter. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. McCREESH asked and obtained leave of absence for the Senator from Philadelphia, Mr. Pytko, on account of the death of his father.

PETITIONS

FAVORING SENATE BILL NO. 1189

The Chair cleared his table and laid before the Senate petition signed by numerous residents of Philadelphia County favoring Senate Bill No. 1189.

Which was referred to the Committee on Education.

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair also laid before the Senate petitions from various churches and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

FAVORING SENATE BILL NO. 1150

Mr. REED (Washington) presented petitions from several lodges favoring enactment of Senate Bill No. 1150.

Which were referred to the Committee on Insurance.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Mildred A Guyer, Wilkinsburg.

INDIANA COUNTY

Miss A. Lucile Baun, Indiana.

LUZERNE COUNTY

Miss Mina E. Klinger, Wilkes-Barre.

PHILADELPHIA COUNTY

Miss Anna McCrea, 1518 Walnut St., Philadelphia.

SCHUYLKILL COUNTY

Miss Virginia C. Haverty, St. Clair.

GEORGE H. EARLE.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1281.

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1281, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO 581 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 581, entitled:

An Act creating a Local Government Commission to study and report on functions of local government, their allocation and elimination, the cost of local government and means of reducing it and the consolidation of local government; and making an appropriation.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

REPORT FROM COMMITTEE

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BERKS COUNTY

Walter H. Kochard, Reading.
Mrs. Caroline P. Muntz, Reading.

BLAIR COUNTY

Charles L. Rabold, Altoona.

BRADFORD COUNTY

Mrs. Marie F. Hallett, Canton.

CHESTER COUNTY

C. Gilbert Hazlett, Kennett Square.

ERIE COUNTY

Mrs. Adda B. Post, Erie.

McKEAN COUNTY

Jack J. McDowell, Bradford.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with the law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Harry B. Barnes, of Hopewood, Fayette County, as Justice of the Peace in the Township of North Union, Fayette County, vice William Q. Maust, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. CAVALCANTE from the Committee on Appropriations reported as committed, Senate Bill No 1382, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

BILLS INTRODUCED

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1385, entitled:

An Act to amend section five hundred and nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one, (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing

laws,' requiring the Commonwealth to pay the compensation of special deputy commissioners, counsel, clerks, and assistants engaged in liquidating companies, associations and exchanges.

Which was committed to the Committee on Insurance.

Mr. BENNETT read in his place and presented to the Chair, Senate Bill No. 1386, entitled:

An Act to amend section one thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealh by the Execuive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creaing, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number of certain departments, boards, and commissions shall be determined," establishing a board for the determination and payment of minor damages caused by the National Guard.

Which was committed to the Committee on State Government.

Mr. REED (Dauphin) read in his place and presented to the Chair Senate Bill No. 1387 entitled:

An Act authorizing the publication of legal and official advertising and notices in newspapers of general circulation pubished on Sunday.

Which was committed to the Committee on State Government.

Mr. WOODWARD read in his pace and presented to the Chair Senate Bill No. 1388 entitled:

A joint resolution proposing an amendment to section twelve, article five of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. PRINCE read in his place and presented to the Chair Senate Bill No. 1389 entitled:

An Act to amend sections one, two, three, four, five, six nine, eleven and twelve of the act, approved the day of , one thousand nine hundred and thirty-five (Act No.), entitled "An act for the protection of producers of farm produce; providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving, selling or offering for sale on consignment or on a net return basis within this Commonwealth farm products; conferring powers and imposing duties on the Department of Agriculture, and otherwise providing for the administration of this act; providing for appeals; and prescribing penalties," by extending the provisions of the act to individuals and entities who buy direct from producers and sell for resale or at retail from original conveyances.

Which was committed to the Committee on Agriculture.

Mr. SORDONI read in his place and presented to the Chair Senate Bill No. 1390 entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thosand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats ;principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same; and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township. county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requrinig contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not, affected by revisions of this act," as amended; by cancelling certain judgments against townships.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1391, entitled:

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State High Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and ex-

pense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair, Senate Bill No. 1392, entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth audiitng the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department board commission and officer of the State government every political subdivivision of the State, and certain officers of such divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; qualifying additional securities as acceptable for the securing of State deposits.

Which was committed to the Committee on Banking.

Mr. CAVALCANTE read in his place and presented to the Chair, Senate Bill No. 1393, entitled:

An Act to amend section one of the act approved the nineteenth day of August one thousand nine hundred and thirty-two (P. L. 88) entitled "An act creating the State Emergency Relief Board, consisting of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed in accordance with plans adopted by the board; and making an appropriation;" as amended; providing for an executive director appointed by the Governor, and for the fixing of his salary by the Governor.

Which was committed to the Committee on State Government.

Mr. ROBERTS read in his place and presented to the Chair, Senate Bill No. 1394, entitled:

An Act fixing the liability for the expense of care and treatment of patients in tuberculosis sanatoriums maintained by the Commonwealth, and providing for the collection of the moneys due the Commonwealth therefor.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair, Senate Bill No. 1395, entitled:

An Act making an appropriation to the Pennsylvania State College for the training of firemen.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1396, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey three contiguous parcels of land.

Which was committed to the Committee on State Government.

Mr. RANKIN read in his place and presented to the Chair, Senate Bill No. 1397, entitled:

An Act to amend section five hundred and fifty of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith," as amended, permitting certain school districts to pay or contribute to the payment of tax collectors' bonds.

Which was committed to the Committee on Education.

Mr. LAW read in his place and presented to the Chair, Senate Bill No. 1399, entitled:

An Act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1399, entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain, the China

Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

Which was committed to the Committee on Military Affairs.

RESOLUTION EXTENDING SYMPATHY TO HONORABLE WALTER PYTKO

Mr. McCREESH offered the following resolution, which was twice read, considered, and agreed to:

In the Senate, May 20, 1935.

Whereas, Almighty God in his infinite wisdom has seen fit to visit the home and family of our colleague, Senator Walter Pytko with sorrow by calling to eternity his respected and beloved father.

Now Therefore Be It Resolved, by the Senate of the Commonwealth of Pennsylvania in session duly assembled, that the sympathy and condolence of the members of the Senate be extended to our colleague, Senator Walter Pytko, in his hour of sorrow and bereavement,

And Be It Further Resolved, That this resolution be entered upon the Journal of the Senate and a copy thereof be transmitted by the Secretary of the Senate to our friend and colleague, Senator Pytko.

TIME OF NEXT MEETING

Mr. HARRIS offered the following resolution, which was twice read, considered, and agreed to:

In the Senate, May 20, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 27, 1935, at 9 o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, May 27, 1935, at 9 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. GRAFF. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Graff, will state his question of personal privilege.

Mr. GRAFF. Mr. President and members of the Senate: As one of the many members of this Senate honestly and sincerely interested in relief for the home and farm owners of this great Commonwealth, as well as relief for the unemployed in this session of the General Assembly, I feel that I should express myself and call upon the members of this Senate to join in a plan which will be more than mere "lip service;" a plan that will be a part of the whole state tax program, a plan that of necessity will command the attention and support of the entire administration and members of the General Assembly.

Both the Republican and Democratic parties in their platforms of last year, very definitely and specifically pledged themselves to reduction of taxes on real estate.

The Administration's income tax bill, which has passed the House, provides that the revenue derived therefrom shall go to the school districts of the State with the mandate to those districts that the taxation on real estate, the millage rate, shall be reduced in the exact amount of the revenue supplied to them through this measure. Many members of the Senate, as I understand it, favor the bill, with alternative of a flat income tax, should the graduated one be declared unconstitutional.

Many authorities believe a graduated income tax will be declared unconstitutional by the State Supreme Court. I understand that the case will be carried to the U. S. Supreme Court before it is finally settled. It is therefore evident that the matter will not be finally disposed of for at least 2 or 3 years. This of course means that not for many months can any relief for school taxes be expected from this source. It is estimated that the graduated income tax would produce approximately $15,000,000 per year. This would not relieve the tax burden in any very substantial amount even if declared constitutional.

I think I am correct in saying that the majority of the members of the Senate, as well as of the House, are actually and truly interested and concerned as to the present state of affairs of our school system and even more than concerned as to the ability of the schools throughout the entire state to operate uniformly if the present high rates of taxation should remain on real estate. It is claimed, and I think rightfully so, by the Tax Justice League of Pennsylvania, which organization is actively on the job here in Harrisburg to secure what they choose to call Tax Justice, that real estate has been bled white, that the home and farm owners and owners of other forms of investment real estate cannot supply all the money needed to carry on the schools and local government any longer, and that unless something is done by the State at this 1935 Session to secure money from other sources of taxation than real estate, that there is a real threat facing thousands of school children, which would not be in the interest of the Commonwealth as a whole. Education is admittedly the sovereign duty of the State, it is clearly set forth in our Constitution and we must not permit a condition to develop that might mean disaster to our present public school system; yes might mean even worse than that if we neglect the education of the future citizenry of this State. It is our duty to provide sufficient funds to enable the State to maintain the standards that have been set up many years ago. As representatives of the people of this great Commonwealth it behooves us to recognize the need and distress of the home and farm owners who have been carrying 92% of the total load for local government and schools. I say that it is not fair that the citizens of this State who have chosen to put their savings or investments into homes and farms or other forms of real estate should continue to be taxed at from 35 to 40 mills on their assessed valuation. Real property represents but about one fourth of the total wealth of the State but carries 92% of the total tax load for schools and local government..... This is not fair.....it is unfair.....it must be changed.....and I say that it should be changed here and now in this 1935 session of this General Assembly. We have a duty to perform, we have a promise and a pledge to keep, if you please, and I sincerely hope that the members of this body will keep that campaign promise before we adjourn. The question arises in my mind as to how we can face our constituents back home, the real property owners, the taxpayers, unless we do rectify and change the present bad system of taxation that is slowly but surely confiscating our homes.

In the House of Representatives, as you all know, a Bi-Partisan committee of 13 Republicans and 13 Democrats, headed by Representative Frank J. Atkins of my county, is actively at work on a program for immediate relief for the home and farm owning taxpayers. There has already been introduced in the Senate, an amendment to Section 1210 of the School Code, Senate Bill No. 1305, making a provision for the payment of salaries of all elementary school teachers, and also an appropriation bill providing for the necessary additional amount to pay these salaries. These Senate bills should be reported out of committees, passed by the Senate and sent to the House. In this manner we can go on record with a definite tangible program to give the absolutely essential relief to property owners.

Mr. President, the present status of the home and farm owners of this state is serious, it demands just as careful consideration and treatment as the emergency relief question for, in my opinion, if we neglect to do our duty to this class of citizenry and neglect to do it at this session, the plight of our schools yes the plight of our entire state will command and demand our consideration and attention in the very near future, for we cannot continue longer to deny relief to those who constitute the very backbone of our state. Although we cannot give them as much as we should, we must demonstrate our sincerity, our honesty, our interest in their problems here and now by at least doubling the appropriations for the public school system for the ensuing biennium. It can be done, and, in closing, permit me to reiterate, it must be done.

RESOLUTION RELATIVE TO RELIEF PROGRAM FOR REAL PROPERTY OWNERS

Mr. GRAFF offered the following resolution, which was twice read:

Whereas, The immediate problem of providing sufficient revenue to care for the unfortunate citizens of this Commonwealth, who through no fault of their own are unable to provide food, clothing and shelter for themselves and their loved ones, has been met and solved, and

Whereas, Both the Republican and Democratic parties' platforms, as well as the majority of the successful candidates for State offices and for the General Assembly, were committed to provide not only emergency relief for the unemployed, but also committed to the enactment of laws to give the home and farm owners relief in the 1935 session of the General Assembly, and

Whereas, Since the opening of the present session leaders of both parties as well as Spokesmen for the Administration have reiterated their desire to bring relief to this class of citizens who chose to own their homes and farms, through the adoption of a plan for equalization of taxation, both in and out of the chambers of the Senate and the House of Representatives, and

Whereas, No laws have yet been enacted providing relief for the taxpayer, the distressed home and farm owners aforesaid, while some bills have already been passed that will place additional tax burdens on the owners of real property, therefore

Be It Resolved, That the Senate do not set a date for adjournment until a relief program for the real property owners, the distressed taxpayers, be agreed upon and laws enacted to provide substantially more State funds for School Subsidies than is at present set up in the budget, with a mandate to the school districts that taxes on real estate be reduced in exact proportion to the amount appropriated in this manner, and be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives as an expression of the desire of the Senate to cooperate through a Senate Bi-Partisan Committee with the similar committee in the House headed by Representatives Atkins and Reising.

The PRESIDENT. Inasmuch as this resolution deals with the question of final adjournment, and that question is handled by the Committee on Rules, the resolution is referred to that committee.

QUESTION OF PERSONAL PRIVILEGE

Mr. MALLERY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Blair, Mr. Mallery, will state his question of personal privilege.

Mr. MALLERY. Mr. President, I want to raise my voice in support of this resolution. I want to state that according to my belief no one in this State has more emphatically emphasized the needs of the relief of the taxpayers than our friend, Attorney General Charles Margiotti. I do not know of any better class of citizens in our State than the man who by thrift and industry attempts to own his own home. Those are the people that I think we should give our consideration to. For myself, I have always been taught and told that work is honorable. I really believe that we in the Senate here, and in our legislative halls, have been giving too much consideration to those who think that the State owes them a livelihood. I have pledged myself, above everything else, to see that those who are destitute, and unable to earn a livelihood, whether by physical incapacity or lack of employment—that man, I think, should be given every consideration; but I think that we should have the courage and the backbone to state that the man who is unwilling to work when work is offered to him—that he should look elsewhere than to this Senate for assistance.

Mr. President, the people that we have been neglecting are the people who by thrift and industry have been endeavoring to accumulate something—to own property and to have a home; and I am heartily in favor of this resolution, and I know that my Democratic brethren are also likewise in favor of the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

Mr. PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of personal privilege.

Mr. LAW. Mr. President, I want to say that I second what has been said by the last two speakers in regard to the necessity that we take care of the suffering real estate owner of Pennsylvania. Our system of real estate taxation has been a hold-over from an entirely different period, and while we talk about socialistic ideas and capital levy, I want to say, just as my distinguished colleague, the Senator from the Chestnut Hill district, Philadelphia, Mr. Woodward, said the other day in regard to the levy on capital stock—that, in figuring our real estate assessments we actually levy what we call a capital levy on the land values of Pennsylvania, and so long as we do that we cannot hope to have a satisfactory system to cope with modern needs for revenue and modern demands for justice for the real estate owner.

I hope that this committee that has been suggested will take into consideration all these things, along with the problem of additional school appropriations from the State, for the relief of taxation on real estate.

INVITATION TO ATTEND MEMORIAL SERVICE AT GETTYSBURG

Mr. RICE. Mr. President, on behalf of the citizens of Gettysburg, I wish to extend an invitation to the members of the Senate, and indeed to all members of the General Assembly, to attend the Memorial exercises at Gettysburg on May 30. The Governor will deliver the Memorial address at 2:30 P. M. Any of the members who desire to attend will receive tickets for reserved seats if they will advise me of their intention to be present.

The PRESIDENT. The Senate will take notice.

RESOLUTION CALLING UPON PENNSYLVANIA MOTOR FEDERATION TO OPPOSE RECENT INCREASE IN PRICE ON GASOLINE

Mr. McCREESH offered the following resolution, which was twice read:

In the Senate, May 20, 1935.

Whereas, the producers and distributors of gasoline in the State of Pennsylvania have during the past week raised the price of gasoline throughout the State of Pennsylvania one cent per gallon, and

Whereas, the Pennsylvania Motor Federation was active in opposing any increase in gasoline tax in the Commonwealth, alleging that the same would be an unwarranted burden upon the motor public of the Commonwealth of Pennsylvania,

Now Therefore Be It Resolved, by the Senate of Pennsylvania in session duly assembled, that the Pennsylvania Motor Federation be called upon to oppose with the same energy and vigor, the recent increase in the price of gasoline as was demonstrated by it in its opposition to the increase in the tax upon gasoline, and

Be It Further Resolved, That a copy of this resolution be forwarded to the office of the Pennsylvania Motor Federation by the Secretary of the Senate.

Mr. McCREESH. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolution be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

Mr. BUCKMAN. Mr. President, I object.

The Chair hears objection. The Resolution will be referred to the Committee on State Government.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Geovernor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

Ti the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the Senate, I should like to address the Members this evening at ten o'clock.

GEORGE H. EARLE.

COMMITTEE TO ESCORT THE GOVERNOR TO THE SENATE CHAMBER

Mr. GRAFF offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 20, 1935.

Resolved, That a committee of three members of the Senate be appointed to escort His Excellency, the Governor of the Commonwealth, to the Hall of the Senate to address the members of the Senate at 10 P. M., May 20, 1935.

The PRESIDENT. On behalf of the President Pro Tempore the Chair announces as said committee the Senator from Armstrong, Mr. Graff, the Senator from Allegheny, Mr. McGinnis and the Senator from Lehigh, Mr. Rupp.

Mr. GRAFF. Mr. President, I have the honor to present His Excellency, the Governor of the Commonwealth of Pennsylvania, the Honorable George H. Earle.

The PRESIDENT. It is my privilege and pleasure at this time to present His Excellency, the Governor of Pennsylvania, Honorable George H. Earle.

ADDRESS BY THE GOVERNOR

The GOVERNOR. Gentlemen of the Senate. You have agreed upon a revenue program designed to meet the relief needs of this Commonwealth for the next year.

We must now proceed to consider the broad problems of social security which form the background of the relief picture.

We will gain nothing, and we will fail in our duty, if we levy taxes for relief and make no effort to wipe out the economic evils which have made relief necessary.

As a first step in this direction, my Administration has prepared and presented a series of elementary social measures. Most of these have been passed by the House of Representatives, but only one has been reported out on the floor of the Senate. Some have been in your committees for as long as three months.

I urge most strongly that this vital legislative program be given your immediate attention, and that you do not consider adjournment of this Session until social security legislation is written upon the statute books of Pennsylvania.

The longer we delay, the more drastic such legislation must be. If we permit the cancer of economic unrest to spread, nothing but the most desperate expedients will save our institutions and our democratic form of government in the future.

Some of the Administration's labor bills are controversial.

Employers believe some are financially burdensome to industry, but that consideration can have no bearing on those bills which impose little or no financial obligations, in this category are the following:

Harmuth Bill abolishing company-paid deputy sheriffs.

Coolahan Bill outlawing industrial police.

Dent Bill regulating injunctions in labor disputes.

Reising Child Labor Bill.

Eberharter-Hoopes wage collection bill.

Barber industrial home work bill.

Coleman bill for registration of industrial establishments.

Schwab Workmen's Compensation Bill for Work Relief employes.

These bills impose no hardships upon anyone but the sweat shop operator, the industrial tyrant, and the fly-by-night employer. These reforms are badly needed by both labor and industry. Not a single valid objection has been raised to any one of them.

All of them have been in your committee long enough for ample consideration. I therefore urgently request that they be reported out and placed in position for final enactment by next week at the latest.

The most controversial Administration measures before your honorable body are the Weiss, Kobelak and Zappala

workmen's compensation bills, the Haluska Woman's Hour Bill, and the Brancato Minimum Wage Bill.

An adequate workmen's compensation law is the first step in any program of minimum social security. Compensation for injury is a cost of production, a legitimate charge upon industry. If the employer evades this responsibility he places the cost upon the taxpayer, since the injured workman must then depend upon public charity for his subsistence and medical attention.

The Administration compensation program increases the minimum weekly payments to injured workers from $7 to $12, and the maximum from $15 to $25. It removes the present 500 week limitation and provides for payment throughout the period of disability. It eliminates abuses which have resulted from questionable practices of some employers and insurance companies. It protects claimants against the handicaps of legal procedure.

I can find no convincing objection to these reforms in the Workmen's Compensation Law. I do not believe any legislator conscientiously could deny a maximum of $15 to $25 a week to a totally disabled worker, or refuse him proper medical care during his period of disability.

There is no reasonable person who can seriously contend that such provisions would drive industries out of the State.

Remember that Pennsylvania ranks thirty-third among the States in workmen's compensation legislation.

Twenty-eight States have more liberal total disability benefits than our present $6500 maximum.

Thirty-six States have larger weekly benefits for total disability.

Thirty-nine States provide more adequate compensation for widows.

Thirty-three States have a less burdensome waiting period penalty than ours.

Forty-three States have more adequate medical benefits. Under the present law hospital care is provided for thirty days only, and the cost of medical attention is limited to $100. Thousands of dollars worth of free services must be given to injured workers by State-owned and State-aided hospitals, since they must take up the burden after the employer's thirty-day period of medical repsonsibility ends.

With employers in other States operating under much more drastic compensation laws than we have in Pennsylvania, it is impossible to believe that industries would be driven out of this State, or that they would suffer in interstate competition, through strengthening of our compensation structure.

The social and economic costs of inadequate compensation cannot be calculated. They far surpass any costs that will be imposed upon industry by enactment of these bills.

My Administration is unalterably committed to the principle of fair compensation for the victims of industry, and I sincerely hope that you will give your unqaulified support to that principle by approving this necessary legislation without delay.

You will note that the proposed workmen's compensation legislation includes two general administrative features which are also of vital importance to the people of this Commonwealth. One of these assesses the cost of workmen's compensation administration directly on employers and insurance companies. This is in line with the general principle that industry, rather than the general taxpayer should pay for all of the cost incident to industrial accidents. Seven states, including New York, have had such a feature in operation for a number of years and at least three States have passed such legislation this year.

The other administrative change which I wish to call to your attention is the provision requiring self-insured employers to post security under collateral trust agreement to the extent of their liability for compensation payments. Self-insured employers are responsible for approximately 50% of the compensation payments every year but under our law at the present time they are subject to practically no regulation or supervision. The proposed change attempts to remedy this situation. It is particularly important in view of the uncertainty of the priority of compensation claims under our amended Federal Bankruptcy Act.

Another Administration labor bill, the Haluska measure regulating the hours of labor for women in industry, has been reported out of committee and is now before you.

This bill has been amended by your committee to increase weekly working hours from 40 to 48, and includes overtime provisions which further increase the maximum to 54 hours.

Perhaps with the best of intentions, your committee has added hour exemptions which mean a wide-open bill. It will be absolutely impossible for an inspector to check the amount of overtime already used by each worker found working beyond the 48-hour basic week.

In addition, I see no reason why any woman should be required to work 54 hours a week while more than 150,000 women in this State are seeking jobs.

It should be remembered that twenty-six other States now provide a shorter working day for women than Pennsylvania. It should be remembered also that a bill riddled with overtime and unenforceable provisions, as this bill is at present, is worse than no bill at all.

I urge most strongly that the amendments be removed and the bill passed in its original form.

One of your committees has reported out a minimum wage bill for women and children. This is not the minimum wage bill that was passed by the House, but worse than a parody on it.

Although it resembles the Brancato Bill in not setting a fixed minimum wage, it differs substantially in that it assigns the task of establishing wage rates to the County Courts of Common Pleas, instead of the Department of Labor and Industry.

This would not only place the problem before judicial bodies, inexperienced in handling wage and labor problems, but also would throw the entire question upon the sixty-seven counties, with resulting confusion and difference of standards. I doubt that any county court would ever reach the point of finally issuing a wage order.

It would be ruinous to place the difficult task of establishing fair minimum wage rates anywhere but in the most qualified hands. Such action would discredit the entire principle of minimum wages.

The Brancato Bill is the standard draft for minimum wage legislation, and has been enacted by a number of other States, including Ohio, New York, New Jersey, Massachusetts and Connecticut. There is absolutely no precedent, in the entire history of minimum wage laws in this country, for any measure such as the one your committee has reported out.

I will oppose any so-called minimum wage bill which is unsound, and which does not place administration of the Act in the Department of Labor and Industry, where it properly belongs.

Enactment of minimum wage legislation, such as practically all of our neighboring States now have, is vital if we are to prevent Pennsylvania from becoming a dumping ground for sweated industry.

I need not remind you that both political parties represented in this chamber are pledged, specifically and without qualification, to provide adequate social and labor legislation.

The Democratic platform contains eight planks committing the party to specific social and labor measures. I quote:

"Second: Abolition of child labor.
"Third: Social justice through the regulation of the hours of labor, especially for women.
"Fourth: A minimum wage, fair to both industry and labor.
"Fifth: Elimination of industrial police and privately paid deputy sheriffs.
"Sixth: Absolute right of collective bargaining and unionization of labor.
"Seventh: A stronger and more comprehensive workmen's compensation law.
"Eighth: Outlawing of sweat shops.
"Fifteenth: Strengthening of the anti-injunction law to conform with Federal Statutes."

Likewise does the Republican platform contain specific pledges for a square deal for labor; outlawing of sweat shops, guaranteeing the right of collective bargaining, protection of workers in industry, abolition of industrial police and privately paid deputy sheriffs, more liberal compensation laws and minimum wage laws. All these are covered in the Republican platform.

With such assurances and promises of a square deal for Pennsylvania's wage-earners from the Republican as well as the Democratic Party, I feel confident that the labor bills which have been submitted to you for enactment into law will receive your sympathetic support.

The problem of unemployment relief has shown us how necessary such legislation is, for the protection of both labor and industry in this Commonwealth.

Full responsibility for that legislation now rests with the Senate. The House of Representatives has done its duty. Pennsylvania expects you to do yours.

Thank you, gentlement of the Senate for your attention.

The PRESIDENT. On behalf of the Senate, I desire to express its thanks and appreciation to His Excellency, the Governor, for his fine talk.

QUESTION OF PERSONAL PRIVILEGE

Mr. SORDONI. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Luzerne, Mr. Sordoni, will state his question of personal privilege.

Mr. SORDONI. Mr. President and Members of the Senate, there seems to have been some misunderstanding concerning my attitude and expressions on the tax program and social legislation, and in fairness to my Fellow Members as well as in justice to myself, I feel that this brief explanation should be made.

When the compromise was effected with the Governor on the new taxes that are to be imposed for unemployment relief, it was evident that there would be a tremendous increase in the tax burden on the business and industry of this Commonwealth. It was with that in mind that I made the suggestion—speaking only for myself, as an individual Senator—that the question of proposed social legislation, which would further and terrifically burden the industries of Pennsylvania, be held in abeyance for the present

I was not speaking for the Republican caucus; I was not speaking for any other Republican or Democrat member of the Senate. I was speaking solely for myself, expressing an opinion or judgment arrived at from my own experiences as a businessman, and having in mind the profound significance of those facts and figures which were laid before this body on April 23rd by my colleague Honorable George L. Reed, of Dauphin County.

You will recall that he used the figures of the United States Department of Labor to show that as between January, 1933, and January, 1935, Industry had increased its number of employees by 31%; had increased per capita weekly earnings of those wage-earners by 24%; and in so doing had increased Industry's own payrolls by 62%. He set forth further that the Industries of this State are now employing 75% of the number employed in the boom year of 1929, and that they are paying to those workers wages which have a purchasing power equal to the purchasing power of the wage-earners during 1929.

Senator Reed showed further, by the official figures of the United States Bureau of Internal Revenue, that the operating deficit of Pennsylvania's corporations has been running 3½ times their net income, not counting this recent increase in State taxes, and of course not including the tremendous costs that would be imposed by these proposed social bills.

Gentlemen of the Senate, I believe that in a period such as this, in which Industry, sustaining continued heavy losses, has done so much toward recovery through re-employment, increased wages, and increased payroll, there is a heavy and a solemn obligation resting upon us to consider these proposals in the light of hard, cold and irrefutable facts, and not from the impulse of emotions or what may seem to be temporary political expediency. For, what may seem, upon the surface, to be for the benefit of the wage-earner in Pennsylvania, easily may turn out to be to his lasting disadvantage and misfortune—as we know has been the case in other industrial States which have proceeded, upon superficial consideration, to enact unwise and destructive labor and other economic legislation.

I would not have anyone misunderstand that statement or my attitude on the broad principles involved in these social proposals. I feel, and always have felt, that each particular branch of Industry should properly take care of those employees injured in the course of their employment. During the period that I have been a member of this body, I have repeatedly voted for labor and so-called social bills when the funds have been available to carry out the provisions of the Bill. The Act increasing the original rates of Workmen's Compensation, which was put through in 1927, was known as the Sordoni Bill and was sponsored by me in the Senate.

But it seems to me that one of the all-important obligations resting upon us at this time is to see to it that we do not tax our industries to the point where they can no longer continue operations in Pennsylvania, which would throw thousands of our present wage-earners out of employment.

Mr. President, we all know that wealth is that which is produced, and that in Pennsylvania it comes from three sources—from agriculture, from mining, and from manufacture.

The farmers of this State are right now having a terrible battle to exist, because of unwise and uneconomical legislation enacted in Washington. This legislation has authorized and it pays for the actual destruction of crops, cattle, hogs, cotton, etc. A Processing Tax is put upon our own farmers in order to pay the farmers of the West and South for this destruction. We cannot think of taxing the farmers of Pennsylvania any more than they are now taxed.

The necessity of making proper provision for unemployment relief has been paramount to all else, and to meet that necessity we have turned again to over-burdened Industry. It is my conviction that we must proceed with exceeding care that we do not increase those burdens to the point where Industry cannot carry them, by enacting social legislation which would carry with it a very heavy additional tax.

Mr. President and Members of the Senate, my heart goes out to the man out of employment. I know what it means to be unemployed. I know what it means to travel in a "side-door pullman," and to sleep in a park, or to ride all night on a subway train with a last remaining nickel because it was too cold to sleep in the park. I am familiar with the 10c and the 25c "flop houses" of the Bowery, where you sleep in a bunk surrounded by wire netting so that your neighbor cannot steal you clothes while you sleep. I have been through all of those things, and I know from bitter experience.

If I were out of work and without funds, unable to provide my wife and family with the necessities of life, I suppose I would be as radical as any of the radicals in our State. I would demand the right to work, or to have food provided for my dependents.

But with the productive enterprises of Pennsylvania bearing this unusual and tremendous burden of unemployment relief, I do feel that those of our people who are employed should be willing to make their contribution to those who are not employed, to the extent of not now demanding from Industry an additional and destructive tax for social legislation, merely to further the employed man's security at the expense of the unemployed.

Mr. President and Members of the Senate, let us not tax the Industry of this Commonwealth to the extent of creating more unemployment.

REPORT FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 891, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nomination by His Excellency, the Governor of the Commonwealth.

MEMBER OF THE SANITARY WATER BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Philip G. Platt, of Wallingford, Delaware County, as a member of the Sanitary Water Board, vice W. C. McCormick, resigned, until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nomination reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1046 (House Bill No. 1885), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL FOR CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of House Amendments to Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties.

Said amendments having been printed as required by the Constitution, were twice read as follows: Amend section 34 page 38 line 2 by striking out after the syllable "tion" the following: "thereafter the registration commission shall cause all of the"; and inserting in lieu thereof the following: "of the registration of any such elector for failure".

Mr. REED (Dauphin). Mr. President, I move that the Senate do non-concur in the amendments made by the House to Senate Bill No. 22.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Aron,	Harvey,	Owlett,	Rupp,
Batchelor,	Howell,	Pierson,	Salus,
Baumer,	Hunsicker,	Prince,	Shapiro,
Bean,	Law,	Rankin,	Staudenmeier,
Bennett,	Mallery,	Reed	Thompson,
Chapman,	McClure,	(Dauphin)	(Westmoreland)
Clark,	McCreesh,	Rice,	Trainer,
Coyne,	Miller,	Roberts,	Woodward,
Ealy,	Norton,	Rodgers,	Ziesenheim,
Harris,			

NAYS—9

Cavalcante,	Kahle,	Reed,	Thompson,
Frey,	Lanius,	(Washington)	(Centre)
Huffman,	McGinnis,	Sones,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 752, entitled:

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SALUS. Mr. President, I ask unanimous consent that Senate Bill No. 39 on final passage, entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 946, as follows:

An Act relating to the buying selling and transportation of live and dressed poultry requiring poultry dealers to be licensed requiring records of sales and purchases of poultry to be kept imposing duties and liabilities on poultry dealers poultry producers and other persons buying and selling poultry and on county farm agents and the Department of Agriculture and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act the following terms shall have the meanings ascribed for each

"Paultry" shall mean and include all domestic fowl whether alive or dressed

"Poultry dealer" shall mean any person engaged in the business of buying poultry for resale or of selling poultry or of selling poultry as agent for another or on commission The term shall not include a poultry producer

"Poultry producer" shall mean any person who raises any poultry whether as his principal business an incidental business or a hobby

"Department" shall mean the Department of Agriculture of the Commonwealth

"Person" shall mean and include individuals copartnerships associations and corporations

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 (a) On and after the first day of July one thousand nine hundred and thirty-five it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in business as a poultry dealer within this Commonwealth unless a license so to do shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in such business within this Commonwealth shall file an application for a license with the department Every application for a license shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth the particular kind of business to be transacted and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification If any motor vehicle is to be used in connection with such business the application shall set forth the name of the manufacturer of each of such motor vehicles and the State registration numbers issued therefor The application shall be signed and verified by oath or affirmation by the owner if a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

(c) At the time of making such application the applicant shall pay to the department a permit fee of five dollars ($5.00) for each license

(d) Upon approval of the application and the payment of the license fee or fees herein required the department shall grant and issue to each applicant a license for each place of business within the Commonwealth set forth in his application Liicenses shall not be assignable and shall be valid only for the persons in whose names issued

(e) With each license shall be issued one set consisting of three numbered plates one of which shall be conspicuously placed within the building on the premises where the business is conducted and the other two of which shall be conspicuously placed one on each side of the vehicle used in connection with conducting the business licensed If more than one vehicle is used in connection with each place of business additional plates may be secured at a cost of one dollar and fifty cents ($1.50) per set

(f) Whenever any plates issued under the provisions of this act are defaced destroyed or lost the department may issue duplicate plates to the holder of the defaced destroyed or lost plates upon the payment of a fee of one dollar and fifty cents ($1.50)

(g) All licenses shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the department

(h) Licenses issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of five dollars ($5.00)

(i) The department may suspend or after hearing revoke a license whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any license the department shall request the holder thereof to surender to it immediately all plates or duplicates thereof issued to him and the holder shall surrender promptly all such plates to the department as requested Whenever the department suspends a license it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the license

Section 3 Each poultry dealer shall make a record of each purchase and sale made by him in such form as shall be prescribed by the department Such record shall be made in duplicate The original shall be retained by the poultry dealer and the duplicate shall be given to and retained by the other party to the transaction Provided That separate records need not be made of sales to individual consumers purchasing for use in their own homes but a daily record of the aggregate of such sales shall be sufficient

The sales record shall show the following

(1) Name address and license number of poultry dealer making the record

(2) Name and address of person purchased from or sold to and if a licensed poultry dealer his license number but in case of daily record of sales to individuals for home use no name or address need be given

(3) Date of transaction

(4) Number of birds together with their weight classification the price per pound and the total amount paid

All such original and duplicate records shall be kept by the poultry dealers and by the other persons to the transaction for a period of six months after the transaction and shall be open to inspection by any public police officer or detective and the agents of the department

Section 4 Any poultry producer may procure an identification card without cost from the county farm agent of the county where he resides or where he engages in raising poultry Identification cards shall be prepared and furnished to the several county farm agents by the department

Section 5 On and after the first day of July one thousand nine hundred and thirty-five it shall be unlawful for any person to transport poultry within this Commonwealth unless

(1) In the case of a poultry dealer the license plates provided for by section two of this act are conspicuously displayed one on each side of the vehicle in transporting poultry

(2) In the case of a poultry producer he shall have an identification card provided for by section four of this act and shall show the same upon demand by any police officer in uniform or any county farm agent or agent of the department exhibiting credentials of his authority

(3) In the case of a common carrier or any other person he shall have a duplicate record of sale provided for by section three of this act and shall show the same upon demand by any police officer in uniform or any county farm agent or agent of the department exhibiting credentials of his authority

Section 6 The department shall be charged with the duty of enforcing the provisions of this act and shall have power to make and enforce rules and regulations for such purposes

Section 7 Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200) for the first offense and not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00) for a second or subsequent offense or in the case of individuals members of partnerships and the responsible officers of associations and corporations to undergo imprisonment for not more than one year or both

Section 8 All acts or parts of acts inconsistent herewith are hereby repealed

Section 9 The provisions of this act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Aron,	Chapman,	Mallery,	Reed,
Batchelor,	Clark,	McClure,	(Dauphin)
Baumer,	Coyne,	Norton,	Rice,
Bean,	Harvey,	Pierson,	Staudenmeier,
Bennett,	Homsher,	Prince,	Trainer,
Buckman,	Hunsicker,		Woodward,

NAYS—24

Cavalcante,	Kahle,	Rankin,	Shapiro,
Frey,	Lanius,	Reed,	Sones,
Gelder,	Law,	(Washington)	Thompson,
Graff,	McCreesh,	Roberts,	(Centre)
Harris,	McGinnis,	Rodgers,	Thompson,
Howell,	Miller,	Rupp,	(Westmoreland)
Huffman,	Owlett,	Salus,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 19, on third reading, entitled:

An Act to amend sections two, four, five, eight, eleven, twelve, section fourteen as amended, sections twenty-one and twenty-two, and to repeal section three as amended, and sections thirteen, sixteen and nineteen, of the act approved the thirteenth day of May, one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules of issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," by prohibiting employment of minors between fourteen and sixteen years of age, except in certain types of work which will not interfere with school attendance; further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work, and the hours of labor; further regulating employment certificates, and requiring minors under eighteen to procure such certificates; and imposing on school districts the duty to issue such certificates.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 26, entitled:

A Joint Resolution proposing an amendment to section one article eighteen of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Aron,	Ealy,	Mallery,	Salus,
Batchelor,	Gelder,	McClure,	Shapiro,
Baumer,	Graff,	Norton,	Staudenmeier,
Bean,	Harris,	Owlett,	Thompson,
Bennett,	Harvey,	Pierson,	(Westmoreland)
Buckman,	Homsher,	Prince,	Trainer,
Chapman,	Howell,	Reed,	Woodward,
Clark,	Hunsicker,	(Dauphin)	Ziesenheim,
Coyne,			

NAYS—17

Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Huffman,	McGinnis,	Rice,	Thompson,
Kahle,	Miller,	Roberts,	(Centre)
Lanius,	Rankin,	Rodgers,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 52, on third reading, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators of labor groups and to approve or disapprove their incorporation or right to do business within the Commonwealth

be recommitted to the Committee on Labor and Industry for amendment.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 106, entitled:

A Joint Resolution proposing an amendment to section one article eleven of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Aron,	Graff,	Norton,	Sordoni,
Batchelor,	Harris,	Owlett,	Staudenmeier,
Bean,	Harvey,	Pierson,	Thompson
Bennett,	Howell,	Prince,	(Westmoreland)
Chapman,	Hunsicker,	Reed	Trainer,
Coyne,	Mallery,	(Dauphin)	Woodward,
Ealy,	McClure,	Shapiro,	Ziesenheim,
Gelder,			

NAYS—22

Baumer,	Huffman,	Miller,	Rodgers,
Buckman,	Kahle,	Rankin,	Rupp,
Cavalcante,	Lanius,	Reed	Salus,
Clark,	Law,	(Washington)	Sones,
Frey,	McCreesh,	Rice,	Thompson
Homsher,	McGinnis,	Roberts,	(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 167, entitled:

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 332 (House Bill No. 547) on third reading, entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions

be recommitted to the Committee on Education.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 484, entitled:

An Act to amend section seven of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchases, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," as amended; further regulating the construction of voting machines.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 521 on third reading, entitled:

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and main-

tain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the benefits of State appropriations to teachers employed after the making of the annual certificates.

be recommitted to the Committee on Education.

Mr. ZIESENHEIM. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 553 (House Bill No. 493), entitled:

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Daly,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

MOTION TO RECOMMIT

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 575 (House Bill No. 1220), on third reading, entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July one thousand nine hundred and nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" by providing for furnishing artificial limbs to children over ten years of age

be recommitted to the Committee on Labor and Industry.

Mr. BENNETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for, twenty-three Senators voted in the affirmative, and twenty-three in the negative.

The PRESIDENT. There being a tie vote on the motion, the President votes "no."

There being twenty-three votes in favor of the motion and twenty-four votes against it, the motion is not agreed to.

BILL OVER IN ORDER

Mr. STAUDENMEIER. Mr. President, there seems to be some confusion about this bill. Personally, I think it is a very good bill; but if there is any doubt in the minds of any of the Senators here about it, I think it might be cleared up by tomorrow.

Mr. PRESIDENT, I ask unanimous consent that Senate Bill No. 575 (House Bill No. 1220), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 706, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight providing for one general court of common pleas

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I simply wish to state to the Senate that this bill was drafted by an ex-Chief Justice of Pennsylvania, and it is aimed at the correcting of the evil of the so-called "tramp judges"—doing away with that expense and also doing away with the expense of creating an additional Common Pleas Court. If anybody wishes to change his mind, he may change it the next time.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, with great pleasure.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Woodward, if, under this constitutional amendment, it would not permit the majority of the Court of Common Pleas of Pennsylvania to pass court rules for Erie County and Wayne County?

Mr. WOODWARD. Mr. President, I do not so understand it. There is no danger of that kind, as I understand it.

Mr. BUCKMAN. Mr. President, I would like to ask, further, whether it would interfere with the salaries of the Courts of Common Pleas, by paying the same salaries to the judges of Center County as they pay in Philadelphia and Pittsburgh.

Mr. WOODWARD. Mr. President, no change in salary; change in tenure of office.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Aron,	Clark,	McClure,	Prince,
Batchelor,	Coyne,	Norton,	Sordoni,
Baumer,	Homsher,	Owlett,	Woodward,
Bennett,	Howell,	Pierson,	Ziesenheim,
Chapman,			

NAYS—32

Bean,	Huffman,	Rankin,	Salus,
Buckman,	Hunsicker,	Reed,	Shapiro,
Cavalcante,	Kahle,	(Dauphin)	Sones,
Ealy,	Lanius,	Reed,	Staudenmeier,
Frey,	Law,	(Washington)	Thompson,
Gelder,	Mallery,	Rice,	(Centre)
Graff,	McCreesh,	Roberts,	Thompson
Harris,	McGinnis,	Rodgers,	(Westmoreland)
Harvey,	Miller,	Rupp,	Trainer,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointments to compute from the date of confirmation:

Clair S. Buchart, of Yoe, York County, as Justice of the Peace in the Borough of Yoe, York County, vice John W. Snyder, deceased, until the first Monday in January, 1936.

William E. Fasnacht, of Chambersburg, Franklin County, as Justice of the Peace in the Township of Hamilton, Franklin County, until the first Monday in January, 1936.

GEORGE H. EARLE.

MEMBER OF STATE COUNCIL OF EDUCATION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the appointment of John J. Sullivan, Land Title Building, Philadelphia, as a member of the State Council of Education, vice Aloysius L. Fitzpatrick, resigned, for the term of six years.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Sophia C. Kasputis, Bridgeville.

CARBON COUNTY

Harry N. Fagely, East Mauch Chunk.

DAUPHIN COUNTY

Mrs. Jennie A. McLaughlin, Millersburg.

DELAWARE COUNTY

Miss Alfreda D. Anderson, Lansdowne.

ERIE COUNTY

Paul T. Allen, Erie.

GREENE COUNTY

Claire Minor, Mapletown.

MONTGOMERY COUNTY

E. Nelson Weir, Glenside.

PHILADELPHIA COUNTY

Miss Slyvia R. Blasbaud, Bankers Security Bldg., Philadelphia.

Joseph R. Spotts, City Hall Annex, Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

ERIE COUNTY

Mrs. Marie A. Newcomer, Erie, May 25, 1935.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NOS. 520, 560, 631 AND 616.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 520, Printer's No. 284, entitled, "An Act Validating certain procedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the

indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections"

Senate Bill No. 560, Printer's No. 249, entitled, "An Act Authorizing the court of common pleas in each county of the second class to order and direct the prothonotary of such county to keep two separate indexes or dockets for judgments or liens one to be known as the general judgment or lien index or docket and the other to be known as the in rem judgment or lien index or docket."

Senate Bill No. 631, Printer's No. 383, entitled, "An Act to amend sections five and six of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred ninety-five) entitled 'An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof' changing the time for filing applications for such State aid and providing for the payment of State aid for the years of one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four in cases where applications therefor were not filed within the time limit heretofor prescribed by the act."

Senate Bill No. 616, Printer's No. 382, entitled, "An Act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class."

GEORGE H. EARLE.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 712.

Commonwealth of Pennsylvonia,
Governor's Office, Harrisburg, May 16, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 712, Printer's No. 360, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

The PRESIDENT. The bill will lie on the table.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 815 RECALLED FROM THE GOVERNOR.

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 815, entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "Administrative Code of 1929," requiring certain qualifications for the Adjutant General, and establishing a board for the determination and payment of minor damages caused by the National Guard.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Mr. BUCKMAN. Mr. President, I move that Rule 21, which requires amended bills to be voted on the Calendar, be in this case dispensed with, and particularly referred to on their calendars, be suspended, and that the Senate do now proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. STAUDENMEIER. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been printed as required by the Constitution, were twise read, as follows: Amend title page 1 line 1 by striking out after the word "seven" the following: "and one thousand four hundred and two"; also title page 2 line 11 by striking out after the word "General" the following: "and establishing a board for the determination and payment of minor damages caused by the National Guard"; also by omitting all of section 2 on pages 4 and 5; also page 5 line 3 by striking out the numeral "3" and inserting in lieu thereof the numeral "2".

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsner,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer.
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

AMENDMENT TO HOUSE BILL NO. 817 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 817, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will lie on the table and noted on the Calendar.

RESOLUTION URGING JUNIOR SENATORS FROM PENNSYLVANIA TO VOTE FOR ADJUSTED COMPENSATION ACT

He also presented extract from the Journal of the House of Representatives which was twice read as follows:

May 20, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution, adopted by the House of Representatives on February 20th, and agreed to by the Senate on March 5th, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of the United States did, by a substantial vote, pass such legislation; and

Whereas, The General Assembly of this Commonwealth by concurrent resolution, adopted by the House of Representatives on May 14th and agreed to by the Senate on the same date respectfully petitioned His Excellency, the President of the United States to approve such measure; and

Whereas, It is authoritatively reported that the President will return the bill without approval and thereby again make it a matter for congressional action; and

Whereas, While the senior Senator from Pennsylvania has consistently supported measures of this nature, the junior Senator from Pennsylvania the Hon. Joseph F. Guffey has as persistently opposed them; and

Whereas, United action by the Senators from the Commonwealth will in all probability result in the passage of the present adjusted compensation bill, and

Whereas, The Members of the General Assembly of Pennsylvania believe their two prior actions as well as their present one correctly represent the desires and beliefs of an overwhelming number of the citizens of this Commonwealth, now therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania petition the junior Senator from the Commonwealth, the Hon. Joseph F. Guffey, to carry out the wishes of the electors of Pennsylvania and vote to pass the adjusted compensation bill now before the President, nothwithstanding unfavorable action thereon by the President; and be it further

Resolved, That upon agreement by the Senate to this resolution, the Chief Clerk of the Senate shall forthwith send to the Hon. Joseph F. Guffey a telegram, the subject matter of which shall be in manner and form as follows:

"The General Assembly of the Commonwealth of Pennsylvania has this day by resolution petitioned you to vote favorably on the veterans' adjusted compensation bill notwithstanding unfavorable action thereon by the President," and be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate, and the Chief Clerk of the House of Representatives be forwarded by the Chief Clerk of the House of Representatives to the Hon. Joseph F. Guffey, Junior Senator from the Commonwealth of Pennsylvania.

Mr. REED (Dauphin). Mr. President, I move that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended, and that the Senate do now proceed to the immediate consideration of the resolution just read.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ROBERTS. Mr. President, I feel that the reading of that resolution, just as we may hear it here, may not give sufficient understanding of the resolution. I herefore ask that the motion be voted down, and that the resolution take its proper order, so that we may understand it.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED (Dauphin) and Mr. GRAFF and were as follows, viz:

YEAS—25

Aron,	Ealy,	Mallery,	Reed,
Batchelor,	Frey,	McClure,	(Washington)
Bean,	Gelder,	Norton,	Sordoni,
Bennett,	Graff,	Owlett,	Staudenmeier,
Cavalcante,	Harvey,	Pierson,	Trainer,
Chapman,	Homsher,	Reed,	Ziesenheim,
Coyne,	Hunsicker,	(Dauphin)	

NAYS—22

Baumer,	Kahle,	Rankin,	Shaffer,
Buckman,	Lanius,	Rice,	Sones,
Clark,	Law,	Roberts,	Thompson,
Harris,	McCreesh,	Rodgers,	(Centre)
Howell,	McGinnis,	Rupp,	Thompson,
Huffman,	Prince,	Salus,	(Westmoreland)

The PRESIDENT. Less than two-thirds of the members present having voted in the affirmative, the motion is not agreed to. The resolution will therefore be committed to the Committee on Federal Relations.

FURTHER CONSIDERATION OF CALENDAR DEFERRED

Mr. BUCKMAN. Mr. President, I move that the further consideration of the Calendar be deferred until tomorrow,

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 891, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1382, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

REPORT FROM COMMITTEE

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry re-reported as amended, Senate Bill No. 759 (House Bill No. 371) entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by

the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

BILL INTRODUCED

Mr. ARON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON read in place and presented to the Chair, Senate Bill No. 1400, entitled:

An Act to further amend section one thousand two hundred and two of the act, approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling including liens encumbrances and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties cities boroughs incorporated towns townships within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures fees and miscellaneous receipts; making an appropriation; and providing for refunds," providing a different method for serving a copy of information and notice on persons charged with violating the summary provisions of the act.

Which was committed to the Committee on Highways.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 815, entitled:

An Act to amend sections two hundred seven and one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," requiring certain qualifications for the Adjutant General, and establishing a board for the determination and payment of minor damages caused by the National Guard.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow at 12 o'clock noon.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:58 P. M. until Tuesday, May 21, 1935, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 20, 1935.

The House met at 9.00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Dr. J. J. Patterson of the Baptist Denomination of Lemoyne, offered the following prayer:

Almighty God, we stand before Thee tonight in acknowledgement of Thy Infinite greatness and of our dependence upon Thee. We come thanking Thee for Thou art the God of mercy and justice and wisdom. We thank Thee for the way in which Thou hast led us as a nation, for the blessings that Thou has poured upon us. We pray tonight for our President, for his Cabinet and all associated with him. We ask that Thy special blessing rest upon this great Commonwealth of ours that we love, this Commonwealth of Pennsylvania where our homes are, that mean so much to us. We thank Thee for Thy blessings of days gone by. We ask Thy blessing tonight upon our Governor, upon the heads of the various departments, and we ask that Thy guidance and Thy grace may come upon this House of Representatives, these men and women, chosen by the will of the people of this Commonwealth to help them in the affairs of such infinite importance in these days that are so disgustful and perplexing. We pray that Thy special blessing may rest upon them. Wilt thou bless the Speaker and wilt Thou bless the men and women, members of this House. Grant that the wisdom and the grace and the spirit of cooperation and the desire to honor God and serve our fellowmen may be foremost in the hearts of all. Save us from selfishness. Help us, our Father, to serve and to consider our service as the greatest honor that Thou canst bestow upon us. Help them, Father, that whatever our responsibility may be, that we take it as a trust from Thee, and for Thy name and unto Thy guidance, to do that which Thou wouldst for us to do. So, may the interest of this great Commonwealth be furthered in this Session of this House of Representatives. Grant Thy presence here, for Thy name and sake, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 16, 1935.

The Clerk proceeded to read the Journal of Thursday, May 16, 1935, when, on motion of Mr. STONE the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk

FRATERNAL CODE

A communication from Slovenska Narodna Podporna Jednota urging passage of Fraternal Code.

Referred to the Committee on Insurance.

EASTERN STANDARD TIME

A resolution from citizens of Lawrence County urging passage of legislation prohibiting use of other than Standard Time.

Referred to the Committee on Judiciary General.

BLUE LAWS

A telegram from Methodist Episcopal Preachers of Philadelphia protesting amendment of blue laws.

A petition from citizens of Pittsburgh urging passage of Sunday Moving Picture bill.

A petition from citizens of Olney urging passage of Sunday Moving Picture bill.

Referred to the Committee on Law and Order.

TAXES

A petition from citizens of Clarion County addressed to Mr. Panton urging state to take over Schools and roads and abate penalties and interest on delinquent taxes.

Referred to the Committee on Ways and Means.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

May 13th, 1935.

Hon. Wilson G. Sarig, Harrisburg, Pa.,
Dear Mr. Speaker:

Your kind Resolution received in due time to commemorate our Fifty-second Anniversary and also the death of Mrs. Stone.

The greatest consolation I experience at this time is that I have many trully sympathetic friends and that my journey alone will be comparatively short.

With sincerest affection for all, I am

Most truly yours,
JOHN F. STONE

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO 862.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 862, entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties

And has appointed Messrs. Howell Owlett and Huffman a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced returned bills from the House of Representatives numbered and entitled, as follows:

HOUSE BILL No. 902.

An Act making a deficiency appropriation to the Department of Military Affairs

HOUSE BILL No. 1209.

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

HOUSE BILL No. 676.

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 88:

An Act providing for the organization under certain conditions of two colored battalions of infantry and making an appropriation therefor

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

REPORTS FROM COMMITTEES

Mr. CARSON from the Committee on Highways, reported as amended House Bill No. 2779, Senate Bill No. 547, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," providing a procedure for the vacation of such abandoned State highways without the necessity of a view.

Mr. ALEXANDER from the Committee on Highways, reported as amended, House Bill No. 2807, Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of cer-

tain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duies upon the Department of Revenue, and the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases.

Mr. JONES from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2397, entitled:

An Act to protect the public health; defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses, and regulating the inspection, maintenance, and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises; defining and regulating the manufacture, sale, and offering for sale of confectionery products; conferring powers on the Department of Agriculture; and providing penalties.

LEAVES OF ABSENCE

Mr. Jones asked and obtained leave of absence for Mr. TERRY for Monday and Tuesday.

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON for the week on account of illness.

RESOLUTIONS

ADJUSTED COMPENSATION BILL

Mr. WICKERSHAM offered a resolution and asked unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 20, 1935.

Whereas, The General Assembly of the Commonwealth of Pennsylvania, by concurrent resolution, adopted by the House of Representatives on February 20th, and agreed to by the Senate on March 5th, petitioned the Congress of the United States to enact legislation providing for the immediate cash payment of adjusted compensation to veterans; and

Whereas, The Congress of the United States did, by a substantial vote, pass such legislation; and

Whereas, The General Assembly of this Commonwealth by concurrent resolution, adopted by the House of Representatives on May 14th and agreed to by the Senate on the same date respectfully petitioned his Excellency the President of the United States to approve such measure; and

Whereas, It is authoritatively reported that the President will return the bill without approval and thereby again make it a matter for congressional action; and

Whereas, While the senior Senator from Pennsylvania has consistently supported measures of this nature, the junior Senator from Pennsylvania the Hon. Joseph F. Guffey has as persistently opposed them; and

Whereas, United action by the Senators from the Commonwealth will in all probability in the passage of the present adjusted compensation bill, and

Whereas, The Members of the General Assembly of Pennsylvania believe their two prior actions as well as their present one correctly represent the desires and beliefs of an overwhelming number of the citizens of this Commonwealth, now therefore be it

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania petition the junior Senator from the Commonwealth the Hon. Joseph F. Guffey to carry out the wishes of the electors of Pennsylvania and vote to pass the adjusted compensation bill now before the President, notwithstanding unfavorable action thereon by the President; and be it further

Resolved, That upon agreement by the Senate to this resolution, the chief clerk of the Senate shall forthwith send to the Hon. Joseph F. Guffey a telegram, the subject matter of which shall be in manner and form as follows:

> "The General Assembly of the Commonwealth of Pennsylvania has this day by resolution petitioned you to vote favorably on the veterans adjusted compensation bill notwithstanding unfavorable action thereon by the President."

and be it further

Resolved, That a copy of this resolution, properly attested by the Chief Clerk of the Senate, and the Chief Clerk of the House of Representatives be forwarded by the Chief Clerk of the House of Representatives to the Hon. Joseph F. Guffey, junior Senator from the Commonwealth of Pennsylvania.

On the question,

Will the House give it unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and consent is not granted.

RULE SUSPENDED

Mr. WICKERSHAM. Mr. Speaker, I move that Rule 84 be suspended for the specific purpose of considering the resolution at this time.

On the question

Will the House agree to the motion?

Mr. RUTH. Mr. Speaker, I ask the members of the House to vote against this motion. The House well remembers the predicament it found itself in by passing an illy considered resolution a few weeks ago without sending it to committee to be considered and printed, so that the members will know what this resolution is all about. I ask the members to vote against this motion.

Mr. WICKERSHAM. Mr. Speaker, the reason that I ask that the resolution be considered tonight is because on Wednesday the President will veto the bonus, and the Congress will immediately pass upon the veto. It is therefore absolutely essential that we act immediately. If this resolution is sent to committee, printed, and reported out, our action, whatever it may be, will be too late. This House has twice gone on record as being in favor of the payment of the bonus. Those who are in favor of such payment must leave no steps unturned to see that our Senators do everything possible to enact the will of the people of Pennsylvania. It is imperative that we vote on this tonight and I ask the members of the House to vote in favor of the suspension of the rule.

The resolution calls upon our Senators who have opposed the payment of the bonus to override the President's veto. There is no question about its being an illy considered resolution. We have twice voted in favor of such a resolution. This is our last chance to express our sentiments on that question.

Mr. ANDREWS. Mr. Speaker, when the House several days ago was memorializing Congress, I called the attention of the majority members to the fact that they were

at variance with the position of the junior Senator of this State. The motion made by the gentleman from Dauphin County is a logical sequence of the first illy advised step. This House lightly memorializes Congress on any and every subject without giving thought to the matter at hand. The House having memorialized Congress regarding the Patman bill, can now logically and properly proceed to ask the junior Senator from this State to reconsider his action and side with the position taken by this House. The predicament in which the majority members find themselves is simply the result of the illy advised policy of presuming to advise the National Congress, in the face of the fact that we so lamentedly failed to deal adequately with so many domestic problems.

Mr. WITKIN. Mr. Speaker and members of the House, the reason given by the gentleman from Berks, Mr. Ruth, as to why this resolution should not be considered at this time is a most fallacious one. The gentlemen from Dauphin, Mr. Wickersham, has clearly enunciated what is contained in the resolution. The gentlemen from Berks says that we must have time to consider it so that it can be printed, so that we would know what we are voting upon. There isn't a man or lady in this House who doesn't know just what this resolution does. It requires no study. The statement made by the gentleman from Berks, Mr. Ruth, is merely for the purpose, although not perhaps so intended, to delay action upon this resolution, so that it will never be voted upon, because if we do not act upon it tonight it will be too late, and we won't get a chance to vote upon it. I say to the membership of this House that we ought not to consider matters ill advisedly, that we ought not to consider them hurriedly, but where we have a simple a, b, c proposition that is presented before us for a vote, we ought not to tell the members of this House that we need time to study something that everyone including the gentleman that made the remark, knows requires no study. The sole purpose of this motion is that you may go on record for or against. You have a perfect right to vote against this resolution, and you have a perfect right to determine that in your own mind you do not want to tell the Senator from Pennsylvania as to how to vote. This is not the question. The question is how shall you vote, and shall you express your opinion, or shall you be so cowardly that you do not want to go on record one way or the other. I say to the membership of this House that what we are voting upon tonight is merely whether you are going to vote upon the resolution. A vote against the motion to suspend the rule is a vote in my humble judgment to the effect that you are afraid to go on record one way or the other on this resolution. Therefore, I ask that the members of this House should at least have the courage to vote. When the question of the resolution itself comes before you you can determine whether or not you are going to send this resolution to the Senator requesting him to vote one way or the other. But at least let us have the vote and let not the Legislature of Pennsylvania be accused of ducking the bonus vote tonight. I ask you to vote on the suspension of the rule so that you may be recorded upon the resolution itself.

Mr. RUTH. Mr. Speaker and members of the House, last week we had a resolution to ask Congress to vote for the Patman bonus bill. That resolution was sent to committee, was reported out the next morning and was acted upon. We are doing nothing more than upholding the rule that was established in the early part of the session that all unprivileged resolutions go to committee and be reported out. A vote on this motion is not a vote against the resolution. It is simply to uphold the rule.

Mr. WITKIN. Mr. Speaker and members of the House, I just want to take one second to say that the argument just advanced by the gentleman from Berks, Mr. Ruth, is a ridiculous one, for the simple reason that we have time and time again upon matters that were not privileged resolutions given unanimous consent to have them considered. For him to say that we are following the normal course may be true, except that the exceptions to the normal course have been so many that we are not upsetting any precedent when we vote to suspend the rule to consider the resolution, that is non-privileged, immediately.

On the question recurring,

Will the House agree to the question?

The yeas and nays were required by Mr. Wickersham and Mr. Witkin and were as follows

YEAS—117

Alexander,	Eroe,	McDermott,	Smith, W. G.,
Allen,	Ferko,	McDevitt,	Snyder, F. E.,
Altenburg,	Flynn,	McHenry,	Sowers,
Andrews,	Forrest,	McKinney,	Spangler,
Atkins,	Gates,	Mentzer,	Sproul,
Baker, F. T.,	Gillette,	Merrell,	Stevens,
Baldi,	Green,	Moore,	Stewart,
Barber,	Greenstein,	Muir,	Stockham,
Barnhardt,	Habbyshaw,	Munley,	Stone,
Bernhard,	Haberlen,	Nothnagle,	Stott,
Boose,	Hagerty,	O'Neill,	Surface,
Boyd, R.,	Haluska,	Panton,	Tahl,
Boyer,	Hamilton, R. S.,	Parks,	Trout,
Brennan,	Hart,	Perry,	Turner,
Brumbaugh,	Hermansen,	Peters,	Van Allsburg,
Cannon,	Hirsch,	Pfaff,	Walker,
Carr,	Hoffner,	Piole,	Wall,
Castor,	Holstrom,	Reynolds,	Wasserman,
Chervenak,	Hoopes,	Rhys,	Weidemann,
Coleman,	Horst,	Rinn,	Weiss,
Condon,	Jackson,	Roan,	Wheeler,
Conner,	Jones,	Root,	White,
Cordier,	Kane,	Schrock,	Wickersham,
Davies,	Kelder,	Schrope,	Wilson,
Denning,	Kinney,	Schwartz,	Winner,
Dent,	Linderman,	Shortz,	Witkin,
Diehl,	Longaker,	Shreiner,	Wood,
Downey, G. E.,	Lovett,	Simon,	Woodside,
Downey, J. J.,	Mason,	Simpson,	Yeakel,
Duffort,	McCreary,	Sloan,	Zimmerman,

NAYS—69

Achterman,	Eberharter,	LaRue,	Ruffenmach,
Arnold,	Falkenstein,	Long,	Ruth,
Aukerman,	Finnerty,	Lynch,	Sarraf,
Baine,	Fitch,	Male,	Scanlon,
Baker, J J.,	Flanagan,	McElroy,	Schwab,
Bradley,	Furman,	Melchiorre,	Shaw,
Brown, H. S.,	Gerard,	Mooney,	Shepard,
Brown, J. E.,	Hamilton, F. P.,	Moran,	Shugarts,
Burke,	Harkins,	Moul,	Siegel,
Caputo,	Harmuth,	Nagel,	Stank,
Carson,	Hartman,	O'Keefe,	Sumney,
Coakley,	Hetrick,	Ominsky,	Tronzo,
Cochran,	Hindman,	Patterson, C.,	Welliver,
Cohen,	Kelso,	Patterson, J. W.,	Welsh,
Coolahan,	Kilroy,	Powers,	Westrick,
Decker,	Klingler,	Reising,	Yourishin,
Dilley,	Kobelak,	Robinson,	Sarig,

So the question was determined in the affirmative and the motion was agreed to.

On the question,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Stevens and Mr. Cochran and were as follows

YEAS—191

Achterman,	Eberharter,	Male,	Shaw,
Alexander,	Eroe,	Mason,	Shepard,
Allen, A.	Falkenstein,	McCreary,	Shortz,
Altenburg,	Ferko,	McDermott,	Shreiner,
Andrews,	Finnerty,	McDevitt,	Simon,
Arnold,	Fitch,	McElroy,	Simpson,
Atkins,	Flanagan,	McHenry,	Sinwell,
Aukerman,	Flinchbaugh,	McKinney,	Sloan,
Baine,	Flynn,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Forrest,	Mentzer,	Smith, W. G.,
Baker, J. J.,	Furman,	Merrell,	Snyder, F. E.,
Baldi,	Gates,	Moomaw,	Sowers,
Barber,	Gerard,	Mooney,	Spangler,
Barnhardt,	Gillette,	Moore,	Sproul,
Bernhard,	Green,	Moran,	Stank,
Blumberg,	Greenstein,	Moul,	Stevens,
Boose,	Habbyshaw,	Muir,	Stewart,
Boyd, R.,	Haberlen,	Munley,	Stockham,
Boyer,	Hagerty,	Murrin,	Stone,
Bradley,	Haluska,	Nothnagle,	Stott,
Brancato,	Hamilton, R. S.,	O'Keefe,	Sumney,
Brennan,	Harkins,	Ominsky,	Surface,
Brown, H. S.,	Harmuth,	O'Neill,	Tahl,
Brownfield,	Hart,	Panton,	Tronzo,
Brumbaugh,	Hartman,	Parks,	Trout,
Burke,	Hermansen,	Patterson, C.,	Tumelty,
Cannon,	Hetrick,	Patterson, J. W.,	Turner,
Caputo,	Hindman,	Perry,	Van Allsburg,
Carr,	Hirsch,	Peters,	Van Sickle,
Carson,	Hoffner,	Pfaff,	Walker,
Castor,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jackson,	Reising,	Weiss,
Coleman,	Jones,	Reynolds,	Welliver,
Condon,	Kane,	Rhys,	Welsh,
Conner,	Kelder,	Rinn,	Westrick,
Coolahan,	Kelso,	Roan,	White,
Cordier,	Kilroy,	Robinson,	Wickersham,
Davies,	Kinney,	Rooney,	Winner,
Decker,	Klingler,	Root,	Witkin,
Denning,	Kobelak,	Ruffennach,	Wood,
Dent,	LaRue,	Ruth,	Woodside,
Diehl,	Linderman,	Sarraf,	Yeakel,
Dilley,	Long,	Scanlon,	Yourishin,
Downey, G. E.,	Longaker,	Schrock,	Zimmerman,
Downey, J. J.,	Lovett,	Schrope,	Sarig,
Duffort,	Lynch,	Schwartz,	

NAYS—5

Brown, J. E.,	Schwab,	Shugarts,	Siegel,
Hamilton, F. P.,			

So the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE TO INVESTIGATE FAIRMOUNT PARK COMMISSION

Mr. OMINSKY offered the following resolution which was read by the Clerk for the information of the House:

In the House of Representatives, May 20, 1935.

Whereas, the Fairmount Park Commission of the City of Philadelphia has grown in scope and control in supervising a tract of land which was developed from a nucleus of five acres acquired in the year 1812, to the proportion wherein it now has the control and supervision of over 6500 acres of park and park acres, as well as the many buildings and improvements thereon, and

Whereas, the said Commission may in its discretion dispose, distribute, or revise the aforesaid acres of land and all that is upon it, and

Whereas, the said Commission receives from the taxpayers of the City of Philadelphia, and other public sources a large sum of money to disburse as it deems proper in the running of its affairs, and further

Whereas, it is alleged that the said Commission is czaristic in its attitude and considers itself a law unto itself, and

Whereas, this attitude was recently demonstrated when the aforesaid Park Commission "pickled" House Resolution Serial No. 191, Legislative Journal, Page 2817, which Resolution was unanimously adopted by this House on the 29th day of April and transmitted to the Park Commission by the Chief Clerk on the 30th day of April, said Resolution having advised the Park Commission that this House was in favor of placing the Park Guards who are under the Commission's supervision, on an equal basis with the Policemen and Firemen with regards to rest periods and vacations, and

Whereas, it is desirable that legislation be enacted properly to provide for the supervision, auditing, and control of the said Board, so that the said Commission may heed the voice of the people, and not the voice of a select few, therefore, be it

Resolved, that the Speaker of the House of Representatives is hereby authorized to appoint a Committee of Five members of the House of Representatives, whose duty it shall be to make an investigation of the books, records, management, and operation of the Park Board, also known as the Fairmount Park Commission of the City of Philadelphia, to the extent that may be necessary to effectuate the purposes of this Resolution, and for the information of the House of Representatives, and

Resolved, that the Committee shall make a report to the House of Representatives as early as possible, either at this session, if feasible, or at the next Special session of general session of the House of Representatives, and be it further

Resolved, that the said Committee through its Chairman or through a majority of its members, shall have power to issue subpoenas under the hand and seal of its Chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters which are properly being acquired into by the Committee, and to produce such books, papers, records, and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of the subpoenas issued out of the Courts of this Commonwealth. Moreover, each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committee. Any person who shall wilfully neglect or refuse to testify before said Committee, or to produce any books, papers, records, or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

GAS TAX PROTESTS

Mr. JOHN A. SMITH offered the following resolution which was read by the Clerk for the information of the House:

In the House of Representatives, May 20, 1935.

Whereas, acting under violent protest the House of Representatives passed a measure increasing the tax on gasoline two cents, and

Whereas, such violent protest was stimulated by refiners and distributors on the pretense that the traffic would bear no such increase, that bootlegging would increase, that thousands of men would be deprived of work because of the decreased consumption of gasoline and because the unemployed and demoralized worker would no longer be able to use his car for transportation, and

Whereas, the $50,000,000 deficit of the Pinchot Administration has so depleted the fiscal resources of the state as to require through further dilatory sidestepping the complete exhaustion of the State treasury with insufficient funds to meet the fiscal obligations of the State to schools and hospitals, and

Whereas, the General Assembly has repeatedly borrowed from special funds to meet the exigencies of relief demands in lieu of regular and specific revenue to meet these relief obligations until work on highways for which gasoline tax is intended has been curtailed to a mere skeleton of maintenance and construction with an im-

pending deficit for the present calendar year of nearly $8,000,000, and

Whereas, by agreement the Governor and the Senate have decided with the concurrence of the House on a one cent additional tax on gasoline, and

Whereas, with closed policy so declared the refiners by common agreement have immediately absorbed the additional cent originally intended for the unemployed by a one cent increase in the retail price of gasoline thus grabbing $11,000,000 from the poor, the needy and the laborer who uses his car to get to work, and

Whereas, many Members of the House of Representatives have preserved the many tokens of protest and contempt inspired by these refiners, distributed through their agents and showered by unthinking constituents upon our heads with the declaration that the motorist can stand no further burden. Therefore be it

Resolved, that every member of the House of Representatives, now in possession of petitions, protests and denunciations (sundry and varied) now present same to the desk of the Chief Clerk of the House of Representatives for redistributions to said refiners and agents.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 1645 and 1815.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1645, Printer's No. 494, entitled, "An Act Authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey a certain plot of land."

House Bill No. 1815, Printer's No. 900, entitled, "An Act to amend section five of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred thirty-seven) entitled, 'An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties' providing that dishes glasses and other receptacles used in eating and drinking may be cleansed with any suitable cleansing re-agent.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 638, 694, 819, 826, 1267, 1268 and 1838.

Commonwealth of Pennsylvania,
Governors Office, Harrisburg, May 16, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 638, Printer's No. 428, entitled, "An Act To amend clauses (b) and (c) of section seven and section eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixteen) entitled 'An act to define real estate brokers and real estate salesmen and providing for the licensing regulation and supervision of resident and nonresident real estate brokers and real estate salesmen and their business' as amended providing an expiration date of licenses defining the qualifications of applicants of those who desire to engage in the occupation of real estate broker and real estate salesman conferring powers and duties upon the Department of Public Instruction in connection therewith and eliminating penalties for failure to renew."

House Bill No. 694, Printer's No. 452, entitled, "An Act To amend section two of the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-one) entitled 'An act providing for the service of process in civil suits on nonresident operators or nonresident owners of motor vehicles operated within this Commonwealth of Pennsylvania and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealt hof Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit' as amended providing for the service of process upon the Secretary of Revenue by registered mail."

House Bill No. 819, Printer's No. 955, entitled, "An Act To amend sections five and nine as amended sections fourteen and twenty-five sections thirty-two and thirty-four as amended sections thirty-six and thirty-seven section thirty-eight as amended and section forty and to repeal section sixty of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' by providing a uniform system for the payment of rental and hire for armories buildings and animals regulating the payment of compensation for injuries or death resulting from service decreasing the minimum annual allowances to certain units and increasing maximum headquarters expense allowance providing an annual uniform allowance for officers and warrant officers regulating pay of enlisted men repealing provisions for collection of military fines by civil process and otherwise harmonizing the act with Federal law."

House Bill No. 826, Printer's No. 294, entitled, "An Act To amend section one of the act approved the seventeenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred four) entitled 'An act to preserve the continuity of service of officers and enlised men of the Pennsylvania National Guard who were mustered into the service of the United States during the World War and afterward were enlisted or commissioned in the said National Guard' making such continuity of service effective for qualification for service medals."

House Bill No. 1267, Printer's No. 301, entitled, "An Act To repeal the act approved the first day of June one thousand nine hundred and fifteen (Pamphlet Laws six hundred sixty-five) entitled 'An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof'."

House Bill No. 1268, Printer's No. 296, entitled, "An Act To repeal the act approved the twenty-fourth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred fifty) entitled 'An act authorizing boroughs to redeem outstanding bonds and for that purpose issue and sell new interest-bearing bonds and to provide a fund for the redemption thereof'."

House Bill No. 1838, Printer's No. 898, entitled, "An Act Requiring cities of the second and third class to allow members of the police departments twenty-four consecutive hours of rest each week and fourteen days vacation each year except in emergency cases."

House Resolution pledging the House of Representatives to enact, without amendment, Senate Bill No. 1289.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

Approval of House Bills Nos. 838, 857, 858, 1127, 1128 and 1192.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 838, Printer's No. 1115, entitled, "An Act to further amend sections twenty and twenty-one of the act approved the first day of June one thousand eight hundred and eighty-nine (Pamphlet Laws four hundred twenty) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' by substituting a franchise tax on foreign corporations in lieu of the capital stock tax on such corporations imposing a tax for a limited period upon that portion of the capital stock of certain corporations joint-stock associations limited partnerships and companies which was heretofore exempt increasing the rate of tax on the capital stock of fire and marine insurance companies and making an appropriation."

House Bill No. 857, Printer's No. 1028, entitled, "An Act to amend section thirteen hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or oher moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' by requiring every person copartnership bank national bank bank and trust company safe deposit company trust company association and corporation and savings fund savings institution and savings bank to report unclaimed deposits after certain years and repealing certain acts."

House Bill No. 858, Printer's No. 1113, entitled, "An Act to further amend the title and section seven of the act approved the seventh day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy eight) entitled as amended 'An act providing for the escheat of certain property received for storage or safekeeping or otherwise and of certain deposits of money also for the escheat of certain dividends profits debts and interest on debts of corporations companies banks national banks trust companies insurance companies limited partnerships and partnership associations doing business in this Commonwealth except saving-funds savings institutions and savings banks subject to the provisions of an act entitled "An act relating to unclaimed deposits in savings banks and transfer of stock" approved the seventeenth day of April Anno Domini one housand eight hundred seventy-two (Pamphlet Laws page sixty-two) and except also building and loan association also for the escheat of certain moneys property and estates held by persons partnerships associations or corporations in any fiduciary capacity whatsoever and the profits accretions and interest on such moneys property and estates as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys property and estates and the actual distribution thereof also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth or in any Federal court in and for any district within the Commonwealth or in the custody of any officer of such court and for the escheat of certain other moneys property and estates held in any manner by any person association or body corporate for the benefit of another' by requiring that unclaimed deposits with every person copartnership bank national bank safe deposit company trust company association and corporation shall escheat after ten years and in the case of savings fund savings institution and savings bank shall escheat after twenty-one years and making an appropriation."

House Bill No. 1127, Printer's No. 1116, entitled, "An Act to further amend section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (Pamphlet Laws four hundred twenty) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' by extending the tax imposed by the act to certain gross receipts of municipally owned or operated public utilities and public utility services previously exempt from the tax increasing for a limited period of time the rate of tax imposed by the act exempting street passenger railway companies and traction companies and making an appropriation."

House Bill No. 1128, Printer's No. 1117, entitled, "An Act to provide revenue by imposing a State stamp tax upon certain documents and obligations prescribing and regulating the method and manner of evidencing the payment of such tax conferring powers and imposing duties upon certain persons partnerships associations and corporations county officers and the Department of Revenue making an appropriation and providing penalties."

House Bill No. 1192, Printer's No. 1118, entitled, "An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment and collection of the tax and appeals to courts conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties"

GEORGE H. EARLE.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk as follows:

THE WHITE HOUSE

Washington, May 17, 1935.

Honorable W. P. Gallagher,
Chief Clerk,
House of Representatives,
Harrisburg,
Pennsylvania.

My dear Mr. Gallagher:

The copy of the Resolution adopted by the General Assembly of the Commonwealth of Pennsylvania which

you forwarded to the President has been received and will be brought to his attention.

Very sincerely yours,
LOUIS McH. HOWE,
Secretary of the President.

THE WHITE HOUSE

Washington, May 11, 1935.

Honorable W. P. Gallagher,
Chief Clerk,
House of Representatives.
Harrisburg,
Pennsylvania.
Enclosure.

My dear Mr. Gallagher:

This will acknowledge the receipt of the resolution adopted by the Legislature of Pennsylvania, urging the approval of the resolution designating October eleventh as General Pulaski's Memorial Day.

I am sending you, for your information, copy of the President's message vetoing this resolution.

Very sincerely yours,
LOUIS McH. HOWE,
Secretary of the President.

The SPEAKER. The communications will be noted in the Journal and printed in the Legislative Journal.

STATEMENT BY MR. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

In 1929 the Commonwealth of Pennsylvania made a substantial investment in the health of the People of Pennsylvania by providing for funds for the eradication of bovine tuberculosis. Last week at a ceremony in one of the counties the last of that work was completed. It is with the purpose of freeing Pennsylvania from bovine tuberculosis from the outside by preventing cattle infected with bovine tuberculosis, that I ask for unanimous consent of this House for the presentation of a bill that would require all cattle shipped into the state of Pennsylvania be shipped in under the requirements of our Animal Industry Law requiring that they be clean from tuberculosis. This bill was drawn up for presentation to the Senate, in case unanimous consent is not secured here, but is introduced and presented to the House. I, therefore, ask for unanimous consent to present this bill to the House, and in case there is a refusal of that unanimous consent, we will then have to present the bill to the Senate and have it come through the other way.

BILL INTRODUCED

Mr. JOHN A. SMITH asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk as follows:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to an act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and twenty-eight), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

The SPEAKER. The bill will be filed with the Clerk.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 314, entitled:

An Act to amend Routes fifty-eight one hundred thirty-nine and one hundred sixty-eight of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid Highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1911, entitled:

An Act permitting licensing regulating and controlling horse racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain

license fees and State taxes providing penalties providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon and making an apropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2655, entitled:

An Act providing for the creation of public "Authorities" in boroughs authorizing such "Authorities" to enter into agreements with the Government of the United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with others defining and providing for the organization and dissolution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members perscribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power of finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

And said bill having been at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2756, entitled:

An Act exempting dental fixtures and equipment leased loaned hired or conditionally sold from levy or sale on execution or distress for rent

And said bill having been at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2524, entitled:

An Act to amend section one thousand two hundred three of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "For the protection of the public safety; regulating the use of the highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justice of the peace, the courts and clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds" by providing for the right of arrests on view by certain peace officers for summary offenses in certain cases, and regulating the procedure with respect thereto.

And said bill having been at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2469, entitled:

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenue thereof, secured solely by liens upon the respective properties and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

And said bill having been at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1980, entitled:

An Act to repeal the act approved the twenty-second day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes"

And said bill having been at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2410, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

And said bill having been at length the first time, Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2487, entitled:

An Act amending sections eight, ten, sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving

said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property,, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by providing for the abandonment of sections of State Highway Routes, providing for an effective date for the condemnation of casements for highway purposes and slopes; providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings; extending the Commonwealth's obligation to additional bridges; providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures; requiring occupancy permits for additional types of structures.

And said bill having been at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 315, entitled:

An Act to amend section one of article six of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended by providing for the assessment of a less rate of tax upon buildings that upon land graded over a period of years until the rate upon buildings shall become one-fifth of the rate upon land

And said bill having been at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1369, entitled:

An Act to amend section one thousand and twenty-five of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" as amended, increasing the penalty for failure to stop and render assistance under certain circumstance.

And said bill having been at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1418, entitled:

An Act to amend section four of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors, providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation." imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation.

And said bill having been at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2411, entitled:

An Act providing for the creation of power districts prescribing powers and duties of such districts authorizing such districts to conduct and operate utilities for the production transmission or distribution of electric energy and to issue bonds and providing for the payment of such bonds and imposing duties and conferring powers on certain State officers and The Public Service Commission

And said bill having been at length the first time,
Ordered, to be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2413, entitled:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management; authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this act; providing for the rights, powers, and duties of the auhority; authorizing and regulating the issuance of bonds by the authority; and providing for the payment of such bonds and the rights of the holders thereof.

And said bill having been at length the first time,
Ordered, to be laid aside for second reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. COHEN. Mr. Speaker, I move that the Committee on Appropriations be granted permission to sit during the session of the House.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 75 1933-34) are hereby amended to read as follows

An Act to regulate and restrain the traffic in malt [liquors] and brewed beverages as herein defined providing for the licensing of the sale and distribution of such [liquors] beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such [liquors] beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers the Department of Revenue] the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the ["Malt Liquor License Law"] "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt [liquor"] or brewed beverage" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquors may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons [holding permits issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board of this Commonwealth] holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase and resale of malt [liquors] or brewed beverages in the original sealed packages as prepared for the market by the manufacturer but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "retailer" means and includes persons licensed to engage in the retail sale of malt [liquors where the consumption thereof is upon the premises of such vendor with the privilege of selling malt liquors to be carried from the premises by the purchaser thereof only however in the original containers] or brewed beverages as follows

(1) Where the consumption of the malt or brewed beverages is upon the premises of such Vendor with the privilege of selling beverages for consumption off the premises by the purchaser thereof in quantities of not more than seventy-two fluid ounces This class of license shall be known as "Retail Dispenser"

(2) Where the sale of malt or brewed beverages is in the original sealed packages as prepared for the market by the Manufacturer in quantities of not more than seventy-two fluid ounces but not for consumption on the premises where sold This class of license shall be known as "Package Retailer"

(f) The term "original containers" means and includes bottles casks kegs or other containers that have been securely capped or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same

(g) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(h) "Eating place" means a room having an area of not less than three hundred square feet and equipped with tables and chairs accommodating forty persons at one time

(i) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(j) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit

another to consume upon the premises where sold any malt [liquor] or brewed beverages unless such [person] vendor holds a valid [malt liquor retail license] Retail Dispenser License issued under this act by the [treasurer] board or a valid license issued under any other act authorizing the sale of spirituous and vinous [and malt] liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another any malt [liquor] or brewed beverages not for consumption upon the premises where sold unless such person holds a valid [manufacturer's permit issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board or a valid distributor's or retailer's malt liquor license issued by the treasurer] license issued by the board permitting such sale

Section 5 [Malt Liquor Distributors' Licenses The treasurer shall issue to any person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a malt liquor distributor license for the place at which such person desires to sell malt liquors not for consumption on the premises where sold] Manufacturers' and Distributors Licenses

(a) The Board shall issue to any person of good repute who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original packages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth The application for such license shall contain the name and address of the Applicant together with information concerning the size capacity equipment and location of all plants or places of storage to be used for the purposes of such license and where Applicant is a Corporation the names and addresses of all Directors of the Corporation All such licenses shall be granted for the calendar year and where a license runs for less than the full calendar year the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar year Every manufacturer shall keep daily permanent records which shall show (a) the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original packages as prepared for the market by the Manufacturer Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable Corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least three years prior to the date of application and that at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania

Section 6 Malt [Liquor] and Brewed Beverage Retailer's Licenses (a) Subject to the restrictions hereinafter provided the [treasurer] board shall issue to a person who conducts a reputable hotel or any reputable incorporated club [whatsoever] or a reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a [male liquor retailer] retail dispensers license for such place

Such licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

No [malt liquor retailer] retail dispensers license shall be granted [for the sale of malt liquors for consumption on the premises] in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt [liquors] or brewed beverages may be sold for consumption on the premises where sold

(b) Subject to the restrictions hereinafter provided the Board shall issue to any reputable person who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the Bond hereinafter required a "Package Retail license" for the place for which application is filed

Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their applications or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of such Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application

Section 7 Apepals from Refusal of Licenses Any person aggrieved by the [treasurer's] refusal of the board to issue a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within thirty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the [treasurer] board whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the [treasurer who] Board which shall be represented in the proceeding by the [district attorney] Department of Justice At said hearing the court shall review the testimony presented to the [treasurer] board after the consideration of which the court shall either sustain the refusal of the [treasurer] board or order an issuance of the license to the applicant There shall be no further appeal

Section 8 Public Service [Malt Liquor] Licenses The [Department of Revenue] board may issue public service malt [liquor] and brewed beverage licenses to a railroad

pullman or steamship company permitting malt [liquors] or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding months and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The [Department of Revenue] board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the [Department of Revenue] board in refusing suspending or revoking any such license may within thirty days thereafter appeal to the court of common pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the [Department of Revenue] board as the court may provide The court shall hear the appeal de novo and shall make such order affirming modifying or reversing the order of the [department] board as to it shall appear just The action of the court shall be final

Section 9 [Malt Liquor] License Year Mercantile License Exemption (a) Licenses issued under this act to distributors [retailers and public service companies] retail dispensers and retail package licenses shall unless revoked in the manner provided in this act be valid for the [malt liquor] license year [for which they are issued The malt liquor license years shall begin on June first in each calendar year Licenses may be issued at any time during a malt liquor license year] as set up by the board for the particular district in which the license issues

(b) Licenses issued under this Act to Manufacturers and Public Service Companies shall unless revoked in the manner provided in this Act be valid for the calendar year for which they are issued Licenses to manufacturers and Public Service Companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt [liquors] or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt [liquors] or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' and Retailers' Licenses Every person intending to apply for a distributor's [or retailer's] retail dispenser or package retail license as aforesaid in any municipality or township of this Commonwealth shall file with the [treasurer] board his or its application at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act and at the same time pay said [treasurer] board [a] the filing fee of ten dollars [for the use of the county] as specified in this act

Section 11 Application for Distributor's and Retailers' Licenses Application for distributors' and retailers' [malt liquor] licenses shall contain

(a) The name and residence of the applicant and how long he has resided there [and if an individual the residence of such applicant] and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director if the application is for a Distributors or Package Retail license and the applicant therefor is a Corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one percentum of the capital stock of the Corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of the Pennsylvania stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter [temporarily] permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter [temporarily] permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt [liquors] or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt [liquors] or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt [liquors] or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The application must be verified by affidavit of applicant and if any false statement is made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the [treasurer] board unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the Board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses (a) Any retailer dispenser or package retailer may be granted licenses to maintain operate or conduct any number of places for the sale of malt [liquors] or brewed beverages but a separate license must be secured for each place where malt [liquors] or brewed beverages are sold [or where orders are taken]

(b) No person shall possess or be issued more than one distributor's license [in any one municipality or town-

ship nor shall any] no person shall possess or be issued more than one class of license No distributor shall maintain or operate any place or places whether for sale or for storage other than [that] those for which the license is granted [where malt liquors are sold or where orders are taken] No distributor's license shall be issued for any premises in any part of which there is operated any other license for the manufacture sale or storage of liquor alcohol or malt or brewed beverages

(c) Licenses shall be granted by the [treasurer] board only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals

[Licenses shall be granted by the treasurer only to individual citizens of the United States who have been residents of this Commonwealth for at least three years immediately preceding or to corporations organized in or] [duly authorized to transact business in this Commonwealth and all of those officers and directors shall be citizens of the United States who have also been residents of this Commonwealth for at least three years immediately preceding the applications for license]

A [malt liquor] retail dispenser license or a package retail license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residential district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed for the sale of male or brewed beverages at the time of the final enactment of this act

Section 13 Revocation and Suspension of Licenses [by Court of Quarter Sessions After a license has been granted upon petition of the Attorney General the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the court of quarter sessions and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt liquors or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said license issued by the treasurer The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final]

Any licensee whose license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of five years from the date his license was revoked]

Upon the Petition of the Attorney General the District Attorney of any County or in the case of a Retail Dispenser's license or a Package Retail license upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the Board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of beverages or relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act In all cases where the Board shall suspend or revoke a license it shall set forth its Finding of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of license issued under this Act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such Appeal shall be upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the Petition by the Court after ten days notice to the Board which shall be represented in the proceedings by the Department of Justice The court shall review the testimony submitted to the board after the consideration of which the Court shall either sustain the suspension or revocation of the license modify or reverse the order of the Board in all such cases of Appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such Appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final In no case shall an Appeal from the action of the Board in either suspending or revoking a license act as a supersedeas

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The [treasurer] board is hereby authorized to transfer any [distributor's or retailer's malt liquor] license from one person to another or from one place to another or both within the same municipality or township as the [treasurer] board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally [Any such transfer of a license may be made at any time] or to a place as to which a license has been revoked within one year of the date of application Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the Board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the Board From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action or shall have a Recciver appointed by any Court whether by voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the Board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license In all such cases the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fees Applications for any such transfer shall be filed [in the office of the county treasurer at least one week before the transfer is

made] with the board at the time to be fixed by the board

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except [a fee of ten dollars to be paid to the treasurer for the use of the county] the requisite filing fee to be fixed by the board

Section 16 Renewal of Licenses [Renewals of licenses shall be granted annually by the treasurer upon the filing of an application as hereinbefore provided and the payment of a fee of ten dollars for the use of the county and the payment of the license fee and the filing of a bond as in the case of an original license]

Applicants for renewal of licenses shall be filed annually by the holders thereof with the Board at least two months prior to the beginning of the license year applicable to such license Unless within one month of the date of filing of such application for renewal the Applicant shall have been notified by the Board of objections to the granting thereof filed by persons authorized so to do upon the payment of the requisite filing fee the payment of the license fee and the filing of a Bond as in the case of an original application for license the Board shall grant such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file Petitions for the revocation or suspension of licenses as provided in Section Thirteen hereof

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor or retailer of either class or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed and with sufficient sureties either personal or a surety company authorized to do business in this Commonwealth Such bonds shall not be accepted until approved by the [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies] board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the [sale of beverages or relating to] the manufacture sale possession or transportation of malt or brewed beverages [of] or alcohol or any other alcoholic beverages [Such] All bonds shall be filed with and retained by the board [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies The penal sums of such bonds filed by a distributor or retailer shall be one thousand dollars for each place at which the licensee is authorized to sell beverages The penal sums of such bonds filed by railroad pullman or steamship companies shall be one thousand dollars irrespective of the number of licensed cars or ships operated by such companies] The penal sum of Bonds filed by the Manufacturers shall be Ten Thousand ($10,000.00) Dollars for each place at which the licensee is authorized to manufacture The penal sum of Bonds filed by Distributors shall be one thousand ($1,000.00) dollars for each place which the licensee is authorized to maintain The penal sum of bonds filed by all other licensees shall be one thousand ($1,000.00) dollars for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand ($1,000.00) dollars irrespective of the number of licensed cars or ships operated by such companies Every such bond shall be turned over to the [district attorney or the] Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked as herein provided

Section 19 License Fees Distribution of Revenue No license shall be issued to any manufacturer distributor or [retailer] retail disperser or package retailer until the licensee shall have first paid an annual license fee for such grant as follows

[(a) In the case of a distributor the license fee shall be graduated according to the population of the municipality or township in which the place of business is located and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants thirty-seven dollars and fifty cents

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants fifty dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants seventy-five dollars]

[IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants one hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants one hundred and twenty-five dollars

VI In those having a population of one hundred fifty thousand and more one hundred fifty dollars

(b) In the case of a retailer the license fee shall be graduated according to the population of the municipal unit in which the place of business is located as follows and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants seventy-five dollars]

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants one hundred dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants one hundred and fifty dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants two hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants two hundred and fifty dollars

VI In those having a population of one hundred fifty thousand and more three hundred dollars]

[(c) In the case of an incorporated club the fee shall be twenty-five dollars in all cases

(d) In the case of a public service license for the sale of malt liquors in dining club and buffet cars the fee shall be ten dollars for each car on which malt liquors are sold and shall be paid to the State Treasurer through the Department of Revenue

(e) In the case of a public service license for the sale of malt liquors on a boat or vessel the fee shall be fifty dollars for each such vessel or boat which shall be paid to the State Treasurer through the Department of Revenue

(f) The fees for distributor retail and public service company malt liquor licenses when applied for and issued on or after

September first but prior to December first shall be three-fourths of the annual fee

December first but prior to March first of the succeeding year shall be one-half of the annual fee

March first but prior to June first one-fourth of the annual fee]

[The license fees fixed by this section shall be paid before the license or renewal is issued

The fees for distributors' and retailers' malt liquor licenses shall be paid by the treasurer to the municipalities and townships in which the licensed places are located for the use of such municipalities and townships The fees for public service malt liquor licenses shall be for the use of the Commonwealth]

[Remittances shall be made by the treasurer to municipalities and townships within thirty days of the receipt of any license fee]

(a) In the case of a Manufacturer the license fee shall be One Thousand ($1,000.00) dollars for each place of manufacture and sall be paid to the Board

(b) In the case of a Distributor the license fee shall be six hundred ($600.00) Dollars and shall be paid to the Board

(c) In the case of a Retail Dispenser and Package Retailer the license fee shall be graduated according to the population of the Municipal unit or township in which the place of business is located and shall be paid to the Board as follows

	Retail Dispenser	Package Retailer
(a) Less than 10,000	$100	$50
(b) 10,000 and more but less than 50,000	150	75
(c) 50,000 and more but less than 100,000	200	100
(d) 100,000 and more but less than 150,000	250	125
(e) 150,000 and more	300	150

(d) In the case of an incorporated Club the fee shall be Twenty-five Dollars in all cases and shall be paid to the Board

(e) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(f) In the case of a Public Service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

(g) The fee for filing applications for license and for renewals shall be ten dollars which together with fees fixed by the board for transfers shall be paid to the board

(h) The license fees fixed by this Section shall be paid before the license or renewal is issued

(i) The fees for Manufacturers Distributors Public Service Retail Dispensers and Package Retail licenses and all filing fees shall be transmitted to the State Treasurer by the Board The fees for manufacturers distributors and public service licenses and filing fees shall be paid unto the State Stores Fund Fees paid for Retail Dispensers and Package Retailers licenses shall be paid by the Treasurer of the Commonwealth into the Liquor License Fund for the use of Municipalities and Townships in which the licensed places are located and shall be paid over to such municipalities and townships at the same time as other moneys in the Liquor License Fund

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt [liquors] or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt [liquors] or brewed beverages in other than original containers nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate any place or places other than the place or places covered by [him] his or its [permit] license where malt [liquors] or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors No distributor shall purchase receive or resell any malt [liquors] or brewed beverages except in the original containers as prepared for the market by the manufacturer No distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided that no malt [liquors] or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or in any place provided for such purpose by such distributor

Section 22 Sales by Retailers (a) No retailer shall purchase or receive any malt [liquors] or brewed beverages except in original containers [and thereafter may] as prepared for the market by the manufacturer The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for [use and] consumption [only however in and upon the premises so licensed Provided That such retailer may sell such malt liquors in the original containers to be carried from the premises by the purchaser thereof] on or off the premises so licensed Provided however that no retail dispenser may sell brewed or malt beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises And provided further That no club licensee may sell any beverages for consumption off the premises where sold

(b) No package retailer shall purchase or receive any malt or brewed beverages except in original containers as packaged for the market by the manufacturer Thereafter he may sell or dispense the same only in original containers to be carried from the premises by the purchaser thereof and not to be consumed upon the premises of the package retailer or in any place provided for such purpose by such package retailer No package retailer may sell to a single customer in a single sale more than seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises

No retailer shall [maintain] [any bar at which malt liquors are served to customers or] sell any malt [liquors] or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times visible and accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit [the sale of malt liquors at a lunch counter with seats or chairs permanently fastened thereto if such counter is in an eating place as herein defined A retailer licensed to sell] a retail licensee from selling malt [liquors] or brewed beverages in a hotel or club house [may however sell and deliver such malt liquors] in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

Section 23 Unlawful [Sales] Acts It shall be unlawful [for any licensee or his or its servants agents or employes

(a) To sell trade or barter in malt liquors beteween the hours of twelve o'clock midnight of any Saturday and six o'clock in the forenoon of the following Monday

(b) To sell furnish or give any malt liquors to any person visibly intoxicated or to any insane person or to any minor

(c) To sell furnish or give any malt liquors to any person on any day on which a general municipal special or primary election is bein held

(d) In the case of retailers to sell or offer to sell any malt liquors for consumption on the premises where sold to any person on credit excepting credits extended by a hotel or club to a bona fide registered guest or member No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause

(e) To sell offer to sell or furnish any malt liquor to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for malt liquors

(f) To hawk or peddle any malt liquors in this Commonwealth

(g) To manufacture import sell trade or barter in any spirituous vinous or other alcoholic liquors except malt liquors]

(a) For any manufacturer or distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday

(b) For any package retailer or retail dispenser except clubs or the servants agents or employees of such licensees except clubs to sell trade or barter in beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante meridian of any day

(c) For any licensee to sell furnish or give any beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(d) For any licensee except a club to sell furnish or give any malt or brewed beverages to any person until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(e) For any licensee to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a Hotel or Club to bona fide registered guests or members No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned

by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the Manufacturer Distributor or other Vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the beverages so sold are actually transported and delivered to points outside of the Commonwealth

(f) For any licensee to sell offer to sell or furnish any beverage to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(g) For any licensee except a manufacturer on his own premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part to advertise on the outside of any licensed premises any beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage

(h) For any manufacturer or distributor to give furnish or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular beverage or the manufacturer producer or place of manufacture or production of any beverage unless the size of such sign shall be no larger than two hundred seventy square inches and the actual value thereof shall not exceed ten dollars

(i) For any licensee to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the Manufacturer or place of production of the said beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(j) For any retail dispenser to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing appartus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing aparatus

(k) For any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such beverage was produced This clause shall not be construed to prohibit a manufacturer from desigating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another State or territory when the laws of such State or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(l) For any retail licensees except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any Retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The Board shall have power to provide for the issue of such special permits and to fix the fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(m) For any "Distributor" on the licensed premises to engage in any other business whatsoever except the business of distributing malt or brewed beverages or nonintoxicating beverages

(n) For any Distributor Retail Dispenser or Package Retailer to have in his possession on any licensed premises or to permit the storage on the licensed premises of any spiritous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

(o) For any licensee to manufacture import sell trade or barter in any spiritous vinous or other alcoholic liquors or alcohol except Malt or Brewed beverages

(p) For any licensee to issue publish or post or cause to be issued published or posted any advertisement of a malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brgewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(q) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or pricipals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

(r) For any licensee to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

(s) For any licensee to offer pay make or allow or for any licensee to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages manufactured or sold by the licensee

(t) For any licensee to fail to keep for a period of at least two years complete and truthful records covering the operation of his license and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(u) For any licensee to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(v) For any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

Section 24 Things of Value Not to Be Offered [for the Return of Certain Articles] It shall be unlawful for any person licensed to sell malt [liquors] or brewed beverages to offer or give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt [liquors] or brewed beverages or to offer or give anything of value as a premium or present to induce the purchase of such malt [liquors] or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt [Liquors] or brewed beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt [liquors] or brewed beverages from that as originally marketed by the manufacturer

Section 26 Transportation in Original Packages It shall be unlawful for any licensee or transporter for hire to transport any malt [liquors] or brewed beverages except in the original containers

Section 27 Delivery Vehicles to Bear Name and Ad-

dress of Distributor or Manufacturer It shall be unlawful for a manufacturer or distributor to deliver any malt [liquors] or brewed beverages excepting in vehicles bearing the name and address and license number of such distributor or manufacturer painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor [or retailer] retail dispenser or package retailer or an officer director or stockholder or creditor of any distributor [or of any retailer] retail dispenser or package retailer nor except as hereinafter provided be the owner proprietor or lessor of any place covered [by] directly or indirectly by any [malt liquor distributor or malt liquor retail] distributor's retail dispensers or package retailer's license or liquor license

(b) No distributor and no officer or director of any distributor shall at the same time be a manufacturer or retailer or be an officer director stockholder or creditor of a manufacturer or retailer or be the owner proprietor or lessor of any place covered by any other [malt] [liquor] malt or brewed beverage or liquor [retail] license

(c) No manufacturer or distributor or retailer licensed under this act shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this or any other act

(d) Excepting as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage lien against the same for which a [malt liquor retail] liquor retail dispensers or package retailers license is granted nor shall a manufacturer or distributor either directly or indirectly lend any moneys credit or equivalent thereof to any retailer in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business [where malt liquors are licensed for sale and consumption upon the premises excepting only the usual and customary commercial credits for malt liquors sold and delivered] operated under a liquor retail dispenser's or package retailer's license excepting only the usual and customary credits allowed for returning packages or containers in which malt or brewed beverages were packaged for market by the manufacturer

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or mortgage lien against the same for which a [malt liquor distributor] distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to any distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt [liquors] or brewed beverages are licensed for sale by a distributor excepting only the usual [and customary commercial credits for malt liquors sold and delivered] credits allowed for the return of packages or containers in which malt or brewed beverages were originally packaged for the market by the manufacturer

(f) "No Distributor Retail Dispenser or Package Retailer shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a retail distributors dispensers or package retailers license excepting only the usual and customary credits allowed for the return of packages or containers in which malt or brewed beverages were packaged for the market by the Manufacturer"

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest [until January first one thousand nine hundred and thirty-six by a manufacturer of any place occupied by a distributor or retailer if the manufacturer has continuously owned or had a conflicting interest in such place for a period of at least three years prior to the effective date of this act] by a manufacturer of any place occupied by a distributor retail dispenser or package retailer after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this Act

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt [liquor] or brewed beverages outside of this Commonwealth

Section 29 Penalty (a) Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine not exceeding five hundred dollars ($500) Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed shall upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction be sentenced to imprisonment for a term not less than six months or more than one year

(b) Upon proof being made that any licensee under this Act has violated any of the provisions of this Act the Board may in its discretion revoke or suspend any license issued by it to any such licensee The right of the Board to suspend or revoke rights as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this Section

Section 30 [Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein]

Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as

aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 31 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of any municipal election to determine the will of the electors with respect to the granting of licenses to [retailers of malt liquors] retail dispensers under the provisions of this act Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses the said corporate authorities shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt [liquor] and brewed beverage retail licenses for consumption on premises where sold in the of	Yes	
	No	

If a majority of the persons voting on such question vote "yes" then malt [liquor] and brewed beverage retail licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any [malt liquor retail] retail dispenser's licenses in such municipality or township under the provisions of this act

No [retail malt liquor] such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P L 252) and its amendments voted prior to the adoption of this amendment against the granting of retail beverage licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 32A Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 32B All licenses issued to distributors retailers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of June one thousand nine hundred and thirty-five All permits heretofore issued for the manufacture and sale of malt or brewed beverages or malt liquors under any other law of this Commonwealth shall be valid for the license year for which issued In the event the board is unable to carry into effect the provisions of this act as reenacted and amended prior to the expiration of existing licenses then the board shall have power to extend existing distributor's and retailers licenses for such period of time as to it may appear proper and provide for the payment of license fees for such period on the schedule of fees provided in this act But the Board shall have power to terminate such extensions in any licensing district at any time when arrangements have been completed and licenses issued to distributors retail dispensers and package retailers for a full license year in accordance with this act as reenected and amended

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for further consideration and amendment.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker, I move to amend the motion by adding the words "public hearing."

On the question,

Will the House agree to the motion to amend?

Mr. EBERHARTER. Mr. Speaker and members of the House, I do not think it necessary to have a public hearing on this measure. The Committee on Law and Order has been in conference with the different organizations representing all of the interests that are concerned with liquor legislation in a business way. We have also been in consultation with organizations representing churches and other kinds of fraternal organizations of every sort. We feel that we know what the public sentiment is in regard to this measure. The measure has been amended several times. We also have other amendments in line with the suggestions that were made to us by different organizations and different business representatives.

We feel that the amendment of Mr. Sowers for a public hearing is unnecessary. We do not have the time for a public hearing on this particular measure. I ask that the amendment to my motion be voted down.

Mr. SOWERS. Mr. Speaker, and members of the House, the House Bill before you and the following one are liquor bills that have been referred to the Law and Order Committee. Many persons have asked for a public hearing on those two bills. From time to time they have told that public hearings would be granted, but from the early part of this session to the present time no real public hearing has been held on those bills. Saturday I received a request from a number of interests interested in the bill asking that they be heard, and I ask in fairness to the public that a public hearing be had on these two important bills, and if additional information and some other line of thought can be given to us, we should have the benefit of them, and I ask the House to vote for the amendment to the motion.

Mr. EBERHARTER. Mr. Speaker and members of the House, the members of the Law and Order Committee have just had word that the Senate is very anxious to have this bill over in the Senate for their consideration. Time, we understand is getting short. We believe, and we have reason to believe, that the Senate will grant

a public hearing on the bill. If this House grants a public hearing on the bill, it will just be a repetition. I again ask the members of the House to vote down the amendment of Mr. Sowers.

Mr. BLUMBERG. Mr. Speaker and members of the House, while I am not a member of the Committee on Law and Order, I am one of the joint sponsors of the following bill, No. 2437, which, together with the present bill, form the amendments to the Liquor Control Board Acts. We have been working diligently and industriously. We have been in conference with various interests of the state, as Mr. Eberharter has informed you. However, today we received quite a number of requests for a public hearing. I believe that in the interest of time alone that we ought to grant these various demands for a public hearing. I have just spoken to Mr. Sowers and he says that such a hearing can be held on Wednesday of this week. If this bill goes back to committee and is amended in committee tomorrow, it cannot possibly reach third reading until next Monday night, so that there is no loss of time in granting these people the right which they now ask. I believe that if we grant these public hearings we will save time not only in this House but when the bills reach the Senate. These bills are strictly nonpartisan. You will notice that there are two Republicans and two Democrats as joint sponsors of these bills, in a strictly nonpartisan fashion.

I ask the members of the House to accept the amendment of Mr. Sowers to Mr. Eberharter's motion so that these bills may be recommitted for the purpose of amendment and a public hearing to be held on Wednesday of this week.

On the question recurring,
Will the House agree to the motion to amend?
It was agreed to.
On the question,
Will the House agree to the motion as amended?
It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1,933 1,934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions n such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1,933 1,934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby reenacted and amended to read as follows

An act to regulate and restrain the sale manufacture possession importation and use of alcohol and certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties

ARTICLE I

SHORT TITLE AND PRELIMINARY PROVISIONS

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or convenience which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse

"Corporation" shall mean a corporation or jointstock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accommodating at least forty persons at one time

and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures which contain more than one-half of one per cent of alcohol by volume except alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor and malt or brewed beverages in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor and malt or brewed beverages as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least forty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor or malt or brewed beverages for a consideration and any gift in connection with or as a part of a transfer of property other than liquor or malt or brewed beverages for a consideration

Section 3 Interpretation of Act (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health pace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor which take place wholly within the Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

GENERAL POWERS AND DUTIES OF PENNSYLVANIA LIQUOR CONTROL BOARD

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use and delivery of liquor in accordance with the provisions of this act

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant issue suspend and revoke liquor licenses as provided in this act

(e) To lease through the Department of Property and Supplies as agent and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest except in private homes on view without warrant any person actually engaged in the manufacture or transportation of or having illegal possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power to seize and confiscate without warrant or process except in private homes any liquor alcohol and malt or brewed beverages so illegally possessed manufactured or transported and any stills equipment materials utensils vehicles boats vessels aircraft or any of them which are being used in the manufacture of transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels or aircraft so seized or confiscated shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages to be used for containing liquor or malt or brewed beverages kept or sold under this act

(h) Without in any way limiting or being limited by the foregoing to do all such things as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the boards subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and yithout limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor is kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase of liquor and its supply to Pennsylvania Liq-

(d) The classes varieties and brands of liquor to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor kept for sale by the board under this act

(f) The sealing and labeling of liquor sold under this act and of liquor lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses to hotels restaurants clubs an railroad pullman or steamship companies and the conduct management and equipment of licensed places

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

ARTICLE III

PENNSYLVANIA LIQUOR STORES

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertiement in at least two newspapers of general circulation If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel No officer or employe shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him- or her-self and that no application blank shall require the color of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them When there are positions to be filled examinations shall be held at least twice in each year The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examination shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been establshed The examination papers of such candidates shall be marked by committees composed of representatives of the Department and of persons not employed by the Commonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by the department and each committee shall consist of three persons The selections made by the presidents of State aided colleges and universities shall be submitted to the department in writing by each such president and the department shall designate committee members from the lists so submitted in rotation

All offices places and employment in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on The list of eligibles in any district shall be valid only until the next examination is held in such district

Secton 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held [from nine A M to nine P M] during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours or less than seven hours in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board of chemists The Board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor purchases from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the bank dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the Board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor to be consumed on the store premises nor shall any person consume any liquor on such premises

Every purchaser of liquor from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the Board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

LICENSES AND PERMITS

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt liquor to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by an application fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every Club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute and seeks a license for a hotel restaurant or club as defined in this act the board shall grant and issue to the applicant a liquor license [entitling him to purchase liquor from a Pennsylvania Liquor Store and in that part of the hotel restaurant or club set out in the license to sell by open bottle glass or other container or in any mixture the liquor so purchased and also malt liquor to the patrons guests or members for consumption in that part of the hotel or restaurant habitually used for the serving of meals to patrons guests or members or in private rooms of the building as hereinafter provided and in accordance with the provisions of this act and the regulations made thereunder] The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residental district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed at the time of the final enactment of this act for the sale of liquors and malt liquors

Section 404 Appeals from Refusal of Board to Issue

Licenses Any person aggrieved by the refusal of the board to issue a hotel restaurant or club liquor license may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board a surety bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company or not less nor more than two individuals each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2,000) or more to be approved by the board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be [sued out] collected if and when the licensee's license shall have been revoked as provided in this act

Section 407 License Fees (a) Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00)

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred forty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred forty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall before receiving such license pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

[(c) The fees for hotel restaurant or club licenses when applied for and issued on or after

April first but prior to July first shall be three-fourths or the annual fee]

[July first but prior to October first shall be one-half of the annual fee

October first but prior to January first one-fourth of the annual fee]

[(d)] (c) All license fees authorized under this section shall be collected by the board for the use of the municipalities [except] or townships [of the second class] in which such fees were collected [License fees for liquor licenses issued to hotels restaurants or clubs located in townships of the second class shall be collected by the board for the use of the school districts coextensive with such townships]

Section 408 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within th esame municipality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses

(b) [at least one week] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year except a fee of [twenty dollars ($20.00)] fifty dollars ($50.00) to be paid to the board for the use of the Commonwealth

Section 409 License Year Renewal of Licenses [(a) Unless previously revoked every license issued by the board under this act shall expire and terminate on the thirty-first day of December in the year for which the license is issued]

[(b) Licenses issued under the provisions of this act shall be renewed annually upon the filing of applications in such form as the board shall prescribe but no license] (a) The Board shall by regulation divide the State into convenient License Districts and shall hold hearings on such applications as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board shall by regulation fix the License year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not therafter as provided in board regulations Unless the applicant shall have been formally notified by the Board of objections to the renewal of his license based upon violation by the licensee of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture transportation use storage importation possession or sale of liquors or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute the license of a licensee shall be renewed [until] when the applicant shall file with the board a new surety bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License [After a license has been issued to a hotel restaurant or club under this act the Attorney General the district attorney or fifteen or more taxpayers residents of the municipality where the hotel restaurant or club is located may petition the court of quarter sessions of the proper county for the revocation of such license If after notice and hearing it shall appear to the court that the licensee has violated any law of this Commonwealth or regulation of the board relating to liquor malt liquor or alcohol the court may suspend or revoke the license The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final]

[Any licensee whose license is revoked shall be inelligible to have a license or permit under this act or under any other act relating to the manufacture sale or distribution of liquor or malt liquor until the expiration of five years from the date his license was revoked]

After a license has been issued under the provisions of this Act upon the petition of the Attorney General the District Attorney of any County or upon the Petition of fifteen or more tax payers residents of the Ward Bor-

ough or Township where the place of business is located or upon it own motion the board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act when a license is revoked the licensee's bond shall be forfeited In all cases where the Board shall suspend or revoke a license it shall set forth its Findings of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt liquor until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any licensee aggrieved by the suspension or revocation of any license issued under this Act may appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such appeal shall be taken within fifteen days from the date of revocation or suspension upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the petition by the Court after ten days notice to the board which shall be represented in the proceeding by the Department of Justice After a review of the testimony submitted to the board and consideration thereof the court shall either sustain the suspension or revocation of the license modify the order of the Board or reverse the action of the board In all such cases of appeal the court of quarter sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the court of quarter sessions was properly based upon the evidence The action of the Superior Court shall be final In no case shall an appeal from the action of the board in either suspending or revoking a license act as a supersedeas

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests or patrons and in the case of botels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

[A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members]

[Liquor may be sold by licensees other than clubs only after seven o'clock ante meridian of any weekday and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municipal special or primary election is being held]

(c) Club licensees selling to members only may sell at any time regardless of day or hour All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following day and shall not sell on Sunday after two o'clock ante meridian or on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 412 Sale of Malt Liquor Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt liquor at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person [It shall not be necessary for such licensees to obtain malt liquor retail licenses under the provisions of the Malt Liquor License Law] no licensee under this act shall be at the same time hold any other license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt liquor to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt liquor to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licenses shall file monthly reports with the board showing the maximum number of cars operated in any one day duringthe preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of manadamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each [dining club or buffet car for which a license is desired] of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00) [The board shall collect a proportionate license fee for such licenses issued during a license year in such proportions as elsewhere provided in this act in the case of hotels restaurants or club liquor licenses]

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued and in the case of licenses hereafter issued on the last day of the license year fied for the district in which issued Licenses issued under the provisions of this section shall be renewed annually as herein provided pon the filing of applications in such form as the board shall prescribe but no license shall be

renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt liquor by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses The board may upon application grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be five hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of five thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to the distribution sale and use of liquor

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or habbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchases from such licensees under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importer's Licenses The board may upon application grant to responsible persons of good reputation importers' licenses Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries and insular possessions of the United States to be sold outside of this Commonwealth and exclusively to Pennsylvania Liquor Stores within this Commonwealth

The fee for such licenses shall be one thousand dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to the distribution sale and use of liquor malt or brewed beverages alcohol or other alcoholic beverages Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages

ARTICLE V

LOCAL OPTION

Section 501 Local Option Areas Authorized In any municipality an election may be held but no oftener than once in four years on the date of any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality

Section 502 Petition of Electors for Local Option Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes	
	No	

If a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place in any local option area where the electors have voted against such sales but the sale of malt liquors by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

ILLEGAL ACTS PENALTIES FORFEITURES

Section 601 Restrictions on Sales by Manufacturers or Licensed Importers It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine permit but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

Section 602 Sale by Persons Other Than Manufacturers (a) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmapopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess any liquor within the Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store But nothing herein contained shall prohibit the possession of liquor purchased from a licensee in accordance with this act or prohibit the possession of wine manufactured by any person in his home

for consumption of himself his family and guests and not for sale not exceeding during any one year two hundred and fifty gallons Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

(c) Except as provided in this act it shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor from any person or source other than a Pennsylvania Liquor Store or a licensee as provided in this act

(d) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine permit to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board but nothing contained shall prohibit the possession of wine as provided in clause (b) of this section

(e) It shall be unlawful for any licensee or the board or any employe of such licensee or of the board to sell furnish or give any liquor or to permit any liquor to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(f) It shall be unlawful for any licensee to sell or offer to sell or purchase or receive any liquor [to any person on credit] or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchased as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or beverages so sold are actually transported and delivered to points outside of the Commonwealth

(g) It shall be unlawful for any licensee or the board or any employe or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

(h) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

(i) It shall be unlawful for any licensee except a Manufacturer on his own premises to advertise in any manner whatsoever on the outside of any licensed premises any liquor or malt or brewed beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages All outside advertisements of liquor or malt or brewed beverages erected prior to or maintained on the effective date of this act in violation of this section shall be removed from licensed premises within thirty days after such date

(j) It shall be unlawful for any manufacturer or licensee to give furnish lease or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture of any liquor or malt or brewed beverages unless the size of such advertising matter shall be no larger than two hundred and seventy square inches and the actual value thereof shall not exceed ten dollars ($10)

(k) It shall be unlawful for any licensee to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(l) It shall be unlawful for any licensee to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(m) It shall be unlawful for any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(n) It shall be unlawful for any licensee except club licensees to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to fix the fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(o) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic streingth of the malt or brewed beverage manufactured sold or distributed by cuch licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which wold lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause (p) It shall be unlawful for any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board

Section 604 Things of Value Not to be Offered [for the Return of Certain Articles] It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverage or to offer or give anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or to offer or give any prize premium gift or other similar inducement except advertising novel-

ties of nominal value which the board shall define to either trade or consumer provided however that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of Manufacturer It shall be unlawful for a manufacturer to deliver any liquor except in his own vehicles bearing his name and address on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine permit or of an importer's license to import any liquor whatsoever into this Commonwealth but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) A manager or employe of the board or any employe of the Commonwealth shall not solicit or receive directly or indirectly any commission renumeration or gift whatsoever from any person having sold selling or offering liquor for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor to or purchasing liquor from the board either directly or indirectly to pay or offer to pay any commission profit or renumeration or to make or offer to make any gift to any member or employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances (a) Any room house building boat vehicle structure or place where liquor is possessed sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties hereinafter provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as hereinbefore provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a hotel or restaurant license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or the equivalent thereof to any hotel or restaurant for equipping fitting out or maintaining and conducting either in whole or in part a hotel or restaurant licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as hereinbefore provided no hotel licensee restaurant licensee or club licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor nor shall any hotel restaurant or club licensee either directly or indirectly lend any moneys credit or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained n this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this act

Section 610 Penalties (a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00) and on failure to pay such fine to imprisonment for not less than six months nor more than one year and for any subsequent offense shall be sentenced to pay a fine of one thousand dollars ($1,000.00) and to undergo imprisonment for a period of not less than one year nor more than two years

(b) The right of the board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel or airsraft illegally used in the manufacture or transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that

any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act or any other law of the Commonwealth the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the same or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle boat vessel or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels and aircraft) publicly destroyed by the sheriff except that the court may order the same or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel or aircraft seized under the provisions of this act and condemned the court shall order a public sale thereof by the sheriff of the county Notice of such sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias The proceeds of such sale shall be paid to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgage or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall given ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

(c) In addition to the foregoing provisions the court shall in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had or order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation Provided That a license may be issued for such motor vehicle after the public sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property the destruction or sale of which is provided for in subsection (2) and (3) of clause (b) of this section shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or citizen containing the following (1) a description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possession or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold or destroyed (as the case may be) according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such property shall have been seized once a week for three (3) successive weeks Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than twenty-one (21) days from the date of the first publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property or the holder of a chattel mortgage or conduct of conditional sale thereon (II) that he lawfully acquired the same (III) that it was not unlawfully used or possessed by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of additional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft was lawfully acquired possessed and used by him or if it appearing that the property was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be destroyed or sold (as the case may be) as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act

ARTICLE VII

DISPOSITION OF MONEYS

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers' licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine and importers' licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities [except] and townships [of the second class] in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period [On the] [above dates in each year the board shall pay to the respective school districts coextensive with townships of the second class the license fees collected by it during the period immediately preceding the date of paymeent for licenses issueed to hotels restaurants or clubs located in townships of the second class]

Section 702 Application Fees and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All application fees and moneys accruing from sales of liquor at Pennsylvania Liquor Stores and all [fines penalties and] forfeitures collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801 Effective Date This [act] amendment and re-enactment shall become effective immediately upon its [passage and approval by the Governor except that nothing herein contained shall authorize the sale of any liquor prior to the day when the Twenty-first Amendment to the Constitution of the United States is ratified by conventions in at least three-fourths of the several states and except that the provisions of this act forbidding the importation of liquor except by Pennsylvania Liquor Stores and purchases not for consumption on the premises except from Pennsylvania Liquor Stores shall not become effective until the first day of January one thousand nine hundred and thirty-four]

[Prior to January first one thousand nine hundred and thirty-four holders of manufacturers' permits heretofore issued by the Pennsylvania Alcohol Permit Board may sell liquor not for consumption on the premises otherwise than to Pennsylvania Liquor Stores and holders of liquor licenses issued by the board may buy liquor otherwise than from Pennsylvania Liquor Stores and sell it not for consumption on the premises as well as for consumption on the premises but they shall keep such records and make such reports of sales not for consumption on the premises as may be required by the board for the use of the Department of Revenue]

[The provisions of section four hundred seven clause (c) shall not be effective until January first one thousand nine hundred and thirty-four

For all licenses and permits issued during the year one thousand nine hundred and thirty-three the full annual license or permit fee shall be charged but such licenses and permits shall be valid until midnight of the thirty-first day of December one thousand nine hundred and thirty-four unless sooner revoked as provided in this act And all bonds filed with the board in connection with the issuance of such licenses and permits shall cover the period ending December thirty-first one thousand nine hundred and thirty-four] final enactment

Section 802 Repeal The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws" and all other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SOWERS. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study, amendment and public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1342 as follows:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent providing the nature of public liability policy which may be used as such proof providing for the regulation of the risk classifications underwriting rules premiums rates and schedule or merit rating plans of insurance companies issuing such policies providing penalties and repealing all inconsistent acts and parts of acts

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title

This act shall be known and may be cited as "The Compulsory Motor Vehicle Financial Responsibility Act"

Section 2 Definitions

Except as otherwise expressly indicated the following words wherever used in this act shall be taken and construed to have the following meanings

(a) "Motor vehicle" means every device defined as a motor vehicle or as a trailer by The Vehicle Code and by any amendment or supplement thereto

(b) "Ways of the Commonwealth" means all highways generally open to the public and all private ways while open to the public

(c) "Owner" means an individual or individuals a partnership a corporation or an association owning a motor vehicle

(d) "Action" means an action for personal injuries or death arising out of the ownership operation or use of a motor vehicle on the ways of the Commonwealth

(e) "Person" includes a partnership a corporation or an association

(f) The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 No Registration Unless Certificate of Financial Responsibility

No motor vehicle unless owned by the Commonwealth

or by a political sub-division thereof shall be registered as required by The Vehicle Code or by any amendment or supplement thereto unless the application for registration is accompanied by a certificate of financial responsibility as hereinafter defined

Section 4 Certificate of Financial Responsibility

A certificate of financial responsibility shall be in a form approved by the Secretary of Revenue and shall consist of (a) the certificate of an insurance company authorized by the Commonwealth to issue liability policies as hereinafter defined stating that it has issued to the owner of the motor vehicle sought to be registered a liability policy or a binder covering that motor vehicle and running at least as long as the registration applied for or (b) the certificate of the Secretary of Revenue that such owner has deposited with him cash or securities as hereinafter provided in section nine or (c) the certificate of the Secretary of Labor and Industry that such owner is wholly exempt from insuring his liability under the workmen's compensation laws

Section 5 Definition of Liability Policy

A liability policy as used in ths act means a policy of damages to others for bodily injuries including death at insurance against loss by reason of the liability to pay any time resulting therefrom or consequential damages consisting of expenses for medical nursing hospital or surgical services incurred in connection with or on account of such bodily injuries or death by any person properly chargeable with or actually furnishing support to the injured person at the time of the injury arising out of the ownership operation or use of any motor vehicle on the ways of the Commonwealth It shall provide indemnity for and protection to the insured and to any person responsible for the operation of the insured's motor vehicle with his express or implied consent against the hazards described above It shall provide indemnity to the amount or limit of at least one thousand dollars on account of injury to or death of any one person and subject to such limit as respects injury to or death of any one person of at least two thousand dollars on account of any one accident resulting in injury to or death of more than one person the policy shall not be required to provide indemnity on account of injury to or death of any person employed by the insured or by any other person responsible as above stated if payments or benefits under any workmen's compensation law shall be payable on account of such injury or death

Section 6 Contents of Liability Policy

Every liability policy shall contain substantially the following provisions but may contain additional provisions giving greater protection to the insured or to the injured or to both

(a) Liability of Insurer Fixed When Damage Done liability of the insurer shall become fixed whenever the loss or damage for which the insured is responsible occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the company to make payment on account of said loss or damage No such liability policy shall be cancelled or annulled by any agreement between the company and the insured after the insured has become responsible for such loss or damage and any such cancellation or annulment shall be void

(b) Direct Recovery Upon the recovery of a final judgment for any loss or damage which was indemnified against by a liability policy at the time of the accrual of the cause of action the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of such judgment

(c) Acts of Insured Not to Void Policy No statement made by the insured or on his behalf either in securing the policy or in securing registration of the motor vehicle covered thereby no violation of the terms of the policy and no act or default of the insured either before or after the issuing of the policy shall defeat or void the policy so as to bar recovery by a judgment creditor within the limits provided in the policy However the company shall not be liable on a judgment for loss or damage action against the insured or if the judgment has been notice and an opportunity to appear and to defend the covered by the policy if the company has not had prompt obtained because the insured has refused to cooperate with the company in defending the action

(d) Policy Covers Legal Representatives of Insured If the death insolvency or bankruptcy of the insured shall occur within the policy period the policy during the unexpired portion of such period shall cover the legal representatives of the insured

(e) Cancellation Either the company or the insured may cancel the policy by giving to the other written notice fifteen days before the intended effective date of cancellation If the insured shall cancel the policy and if he has paid the premium on the policy to the company or to its agent who issued the policy or to the duly licensed insurance broker if any by whom the policy was negotiated he shall be entitled to receive a return premium after deducting the customary monthly short rates for the time the policy shall have been in force If the company shall cancel the policy the insured shall if he has paid the premium as aforesaid be entitled to receive a return premium calculated on a pro rata basis After receiving a notice of cancellation by the company the insured may terminate the policy immediately by filing a new certificate of financial responsibility in which event the return premium shall be calculated as of the date of such filing

(f) Return Premium if Company Ceases Business If the company shall cease for any reason to be authorized to transact business in the commonwealth the insured shall if he has paid the premium as aforesaid be entitled to a return premium calculated on a pro rata basis as of the date of such cessation

(g) Policy Application and Rider Form Entire Contract The policy the written application therefor if any and any rider or endorsement which shall not conflict with the provisions of law shall constitute the entire contract between the parties

Section 7 Rights and Liabilities Under Binders

If an insurance company shall issue a binder pending the issuing of a formal liability policy the provisions of the preceding section shall apply to such a binder exexpressly stated therein but may be incorporated by cept that paragraphs (a) to (g) inclusive need not be reference in a manner approved by the Secretary of Revenue

Section 8 Authorized Companies

The Insurance Commissioner shall on or before September first one thousand nine hundred thirty-six and from time to time thereafter notify the Secretary of Revenue of the names of all companies as they become or cease to be authorized to issue liability policies

Section 9 Deposits of Cash or Securities

(a) In lieu of obtaining a liability policy an applicant for registration may deposit with the Secretary of Revenue for each motor vehicle sought to be registered cash or direct obligations of the United States or both of the aggregate face value of twenty-five hundred dollars

(b) The Secretary of Revenue shall require a similar additional deposit for each accident in respect to which an action is brought against the depositor or against any person operating or using his motor vehicles with his express or implied consent

(c) The Secretary of Revenue shall place any cash so deposited with him in a special deposit account with a bank or a trust company in which he shall be authorized by law to deposit official funds The depositor of securities shall be entitled to the income from such securities until they shall be returned to him or attached to satisfy a judgment as hereinafter provided

(d) The deposit shall be returned to the depositor when he shall file for the same motor vehicle a certificate of an insurance company or of the Secretary of Labor and Industry as above provided or on the expiration of the registration of the motor vehicle with respect to which the deposit was made if the Secretary of Revenue shall know of no pending action which could give rise to an attachment as hereinafter provided and the time has expired within which any such action can be brought

(e) If an action shall be brought which could give rise to an attachment as hereinafter provided the de-

positor shall within ten days of receiving notice thereof give written notice thereof by registered mail to the Secretary of Revenue If he shall fail to give such notice the depositor shall be guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars or more than one thousand dollars

Section 10 Attachment Sur Judgment

If the plaintiff procures judgment in an action he may compel the insurance money or the cash or securities or both deposited with the Secretary of Revenue as herein provided to be applied to the satisfaction of his judgment by causing a writ of attachment sur judgment to be issued If an insurance company is the garnishee in such attachment it shall not deduct from or credit to the amount of the judgment any sum owed it by the insured

If the purpose of the attachment is to realize on cash or securities deposited with the Secretary of Revenue a writ of attachment sur judgment may be issued by the court in which the judgment has been obtained naming the Secretary of Revenue and the depositor of such cash or securities as garnishees The sheriff of the county in which judgment has been obtained shall deputize the sheriff of Dauphin County to serve the writ on the Secretary of Revenue and the sheriff of the county in which the depositor may be found to serve the writ on the depositor If the sheriff cannot find the depositor in the Commonwealth before the return day of the writ he shall serve the writ on the Secretary of Revenue whom the depositor shall be conclusively presumed to have appointed as his agent to accept such service and the Secretary of Revenue shall promptly send to the depositor notice of such attachment by registered mail addressed to the depositor's last known address as it appears in his records The court which issues the writ of attachment shall have jurisdiction of the fund sought to be attached and shall give judgment in the attachment proceedings

Section 11 Furnishing Names of Insurers The Secretary of Revenue shall on request furnish to the plaintiff in any such action the name and the Pennsylvania address of the company which has insured the defendant

Section 12 Regulation of Rates The classifications of risks underwriting rules premium rates and schedule or merit ratings plans for the insurance of motor vehicle owners under this act all of which matters are in this section hereinafter referred to as rates shall be established by one or more rating bureaus as the Insurance Commissioner shall determine situate within the Commonwealth of Pennsylvania conducted by the insurance companies and subject to examination by the Insurance Commissioner However the Insurance Commissioner may in his discretion permit to be filed with him in lieu of the schedule described below any schedule established by a rating bureau of national scope even though such bureau is not situate within the Commonwealth of Pennsylvania

On or before April first of each year beginning with the year one thousand nine hundred and thirty-six each rating bureau shall file with the Insurance Commissioner a schedule of rates for the ensuing calendar year This schedule shall be effective for the ensuing calendar year and thereafter until new rates are established as provided by this act unless the Insurance Commissioner shall on or before May first file in his office written objections to the schedule and shall promtply notify the rating bureau of such objections It shall be the duty of the Insurance Commissioner to filed such objections if he shall decide that any risk classification underwriting rule premium rate or schedule or merit rating plan is unreasonable inadequate or unjustly discriminatory among risks of essentially the same hazard

If the Insurance Commissioner shall file objections as above provided he shall on or before May first appeal to the Court of Common Pleas of Dauphin County asking for a review of the schedule filed by the rating bureau and for a consideration of his objections thereto The court shall hear and determine this appeal as promptly as possible and shall in its decree fix reasonable adequate and non-discriminatory rates for the ensuing calendar year

If any year the Insurance Commissioner shall find that there is any item of rates or any insurance company with respect to which no such schedule has been filed on or before April first he shall on or before May first establish reasonable adequate and non-discriminatory rates for the ensuing calendar year with respect to such item or such insurance company From such action of the Insurance Commissioner any rating bureau may within ten days appear to the Court of Common Pleas of Dauphin County which shall hear and determine the petition as promptly as possible and shall in its decree establish reasonable adequate and non-discriminatory rates for the ensuing calendar year

In any appeal taken to the Court of Common Pleas of Dauphin County in pursuance of the provisions of this section the appellant shall file a petition stating in detail the matters objected to and after the other party has filed an answer the cause shall be heard by the court without a jury in accordance with such rules of procedure as the court shall adopt

From any decree of the Court of Common Pleas of Dauphin County entered in pursuance of the provisions of this section the Insurance Commissioner or any rating bureau may appeal to the Superior Court but no other party may so appeal Such an appeal shall be entertained by the Superior Court in the same manner as an appeal from the Public Service Commission and the Superior Court shall thereupon establish reasonable adequate and non-discriminatory rates for the ensuing calendar year

Pending an appeal to the Court of Common Pleas of Dauphin County or to the Superior Court the rates effective when the appeal is taken shall continue to be effective until new rates shall be established as provided by this act except as the court before whom the appeal is pending shall otherwise direct

Neither the Insurance Commissioner nor the court shall be required to establish a schedule or merit rating plan with respect to any class of risk or any insurance company for which such a plan is not included in a schedule filed by a rating bureau

Section 13 Cancellation of Liability Policy

If the insurer or the insured shall notify the other of an intention to cancel any liability policy the insurer shall immediately give written notice of such intended cancellation to the Department of Revenue and the Department of Revenue shall revoke the registration of the insured motor vehicle as soon as the cancellation becomes effective If any insurer shall knowingly fail to give such written notice the Insurance Commissioner may deprive such insurer of its right to do business in the Commonwealth

Section 14 Rules and Regulations

The Governor shall have power to make reasonable rules and regulations to carry this act into effect and may from time to time delegate any of such power to the Secretary of Revenue or to the Insurance Commissioner

Section 15 Constitutionality

It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 16 Repealer

The act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred fifty-three) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" is hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 17 Effective Date of Act

This act shall become effective on the first day of January one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1428, entitled:

An Act making it unlawful to inquire or transmit information concerning the religion or religious affiliation of persons seeking certain employment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person agency bureau corporation or association employed or maintained to obtain or aid in obtaining positions for teachers principals superintendents clerks or other employees in the public schools public libraries kindergartens academies colleges univercities professional schools extension courses or other educational facilities supported in whole or in part by public funds or by contributions solicited from the general public and no individual or individuals conducting or employed by or interested directly or indirectly in such an agency bureau corporation or association and no board of education trustees of a school district superintendent principal or teacher of a public school or other official or employe of a board of education shall directly or indirectly ask indicate or transmit oraly or in writing the religion or religious affiliation of any person seeking employment or official position in the public schools of this Commonwealth

On the question,

Will the House agree to the section?

Mr. SHEPARD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 2, line 4, by inserting after the word "affiliation" the following: "race or color"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

The title was read as follows:

An Act making it unlawful to inquire or transmit information concerning the religion or religious affiliation of persons seeking certain employment

On the question,

Will the House agree to the title?

Mr. SHEPARD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 2 of title, by inserting after the word "affiliation" the following: "race or color"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2442, as follows:

An Act to amend section twenty-six of the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty-one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" changing certain provisions relating to the transfer of registration by removal notices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-six of the act approved the eighteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred fifty-one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of election and primaries and the challenge and proof of qualification of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 26 Removal Notices The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to is present address and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring [sixty days or more after the receipt of the notice at the office of the commission] two months or more after the date of removal Each removal notice shall contain a warning to

the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission with the elector's signature in the general and district register and that in order to secure the transfer of the elector's registration for the next ensuing election it must be received at the office of the commission not later than thirty days prior to said next election

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2519, as follows:

An Act making it unlawful for constables to wear certain types of uniforms

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it is unlawful for any constable at any time to wear a uniform or any distinctive part of a uniform similar to in imitation of or in any way resembling the uniform of any police officer State police officer or member of the highway patrol

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 452, as follows:

An Act to amend part of section one of the act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred fifty-five) entitled "An act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution" by changing such districts in Lancaster county

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That so much of section one of the act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred fifty-five) entitled "An act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution" as relates to the apportionment of representative districts in Lancaster County is hereby amended to read as follows

The county of Lancaster shall elect four members and shall be divided into [two] four districts as follows

The city of Lancaster shall constitute the first district and elect one member

[The residue of the county of Lancaster not included in the first district shall constitute the second district and elect three members]

The boroughs of Adamstown Akron Denver Ephrata Lititz New Holland and Terre Hill and the townships of Brecknock Caernarvon Clay Earl East Cocalico East Earl Elizabeth Ephrata Manheim Upper Leacock Warwick West Cocalico and West Earl shall constitute the second district and elect one member

The boroughs of Columbia Elizabethtown Manheim Marietta Mount Joy and Mountville and the townships of Conoy East Donegal East Hempfield Mounty Joy Penn Rapho West Donegal and West Hempfield shall constitute the third district and elect one member

The boroughs of Christiana Millersville Quarryville Strasburg and Washington Boro and the townships of Bart Colerain Conestoga Drumore East Drumore East Lampeter Eden Fulton Lancaster Leacock Little Britain Manor Martic Paradise Pequea Providence Sadsbury Salisbury Strasburg and West Lampeter shall constitute the fourth district and elect one member

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2450, as follows:

An Act to amend section one thousand two hundred and seven of act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" reducing the number of votes required to employ teachers in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Law three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1207 No teacher shall be employed in this Commonwealth by any board of school directors who is related to any member of the board as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first-cousin sister-in-law brother-in-law uncle or aunt unless such teacher receives the affirmative votes of [three-fourths] two-thirds of all the members of the board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2374, as follows:

An Act to further amend Section twenty-three of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled "An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation

and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commission as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" to require such societies to file with the Insurance Commissioner on or before the first day of March succeeding the submission of the last preceeding annual report a valuation report of its benefit fund obligations in force

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section twenty-three of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled "An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of conrtibution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial assocations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" as amended by section four of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (P. L. 796) is hereby further amended to read as follows

Section 23 Every society transacting business under this act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its president and secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceeding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which had not been received by the society at its home office before the end of such yar It shall also furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The Commissioner may at other times require any further statement he may deem necessary to be made relating to such society

In addition to the annual report herein required each society shall annually report to the commissioner a valuation of its benefit fund obligations in force on December thirty-first last preceding excluding those entered into within the year for which the report is filed in cases where the contributions for the first year in whole or in part are used for current expenses Such report of valuation shall show as contingent liabilities the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation at not more than the average rate of interest earned on its invested assets during five calendar years preceding the date of such annual report less such portion thereof as may have been assumed by other associations or companies and as contingent assets the present mid-year value at the same rate of interest of the future net contributions provided in its constitution and laws as the same are in practice actually collected

In lieu of the above valuation any society at its option may show the net value of its benefit fund obligations subject to valuation at the rate of interest as hereinbefore provided and said net value when computed in the case of monthly contributions may be the mean of the terminal value for the end of the preceding and of the current certificate years from which said tabular values shall be deducted such portion thereof as may have been assumed by other associations or companies and in addition there may be deducted the present worth of the probable future annual savings in death losses as specified in the preceding paragraph

Every such valuation report shall include as a contingent liability an estimate made by or on behalf of the society of the probable future payments under unpaid claims notice of which was received by the society at its home office before the end of the calendar year covered by the annual report but which has not been approved for payment at the date of such report

Deferred payments or instalments of claims whether involving a life contingency or not shall be included in the valuation report as contingent liabilities on the happening of the contingency upon which such payments or instalments are thereafter to be paid All such liability shall be the present worth of such future payments or instalments at the average rate of interest earned by the society during the five calendar years preceding the date of such annual report

Each valuation report shall be certified by a competent accountant or actuary or at the request and expense of the society verified by the actuary of the department of insurance of the home State of the Society and shall be filed with the Insurance Commissioner on or before the first day of [June] March succeeding the submission of the last preceding annual report

The minimum standard of valuation for all benefit fund obligations except for disability and dependent benefits shall be the National Fraternal Congress Table of Mortality hereinbefore referred to or at the option of the society by any other standard table or a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with an interest assumption of not more than the average rate of interest earned on its invested assets during the five calendar years preceding such annual report

Every valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation Any society providing for disability benefits shall keep a separate account of the same in its said valuation report shall charge as a liability the balance to the credit of such fund or funds at the date of such valuation Where a combined contribution table is used by a society for both death and permanent and total disability benefits the valuation may be of death benefit only and in such case a separate accounting shall not be required

A report of such valuation with such explanation as the society may deem advisable shall be printed and mailed to each beneficial member of the society not later than July first of each year or in lieu thereof may be published in the society's official paper and the issue containing the same mailed to each beneficial member of the society

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2394 as follows:

An Act to amend sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five section one thousand one hundred and forty-one of and to add section one thousand one hundred and forty-seven to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships

of the second class and amending revising consolidating and changing the law relating thereto" conferring on supervisors power over streams changing the minimum compensation of the secretary-treasurer further regulating depositories imposing additional duties on the secretary fixing the place of meeting of the auditors and limiting the number of days for the completion of audits providing that the road tax shall be used for general township purposes decreasing the minimum widths of certain roads and providing for records of dedicated roads and streets and for the opening thereof and the acceptance of roads streets lanes and alleys heretofore dedicated

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five and section one thousand one hundred and forty-one of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 516 Powers and Duties of Supervisors Township Superintendents and Roadmasters The township supervisors or the supervisors acting as superintendent or roadmasters shall

(a) Have the general care and superintendence of the improvement of the highways and bridges in the township except as otherwise specially provided

(b) Cause such highways and bridges to be kept in repair and reasonably free from all obstructions and give the necessary directions therefor

(c) Inspect all highways and bridges during the months of April and October of each year

(d) Divide the township into as many sections as may be necessary for the maintenance and repair of the highways and the opening of highways obstructed by snow

(e) Employ or hire such persons teams and implements as may be necessary for the maintenance and repair of highways and bridges and the removal of obstructions caused by snow and provide for the organization and supervision of the persons so employed and work on the roads themselves when directed to do so by the board of supervisors Records shall be kept and reports made and filed giving the names of persons employed including supervisors superintendent or roadmasters dates on which work was done with compensation paid to each person and the capacity in which he is employed

(f) Construct and keep in repair all sluices and culvents and keep the waterways bridges and culverts open

(g) Cause loose stones lying in the beaten track of every highway to be removed Stones so removed shall be conveyed to some place from which they will not work back or be brought back into the track by other implements used in repairing or maintaining such highways

(h) Attend road meetings and conventions when directed to do so by the board of supervisors

(i) Perform such other duties and have such other powers as may be imposed or conferred by law or the rules and regulations of the Department of Highways

The roadmasters or superintendents or supervisors acting in either capacity shall

(j) Report monthly to the board of supervisors which report shall contain the matter in the form to be prescribed by the Department of Highways

(k) Inspect all highways and bridges at such times as the township supervisors shall direct except during the months of April and October

(l) Have power to relocate widen deepen and straighten the channels of streams and rip rap and otherwise protect the banks of streams in order to protect roads prevent erosion and prevent floods in the township or parts thereof Provided That the consent of the Power and Water Resources Board to any such project has first been secured

[(1)] (m) When authorized to do so by general or special order of the township supervisors to do or cause to be done all work necessary to carry out the responsibilities imposed upon the township supervisors by subsections (a) (b) (e) (f) (g) and (i) of this section

Section 531 Compensation The township treasurer shall receive as compensation for his services a certain percentage on all moneys received and paid by him which rate shall be settled by the supervisors of the townships with the approbation of the township auditors

In no case shall the combined amount paid to the secretary and treasurer exceed two per centum of the money paid out by the treasurer except when the amount would be less than [ten dollars ($10.00)] twenty-five dollars ($25.00) and the calculation of such maximum compensation shall not include any percentage upon money paid out by the treasurer for the repayment of loans notes certificates or other evidences of indebtedness or other borrowed moneys

Section 535 Depositories of Township Funds The township supervisors may on the first Monday of January of each year or as soon thereafter as is practical designate by resolution a depository or depositories fo rtownship funnds Such designation shall be valid for a period of one one year or until such time as another depository or other depositories shall be designated by similar action of the township supervisors

Such depository or depositories shall be banks banking institutions or trust companies located in the Commonwealth

The township treasurer shall upon the designation [and qualification] of such depository or depositories immediately transfer thereto the township funds and shall thereafter keep such deposits solely in such depository or depositories in the name of the township

No township treasurer complying with the provisions of this section nor his surety or sureties shall be chargeable with losses of township funds caused by the failure or negligence of such depository or depositories

Section 540 Duties and Compensation The secretary in each township shall be clerk to the board of supervisors He shall keep a record of the proceedings of said officers shall prepare and write the annual tax duplicate of the township and shall receive such compensation therefor as shall be fixed by the township auditors The combined amount paid to the secretary and treasurer shall not exceed two per centum of the money paid out by the treasurer except where the same would amount to less than [ten dollars ($10.00] twenty-five dollars ($25.00) and the calculation of such maximum compensation shall not include any percentage upon moneys paid out by the treasurer for the repayment of loans notes certificates or other evidences of indebtedness or other borrowed moneys

Section 545 Meeting Duties Quorum Surcharges Compensation The auditors of townships shall meet annually at the place of meeting of the supervisors on the day following the day which is fixed by this act for organization of the township supervisors and shall audit settle and adjust the accounts of the supervisors superintendents roadmasters treasurer and tax collector of the township Two auditors shall constitute a quorum

Any officer whose act or neglect has contributed to the financial loss of any township shall be surcharged by the auditors with the amount of such loss

Each auditor shall receive five dollars per diem for each day necessarily employed in the duties of his office to be paid out of the funds of the township

Section 547 Completion Publication and Filing of Auditors' Statement The auditors shall complete their audit settlement and adjustment within as short a time as possible and in no case shall more than twenty days be expended on such audit They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of

quarter sessions When any two offices are exercised by the same person only one statement shall be required

Section 905

One An annual road tax for road bridge and general township purposes not later than the fourth Monday of March of each year not exceeding seven mills except where necessary to pay existing indebtedness and interest thereon in which case two additional mills may be levied Where the board of supervisors by a majority action shall upon due cause shown petition the court of quarter session for the right to levy additional millage the court after such public notice as it may direct and after hearing may order a greater rate than nine mills but not exceeding seven additional mills to be levied Such annual road tax shall include all levies for road purposes and for the payment of bonds and certificates of indebtedness issued and all other debts incurred for road purposes Not less than ten per centum of the annual road tax shall be set aside by the respective townships and used for the payment of existing indebtedness incurred for road purposes for the payment of which indebtedness no provision has been made All road tax shall be collected in cash

Section 1141 Appeals Where Supervisors Refuse Approval In any case where the township supervisors shall refuse to approve any plans submitted to them in accordance with this sub-division any person aggrieved by the action of the supervisors may within thirty days after such action appeal therefrom by petition to the court of quarter sessions of the county which shall hear the matter de novo and after hearing may enter a decree affirming reversing or modifying the action of the supervisors as may appear just in the premises The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested The decision of the court shall be final

The action of the township supervisors or the court on appeal in approving any such plans and an approval duplicate copy of such plans shall be recorded by the person applying for such approval in the office of the recorder of deeds of the county

Whenever the township supervisors or the court on appeal shall have approved any plans in accordance with the provisions of this section and section one thousand one hundred and forty the township supervisors shall thereupon by appropriate resolution enter their approval as a matter of public record in the minutes of said township and shall whenever deemed advisable by them or their successors in office thereafter by appropriate resolution upon their minutes open any road street lane or alley shown in said plans for public travel and such road street lane or alley shall thereafter be and become a public highway in such township and be maintained at public expense

Section 2 That said act is hereby amended by adding thereto section one thousand one hundred and forty-seven to read as follows

Section 1147 Taking Over of Roads Streets Lanes and Alleys Heretofore Dedicated as Public Highways Whenever plans of dedicated roads streets lanes or alleys located in second class townships have been adopted approved and recorded prior to May first one thousand nine hundred and thirty-three the board of supervisors of any such township may with the consent of the court of quarter sessions upon petition filed accept any roads streets lanes or alleys as public highways if shown in said plans as dedicated to such use and provided the roads or streets shall be not less than thirty-three feet in width and the lanes or alleys not less than fifteen feet in width said acceptance to be evidenced by a resolution of the said board of supervisors properly describing said road streets lanes or alleys and adopted by a majority thereof by a vote duly recorded and entered upon the minutes of said board Upon the filing with the clerk of courts of quarter sessions of the county in which said township shall be with the consent of the court endorsed thereon such roads situate a certified and attested copy of said resolution streets lanes or alleys shall be and become a part of the public highway system of said township and shall be so recorded in said court of quarter sessions

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2586, entitled:

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the period of redemption to five years

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authoriing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" are hereby amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible No such sale shall discharge the lien of any mortgage which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages ground rents municipal claims and/or other taxes and no such sale shall discharge the lien of any ground rent municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by onyone interested in said real estate for the benefit of the owner thereof at any time within [two] five years after such sale by the payment to the county treasurer of the full amount which the purchaser paid to said treasurer for taxes interest and costs and twenty-five per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assesed as seated land were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except

such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 15 If any owner his heirs or legal representatives or any lien creditor his heirs assigns or legal representatives or other person interested shall within [two] five years after the day such sale was made redeem such real estate for the benefit of the owner by payment of the taxes and interest for which the lands were sold and the costs with an additional sum of twenty-five per centum and any taxes which may have been levied against any such property since the treasurer's sale and which remain unpaid by the owner or redeemer to the county treasurer he shall receive and receipt for the same and pay said taxes interest costs and additional percentage over to the purchaser upon demand and the accrued taxes to the district entitled thereto and the county treasurer shall forthwith acknowledge the receipt of the redemption moneys upon the margin of the acknowledgment of the treasurer's deed as the same is entered and recorded in the prothonotary's office as aforesaid and if said deed has been recorded in the office for recording of deeds cause an entry to be made on the margin of the record of the deed in the office of the recorder of deeds by marking thereon the word "redeemed" which shall be signed by the county treasurer and attested by the recorder of deeds and thereafter said deed shall be void and of no effect If such deed be not recorded then such owner or person intrested as aforesaid shall be entitled to have the treasurer's deed delivered to such owner creditor heir assign legal representative or persons interested for cancellation The county treasurer shall certify all such redemptions to the boards of county commissioners who shall enter the same on the Tax Return Docket and who shall certify such redemptions to the county assessors so that the property may thereafter be assessed in the name of the owner

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate For the next [two] five years following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption shall remain in the real owner of such lands or other persons interested for [two] five years after sale to the county commissioners and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 3, line 2, by striking out with dark-faced brackets the word and brackets "[two]"

Amend Sec. 1, page 3, line 2, by inserting after the word "five" the following: "years after such sale if such real estate has been purchased by the county, otherwise, within two"

Amend Sec. 1, page 4, line 11, by striking out with dark-faced brackets the word and brackets "[two]"

Amend Sec. 1, page 4, line 12, by inserting after the word "five" the following: "years after the day such sale was made if such real estate has been purchased by the county, otherwise within two"

Amend Sec. 1, page 4, lines 25 and 26, by striking out with dark-faced brackets the word "recorder" and inserting in lieu thereof: "recorded"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to amend sections nine, fifteen and sixteen of the act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by extending the period of redemption to five years.

On the question,

Will the House agree to the title?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting after the word "years" the following. "where land is purchased by the county"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2653, as follows:

An Act granting permission to the Borough of Camp Hill Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Borough of Camp Hill Pennsylvania and the Borough of New Cumberland Pennsylvania are hereby granted permission to use jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed by the Commonwealth of Pennsylvania for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania such use by the said boroughs and the rental or cost of maintenance or both to be under and subject to the regulations of the Department of Property and Supplies of the Commonwealth of Pennsylvania and not to interfere in any way with the use of the same by the Commonwealth of Pennsylvania The right to such use by said boroughs shall terminate at any time when the Department of Property and Supplies shall serve notice on said boroughs that the sole use of said force main and outfall sewer is necessary for the requirements of the Cumberland Valley State Institution for Mental Defectives

Section 2 The Department of Property and Supplies of the Commonwealth of Pennsylvania is hereby authorized and directed to enter into contracts with the said boroughs for the purpose of carrying this act into effect

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2210, as follows:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith

Whereas The site of the Brandywine Battlefield is the only unmarked battlefield of the Revolutionary War in any of the original thirteen colonies and

Whereas The Brandywine Battlefield is the only battlefield of any war within this Commonwealth that is still unmarked and not yet officially recognized as to its major historical importance therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Historical Commission be and is hereby authorized to investigate and to report to the next session of the Legislature as to the area boundaries and dimensions constituting the Brandywine Battlefield of the Revolutionary War

Section 2 That the State Historical Commission be and is hereby authorized and empowered to accept gifts of historic objects connected with the said Battle of the Brandywine and in particular to accept gifts or deeds of land lying within the area of the said Brandywine Battlefield in conformity with the provisions of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen Pamphlet Laws one thousand eighty-six "An act providing for the establishment of the Pennsylvania Historical Commission et cetera and amendments and supplements thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2383, as follows:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one and one thousand nine hundred thirty-two and validating the liens of such taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any tax collector or receiver of taxes of any county city borough town township school district or poor district shall have failed or neglected to make return to the county commissioners of taxes assessed and levied against seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one or one thousand nine hundred and thirty-two within the time required by law such tax collector or receiver upon obtaining the written consent of the taxing authorities of the municipal subdivision which levied the tax may legally and validly make return of such taxes in the manner provided by law for such return at any time within six months after this act takes effect and the liens of any taxes for said years so returned under the authority of this act shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at any time when a treasurer's sale is held or on any day to which said sale may be adjourned or readjourned in the manner provided by existing law Provided however That the return of any tax under this act shall not revive or re-establish any tax lien against real estate which was transferred to any purchaser during the time when any such lien was lost nor shall such return affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the collector to return the tax at the regular time

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2191, as follows:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal Payment into Court Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agen or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may seem just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same And provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from into the court to which such appeal is taken whereupon said court shall allocate and pay over to the proper authorities such amount of said tax as shall appear to said court to be reasonably free from dispute and the remainer of the amount paid in shall be held by the court pending the final disposition of the appeal Upon final disposition of the appeal the amount found to be due the appellant as a refund shall be a legal set off or credit against any future taxes assessed against appellant in the same taxing district Provided that where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court may upon application of either party ascertain and determine how much of said refund shall be credited in that year

And said bill having been read at length the second time and agreed to.

Qrdered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1253, entitled:

An Act providing for and regulating the appointment promotion reduction in rank and removal of paid members of the Bureau of Fire Bureau of Police Bureau of Detectives Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties of the second class and in the cities boroughs towns and townships within such counties creating a county civil service commission in each such county the members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on such counties and the cities boroughs towns and townships located therein imposing penalties and repealing inconsistent laws

The first section was read as follows·

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that Appointees in Police and Fire Departments in all Political Subdivisions in Counties of the Second Class Placed Under Civil Service Hereafter all appointments to and promotions in the Bureau of Fire Bureau of Police Bureau of Detective Bureau of Electricity Bureau of Electricity in connection with fire and police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police and fire protection work in all second class counties and in the cities boroughs towns and townships located in such counties shall be made only according to qualifications and fitness to be ascertained by examinations which so far as practicable shall be competitive as hereinafter provided The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies except superintendents of police and chief engineers of the Bureau of Fire These positions shall be filled by a member of the Police or Fire Bureaus who has had at least ten years experience in the police or fire departments

No person shall hereafter be appointed reinstated promoted or discharged as a paid employe in any of the aforesaid bureaus department or agencies except in accordance with the provisions of this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of amendment and a hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 727 as follows:

An Act relating to the appointment of persons to the police departments in boroughs and townships of the first class providing and regulating examinations the manner of appointments and the manner and power of removal of employes of said departments and providing a method for fixing compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the effective date of this act no person or persons may be appointed to any position whatever in the police department in any borough or township of the first class in this Commonwealth without having first passed all the examinations hereinafter provided for and having been appointed in the manner and according to the terms and provisions and conditions of this act

Section 2 There shall be appointed and constituted in each borough and township of the first class a civil service

board consisting of three citizens who shall be elected by the council in the case of a borough and by the board of commissioners in the case of a township of the first class and who shall serve for four years and until their successors are elected and qualified One of the said citizens shall be an educator and one shall be a physician At the first election the said council or board of commissioners shall elect one person to serve for two years one person to serve for three years and one person to serve for four yars and upon the expiration of the term of any member of said board one person shall be elected by the council or board of commissioners to serve upon said board for the term of four years If any vacancies occur they shall be filled by the council or board of commissioners for the unexpired term Each of said members before entering upon the duties of his office shall take and subscribe to the oath of office prescribed by the Constitution of Pennsylvania and file the same duly certified by the officer administering it with the clerk of said council or board of commissioners No salary or compensation shall be paid to any members of the said board Two members of the board shall constitute a quorum necessary for the transaction of business and said board shall organize under this act for the purpose of transacting all business immediately upon this act becoming effective

Section 3 The board shall immediately upon organization prepare and adopt such rules and regulations to cover the selection and appointment of all persons to be hereafter employed or appointed in the police department in any such borough or township of the first class as in the judgment of said board shall be best adopted to securing the best service for the public in said department and such rules and regulations shall provide for ascertaining and determining so far as possible the physical qualifications habits reputation standing experience and education of all applicants for such positions respectively and they shall provide for examinations upon any and all subjects deemed proper or necessary by said board for the purpose of determining their qualifications for the position sought and applied for

Section 4 Said board shall make and keep in numerical order a list containing the names of all applicants for positions in said police department who may pass the required mental and physical examinations Where more than one person takes examinations for any of said positions at the same time those successfully passing such examination shall be entered upon the list of eligible names in order of their respective percentages the highest coming first The board shall furnish the council of such borough or the board of commissioners of such township of the first class with a certified copy of any and all lists so prepared and kept Whenever any vacancy shall occur or any appointment be required in said police department the selection shall be made by the council or board of commissioners from among the first three names on the list of applicants

Section 5 Provisions of this act shall apply to all employes of the said police department and all appointments made under the provisions of this act shall be for and during the good behavior and on employe shall be removed or transferred for any political reasons whatever Provided however That among those persons possessing equal qualifications and eligibility for appointment preference in appointment shall be given to honorably discharged soldiers sailors and marines who served in the Army or Navy of the United States during the time of war And provided further That all persons holding appointments in said police department of said boroughs or townships of the first class at the time this act goes into effect shall remain in office without being required to pass examination and shall be removed only in accordance with the provisions of this act Provided further That in the case of riot or emergency temporary appointments in the said department may be made without complying with the provisions of this act

Section 6 All employes of said police department shall be subject to suspension by the burgess of any borough or the president of the board of commissioners of any township of the first class for misconduct or violation of any law of this Commonwealth or of any ordinance of said borough or resolution of said township of the first class pending action by the council of such borough or the board of commissioners of such township of the first class upon the charges made against any such employes and on hearing before the council or the board of commissioners wherein they may be represented by council they may be fined suspended or discharged by the council or board of commissioners if found guilty of the charges preferred against them

Section 7 The said civil service board may appoint a secretary and prescribe his duties He shall be subject to removal at any time by the board and the board shall have power to change his duties The compensation to be paid said secretary provided for by this act and all necessary stationery and supplies for said board shall be such as the council or the board of commissioners shall by resolution direct

Section 8 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 9 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2488 as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights powers duties liabilities and immunities of private banks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred eleven section one thousand twenty-two section one thousand three hundred two section one thousand three hundred eight section one thousand three hundred nine section one thousand three hundred ten and section one thousand five hundred five of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of

existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that section nine hundred six of that act as last amended by the act approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 511 Officers of Institutions Removal Compensation A Every institution may and every incorporated institution shall have a president a vice-president a secretary and a cashier or treasurer and may have such other officers as the institution may require but in the case of an incorporated institution such additional officers shall not be elected unless provided for in the by-laws Any two or more offices may be held by the same person except the offices of president and cashier or treasurer but in the case of an incorporated institution two offices shall not be held by one person unless specifically authorized by the by-laws

B The officers of an institution shall be selected at least annually In the case of an incorporated institution they shall be elected by the board of directors or the board of trustees unless the by-laws provide a different method The president shall be required to be a member of the board of directors or the board of trustees of the incorporated institution Unless the by-laws specifically provide otherwise the cashier or treasurer or any other officer may however be a member of the board of directors or of the board of trustees

C Unless specifically provided otherwise in the by-laws the board of directors or the board of trustees shall fix the compensation of all officers

D An officer elected or appointed by the board of directors or the board of trustees may be removed by such board whenever in its judgment the best interests of the incorporated institution will be served thereby but such removal shall be without prejudice to the contract rights if any of the person so removed

E Unless specifically provided otherwise in the by-laws the board of directors or the board of trustees shall have the power to fill any vacancies created by the death removal resignation or otherwise of any officer

F The officers shall have such authority and perform such duties as shall in the case of a private bank be given to them by the private banker or private bankers and in the case of an incorporated institution be specified in the articles or by-laws or by resolution of the board of directors or trustees

Section 906 Deposits With Other Corporations or Persons Authorized to Receive Deposits Reserve Agents A Except as otherwise specifically provided in this act any institution may deposit any of its funds in any other institution national banking association or any corporation or person authorized by law to receive deposits and if situated within the United States subject to the supervision of the banking authorities of the United States or the State in which such corporation or person transacts business but an incorporated institution shall not deposit any of its funds in such other institution national banking association or corporation or person unless it has been designated as a depository by a majority of all the members of the board of directors or of the board of trustees as the case may be of the depositing incorporated institution

B An institution shall not have on deposit at any one time with any other institution national banking association or other corporation or person an amount in excess of ten per centum of the unimpaired capital plus ten per centum of the unimpaired surplus of the depositing institution if a bank [or] a bank and trust company or a trust company or an amount in excess of ten per centum of its unimpaired surplus if a savings bank or an amount in excess of ten per centum of its net worth if a private bank unless such other institution national banking association or other corporation or person has been duly approved for this purpose by the department

C A director of a bank a bank and trust company or a trust company or a trustees of a savings bank shall not have a vote in designating as a depository any institution national banking association or other corporation or person of which he is an officer or director or if the proposed depository is a private bank of which he is one of the owners or if it is an incorporated institution a national banking association or any other corporation of which he owns five per centum or more of the shares of its capital

D A reserve agent of an institution for the purposes of this act shall be any institution national banking association or corporation or person designated as a depository of such institution in the manner provided by this act and approved by the department as a depository for any moneys of such institution which are part of the reserve fund against deposits and demand liabilities as defined herein which is required by this act to be established and maintained by such institution

Section 1022 Limitation Upon Power to Act as Surety A A bank a bank and trust company or a trust company shall not act as surety for the faithful performance of any trust office duty action or engagement or upon any writ of error or appeal or upon any other type of bond in any manner whatsoever but a bank or bank and trust company or a trust company shall have the power in the manner and under the circumstances provided by law to give its own bond upon any writ of error or appeal or in any proceeding instituted in any court of this Commonwealth if such bank bank and trust company or trust company is one of the parties to such proceeding or such writ of error or appeal and a bank and trust company or a trust company shall have the power whenever necessary to give its own bond for the faithful performance by it of its duties as trustee guardian executor administrator or other fiduciary and as surety for the faithful performance by any person who may be a cofiduciary acting with such bank and trust company or such trust company and a bank or a bank and trust company shall have the power to give its bond either alone or as surety for another in connection with any bona fide transaction involving the importation exportation or domestic shipment of goods or commodities

B This section shall not be construed to affect in any manner a bond given as surety or an obligation to act as surety legally entered into by a bank a bank and trust company or a trust company prior to the effective date of this act

Section 1302 Application to be Filed with Department Contents On or before the thirtieth day of December one thousand nine hundred and thirty-three or in the case of any private bank which has by law heretofore been exempted from the provisions of this act then on or before the thirty-first day of December one thousand nine hundred and thirty-five every private bank which plans to continue in business shall file with the department a written application for a certificate of authorization Such application shall be signed in duplicate originals and verified in the case of a private bank owned and operated by an individual by the oath or affirmation of such individual by the oath or affirmation of such individual and in the case of a private bank owned and operated by a partnership or any other unincorporated association by the oath or affirmation of all the partners or members of the unincorporated association The application shall be in such form as is prescribed by the department and shall be filed upon blanks supplied by the department It shall set forth

(1) The full name resident post-office address and citizenship of such individual or of each member of such partnership or other unincorporated association as well as the names and post-office adresses of the officers or agents in active charge of the business of the private bank

(2) The statement that in the case of a private bank owned by an individual such individual is a resident of Pennsylvania and in the case of a private bank owned by

a partnership or other unincorporated association at least [two] one of the partners or members [are residents] is a resident of Pennsylvania

(3) The name of the private bank

(4) The exact location of the place or places of business of the private bank

(5) In the case of a partnership or other unincorporated association the partnership or other agreement under which the business of the bank is being conducted or in the case of an unlimited partnership a certified extract thereof or if the partnership or other agreement does not contain provision therefor a statement setting forth the liability of each member of such unlimited partnership

(6) A detailed statement of the resources liabilities and net worth of the private bank as well as any other information bearing upon its financial condition which the department shall prescribe

Section 1308 Accumulation of Reserve Against Deposits The certificate of authorization provided for in this article shall not be granted to any private bank until it shall have a reserve fund for deposits and other demand liabilities to an amount equal to fifty per centum of that required by this act for all institutions provided that in the case of any private bank heretofore by law exempted from the provisions of this act the time limitation specified in this section shall be extended to the first day of June one thousand nine hundred thirty-six Within sixty days after the date of the issuance of the certificate of authorization such private bank shall have added at least twenty-five per centum to such reserve fund and by the first day of June one thousand nine hundred thirty-four it shall have the full reserve fund required by this act Thereafter the entire amount of such reserve fund shall be at all times maintained and kept on hand in the manner provided by this act for all institutions

Section 1309 Segregation of Assets Title to Be Carried in Name of Private Bank Loans to Owners or Members of Private Bank A All real or personal property and all evidence of title thereto which constitute the assets of a private bank shall be segregated and kept apart from the property and assets belonging to the owner or owners thereof in their individual capacities All such real or personal property owned by a private bank shall be carried in the name of such private bank or in the name of a nominee authorized by such private bank If such name is the same as that of the individual owner or in the case of a partnership or other unincorporated association any of the owners thereof all property of the private bank shall be carried in such name with the addition of the descriptive words "private bank" In such case all deeds mortgages assignments contracts and agreements received taken or entered into by any such private bank shall be received taken or entered into in the name of such private bank with the addition of the descriptive words "private bank"

B A private banker shall not appropriate to his own use any part of the deposits or moneys received for transmission by a private bank or in the case of a private bank which maintains a net worth of an established amount in lieu of furnishing a bond or securities to the department any moneys or assets which would reduce such net worth below the minimum required by this act Loans [which have prior to the effective date of this act been granted by a private bank directly or indirectly to the owner or owners thereof shall not be included as assets upon the books or other records or in any statement of the financial condition of such private bank] made by a private bank directly or indirectly to the owner or owners thereof or to any person with whom the owner or any of the owners of such private bank are associated as copartners or co-members of any other unincorporated association or to any corporation of which the owner or all of the owners combined of such private bank are the legal or equitable owners to the amount of twenty-five per centum or more of the capital of such corporation and investments made in any business conducted by a partnership or other unincorporated association of which the owner or any of the owners of such private bank are partners or members shall not be included as assets upon the books or other records or in any statement of the financial condition of the private bank unless such loan is secured by collateral having an ascertained market value or by a mortgage upon real property which complies with the requirements of this act or unless such investment is represented by assets having an ascertained market value and then shall not be included as an asset upon its books or other records or in any statement of its financial condition to an amount in excess of the value of such collateral or mortgage or assets A private bank which maintains a net worth of an established amount in lieu of furnishing a bond or securities to the department shall not make any such loan or investment which would reduce such net worth below the minimum required by this act

[For the purposes of this section a loan to a partnership or other unincorporated association of which the owner or owners of a private bank is a member or to a corporation of which such owner or owners individually or together own twenty-five per centum of the capital shall be construed to be a loan to such owner or owners]

[C A private bank shall not lend to any person with whom the owner or any of the owners of such private bank are associated as copartners or as co-members of any other unincorporated association nor make any investment in any business conducted by a partnership or other unincorporated association of which the owner or any of the owners of such private bank are partners or members nor grant any loan directly or indirectly to any corporation of which the owner or all the owners combined of such private bank are the legal or equitable owners to the amount of twenty-five per centum or more of the capital of such corporation]

Section 1310 Powers of Private Banks Loans and Investments Restrictions A Except as otherwise specifically provided in this article [and except for the general corporate powers which are given by this act to a bank a private bank shall have all the powers which are by this act granted to a bank subject to the same restrictions and limitations as are imposed upon a bank by this act in so far as such restrictions and limitations are applicable A private bank shall have the power to make the same types of loans discounts and investments as are permitted to banks by this act subject to the same limitations and it shall not have power to make any other loans discounts and investments] a private bank shall be subject to the same restrictions and limitations as are imposed by this act upon a bank regarding the payment of interest on deposits the pledge of assets as security for deposits borrowing for the purpose of relending and total indebtedness loans to one corporation or person loans to officers or employes loans or discounts secured by shares or obligations of a corporation loans on and investments in bonds and mortgages and judgments of record the power to create mortgage pools for public participation the ownership or holding of real property bank buildings owner or leased and furniture and fixtures therein guaranteeing of mortgages and acting as surety Where any restriction or limitation is imposed upon the aggregate loans or investments which may be made by a bank or upon he amount of such loans or investments which may be made ot or in the obligations of a single corporation or person or upon the cost of the real property and buildings occupied and the furniture and fixtures used for the transaction of business or where any other restriction or limitation is made based upon a percentage of the capital and surplus of a bank such percentage shall be computed in the case of a private bank upon its net worth No such percentage restriction or limitation shall apply to the issuing negotiating buying or underwriting of primarily for the purpose of resale or distribution or to the selling or distributing of or to the dealing in at wholesale or retail or through syndicate participation bonds debentures notes or other securities by any private bank which is registered as a dealer in securities under the laws of this Commonwealth and which has an unimpaired net worth of not less than one hundred thousand dollars

B This section shall not be construed to render unlawful the continued ownership or holding by a private bank of any investments loans or other real or personal property lawfully acquired prior to the effective date of this act However such loans and investments or such other real or personal property shall be computed in de-

termining the power under this act of a private bank to grant any additional loans or make any additional investments of the same or different kinds

C The restrictions imposed by this act shall not be construed to prevent a private bank in order to protect itself from loss upon a loan or investment previously made lawfully and in good faith from acquiring ownership of or otherwise taking and holding any kind of property or security whether real or personal Except as otherwise provided by this act any property so acquired unless of the character and nature by this act authorized to be purchased or held by such private bank shall be sold by it within five years but the department may upon application of a private bank grant to it in writing the power to hold such property for a longer period

Section 1505 Prohibition Upon Unauthorized Banking Business A The only corporations or persons who shall be authorized to engage in the business of receiving moneys in this Commonwealth for deposit or for transmission or to establish in this Commonwealth a place of business for the purpose of receiving moneys for deposit or for transmission shall be banks bank and trust companies savings banks and private banks

B Any individual who either on his own behalf or as representative of any corporation or association shall engage in the business of receiving in this Commonwealth moneys for deposit or for transmission or shall establish a place of business for such purpose within this Commonwealth when such individual or such corporation or association is not authorized under the laws of this Commonwealth to engage in the business of receiving such moneys or to establish such place of business shall be guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both The corporation which such individual represents or the members of the association which he represents shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five thousand dollars

C The provisions of this section shall not apply to a national banking association to a Federal Reserve Bank [or to private banks exempted by this act] or to their representatives or to clubs and hotels which receive money from members and guests for temporary safekeeping express steamship or telegraph companies which receive money for transmission attorneys at law real estate agents fiscal agents and attorneys in fact who are not engaged in the business of receiving money in this Commonwealth for deposit or for transmission but receive and transmit such moneys only as an incident to their general business or profession and brokers licensed under the laws of this Commonwealth holding membership in a lawfully constituted brokerage exchange who do and have authority to do only such banking as is incidental to their brokerage business

Section 2 This act shall become effective immediately upon final enactment

Section 3 Section one thousand three hundred thirteen section one thousand three hundred fourteen section one thousand three hundred fifteen and section one thousand three hundred sixteen of said act are hereby repealed

Section 4 All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2676 as follows:

An Act to further amend the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" by providing for the suspension involuntary dissolution and liquidation of corporations which have the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 211 213 216 502 504 505 506 and 507 of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers providing penalties and repealing existing laws" are hereby amended or further amended as the case may be to read as follows

Section 211 Fees The Insurance Commissioner shall charge and collect fees as follows For valuation of life-policies not exceeding one cent for each thousand dollars of insurance valued for filing copy of charter twenty-five dollars for the filing annual or other statement twenty dollars for license to company association [or] exchange or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances or certified copy or duplicate thereof two dollars for license as excess insurance broker one hundred dollars for license as insurance broker ten dollars for individual and twenty-five dollars for each license in the name of a copartnership or corporation including individual licenses for any duly qualified individuals without extra charge for officers or solicitors not exceeding three for agents' license for each domestic company association and exchange fifty cents for agents' license for each foreign company association and exchange two dollars for each copy of any paper filed in the department twenty cents per folio and one dollar for certifying the same for any other certificate required two dollars for making examinations the expense of the examination All fees collected shall be daily covered into the State Treasury

Section 213 Examination of Companies Et Cetera The Insurance Commissioner shall require every domestic insurance company association [and] exchange and corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances to keep its books records accounts and vouchers in such manner that hes or his authorized representatives may readily verify its annual statements and ascertain whether the company association [or] exchange or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances has complied with the provisions of law He shall every three years or oftener if he deems it to be necessary personally or by his deputy actuary or examiners visit each domestic insurance association [and] exchange and corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and thoroughly inspect and examine its affairs to ascertain its financial condition and its ability to fulfill its obligations whether it has complied with the provisions of law and any oher facts relating to its business methods and management and the equity of its plans and its dealings with its policyholders He may in like manner when he determines it to be prudent for the protection of policyholders in this Commonwealth compel the attendance of officers or visit and examine in person or by his deputy or examiners

any insurance company association [or] exchange or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances of another State or foreign government applying for amission or already admitted to do business in this Commonwealth

In lieu of such examination the Insurance Commissioner may accept the report of examination made by or upon the authority of the supervising official of any other State

The Insurance Commissioner shall grant a hearing to the corporation or other insurer or organization examined before filing such report and may withhold any such report from public inspection for such time as he may deem proper and may if he deems it for the interest of the public to do so publish any such report or the results of any such examination as contained therein in one or more newspapers of the State

Section 216 Powers with Regard to Examination For the purpose of any such examinations the Insurance Commissioner his deputy or his examiners shall have free access to all the books and papers of any such company association exchange bureau or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances which relate to its business and to the books and papers kept by any of its agents and may summon and administer the oath to and examine as witnesses the directors officers agents and trustees of any such company association exchange bureau or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and any other person relative to its affairs transactions and condition He shall publish the result of his examination of the affairs of any company association exchange [or] bureau or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances whenever he deems it for the interest of the policyholders so to do All the expenses incurred in and about the examination of companies associations exchanges bureaus or corporations possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances including compensation of the deputies examiners and other employes of the department assisting in said examination shall be charged to and paid by the company association exchange bureau or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrnaces examined in equitable proportions at such times and in such manner as the commissioner shall by general rule or regulation prescribe

Section 502 Applications to Court to Take Over Business of Companies Et Cetera for Protection of Policyholders Creditors Et Cetera Whenever any domestic insurance company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances including all corporations societies and orders which are subject to examination by the Insurance Commissioner or which are doing or attempting to do or representing that they are doing the business of insurance in this Commonwealth or which are in process of organization intending to do such business therein (a) is insolvent or (b) has refused to submit its books papers accounts or affairs to the reasonable inspection of the Insurance Commissioner or his deputy or examiner or (c) has neglected or refused to observe an order of the Insurance Commissioner to make good within the time prescribed by law any deficiency whenever its capital if it be a stock company or its reserves if it be a mutual company an association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances fraternal benefit society or beneficial society shall have become impaired or (d) has by contract of reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances without having first obtained the written approval of the Insurance Commissioner or (e) is found after an examination to be in such condition that its further transaction of business will be hazardous to its policyholders or to its creditors or to the public or (f) has wilfully violated its charter or any law of the Commonwealth or (g) whenever any officer thereof has refused to be examined under oath touching its affairs or (h) was incorporated organized or is operating without authority of law the Insurance Commissioner shall communicate the facts to the Attorney General who shall after hearing apply to the court of common pleas of Dauphin County or to the court of any county in which the principal office of such company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in eal property from loss by reason of defective titles liens and encumbrances is located for an order directing such company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective title liens and encumbrances to show cause why its business should not be closed and the Insurance Commissioner should not take possession of its porperty and conduct its business and for such other relief as the nature of the case and the interests of is policyholders creditors stockholders or the public may require

Section 504 Service of Process The order to show cause and the papers upon which the same is made in any proceeding instituted under the provisions of this act shall be served upon the company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances named in such order in the manner prescribed for personal service of summons upon a domestic corporation by the laws of this Commonwealth When it is satisfactorily proved by affidavit that the officers of the company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances named in the said order to show cause upon whom service is required to be made as above provided shall have departed from the State or keep themselves concealed therein with intent to avoid service such order to show cause may provide for service thereof in such manner as the court or judge by whom the same is made shall direct

Section 505 Injunction Return of Order to Show Cause and Decrees Thereon On such application or at any time thereafter such court may in its discretion issue an injunction restraining such company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances from the transaction of its business or disposition of its property until the further order of he court On the return of such order to show cause and after a full hearing before the court or before an examiner appointed by the court the court shall either deny the application or direct the Insurance Commissioner forthwith to take possession of the property and conduct the business of such company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances and retain such possession and conduct such business until on the application either of the commissioner through the Attorney General or of such company association exchange society [or] order or corporation possessing the power to insure owners of real

property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances it shall after a like hearing appear to the court that the ground for such order directing the Insurance Commissioner to take possession has been removed and that the company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances can properly resume possession of its property and the conduct of its business

Section 506 Orders for Dissolution and Liquidation of Affairs of Companies Et Cetera [Insurance Commissioner To Act as Receiver] Powers and Duties of Liquidator If on a like application by the Attorney General to the Court of Common Pleas of Dauphin County or to the court of any county in which the principal office of such company association exchange order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances is located and order to show cause and after a full hearing the court shall order the dissolution and liquidation of the [business of such] company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property loss by reason of defective titles liens and encumbrances [such] the liquidation of its business shall be made by and under the direction of the Insurance Commissioner who shall be the liquidator thereof and shall be vested by operation of law with title to all of the property conracts and rights of action of such company associaion exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances as of the date of the order [so directing him to liquidate] of dissolution and liquidation which shall take effect upon the entry of such order in the office of the prothonotary of the county wherein made The filing or recording of a certified copy of such order in any record office of the State shall impart the same notice that a deed bill of sale or other evidence of title duly filed or recorded by such company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances would have imparted and the liquidator shall forthwith file such a copy for record in the office of the recorder of deeds in the county wherein such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defectipe titles liens and encumbrances had its principal office for the transaction of business [The order of liquidation shall unless otherwise directed by the court provide that the dissolution of the company association exchange society or order shall take effect upon the entry of such order in the office of the clerk of the county wherein such company association exchange society or order had its principal office for the transaction of business]

The Insurance Commissioner as liquidator of such company association exchange society order or corporation possessing the power to insure owners of real property mortgages and others interested in real property from loss by reason of defective titles liens and encumbrances shall take possession of all the property and records thereof and liquidate its business and assets and account for the proceeds thereof less the necessary expenses of liquidation as hereinafter provided and shall give such notice as the court may prescribe to all policyholders members and creditors that they shall present any claims against such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances to such liquidator with proof thereof satisfactory to him within six months after the date of said order of dissoluion and liquidation or else be barred from sharing in the distribution of its assets in the absence of any lien of record thereon and such liquidator shall examine such claims and allow or reject the same in whole or in part subject to the filing of exceptions to his acion thereon by any party in interest with him within such time as he shall reasonably allow before filing his account in accord with section five hundred ten of this act If any exceptions to his action on any claim are filed with him he may take testimony regarding same or otherwise review the claim and report his findings to the court for confirmation with his account unless exceptions to such findings are filed with the court in accord with its rules relating to accounts of receivers All exceptions filed with the court shall be heard and disposed of in such manner as the court shall direct.

The Insurance Commissioner may in his name as liquidator of any such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real poperty from loss by reason of defective titles liens and enecumbances without leave of court prosecute or defend any action at law or in equity in any court in this Commonwealth or elsewhere relating to or affecting the property contracts or business of such dissolved company association exchange society order or corporation possessing the power to insure owners of real proeprty mortgagees and others interested in real proerty from loss by reason of defective titles liens and encumbrances but no action pending against it shall be continued against it or him after such dissolution in any court without leave of the court which made the order of liquidation nor shall such liquidator be subject to suit in any other court without such leave unless he consens to appear therein upon advice of counsel The court making the order of liquidation may upon application of the Attorney General or the liquidator issue such restraining orders or injunctions as it may deem proper to prevent any interefernce with the performance of the duties of the liquidator or to assist him in the same or to prevent any attachment levy or oher execution on property or funds in the hands of the liquidator

The Insurance Commissioner as liquidator of any such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances having any right to levy assessments upon its members policyholders or stockholders may levy such assessments in accord with its powers for the payment of its debts and claims against it and the reasonable expenses of liquidation as estimated by the liquidator as often as may be necessary to secure sufficient funds to pay the same and bring suits to recover and enforce such assessments which shall be presumed to be legal and regular unless the contrary be shown by those assessed or such liquidator may apply to the court for an order levying an assessment upon such members policyholders or stockholders

The Insurance Commissioner as liquidator of any such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances shall have the power to make reasonable adjustments and compromises with its debtors of any claims against them and with its policyholders and creditors of any claims against it in order to avoid litigation and shall not be surcharged for any such action performed in good faith with the advice of counsel or ofr making any sale of any of its assets at reputed market prices or at public auction for the purposes of liquidation but he shall not make any private sale of property of uncertain value without the approval of the court which made the order of liquidation and such court may approve any such sales provided notice of the application therefore be given by mail to at least ten of the persons having claims against such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances at any time after the order of liquidation is made

The Insurance Commissioner as liquidator of any such company association exchange society order or corporation possessing the power to insure owners of real prop-

erty from loss by reason of defective titles liens and encumbrances shall have the foregoing powers and duties in addition to all those of a receiver in equity and any conferred or imposed elsewhere in this act although he is described merely as a receiver in other sctions of this act and merely as a receiver in other sections of this act and the Attorney eneral may appoint or approve the appointment by the liquidator of special counsel to assist him at the expense of the Commonwealth if the funds of the company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances in the hands of the liquidator shall not be sufficient to pay for the expenses of any litigation that shall appear to him to be beneficial to the policyholders and creditors thereof

The court making the order of liquidation may authorize the Insurance Commissioner as liquidator of any such company association exchange society order or corporation possessing the power to insure owners of real property from loss by reason of defective titles liens and encumbrances to enter into such contracts as the court may approve with any ancillary receivers in equity appointed in any other states or countries to conserve any property or rights of such company association exchange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances therein regarding the liquidation of the same

Section 507 Insurance Commissioner to Supersede other Receivers Whenever a receiver of an insuranc company association exchange society [or] order of corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances is appointed by any court of this Commonwealth on motion of the Attorney General at the instance of the Insurance Commissioner such receiver shall forthwith supercede any receiver previously appointed by the decree of any court of this Commonwealth and shall likewise supercede any assignee or trustee previously appointed by such insurance company association exchange society [or] order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances

Whenever the Insurance Commissioner is appointed a receiver for the property and business of a foreign or alien company association exhange society order or corporation possessing the power to insure owners of real property mortgagees and others interested in real property from loss by reason of defective titles liens and encumbrances doing business in this Commonwealth the court appointing him shall have power to authorize him to permit any part of such liquidation to be carried on by any liquidator or receiver appointed under the laws of the state or country in which such insurer was organized if such action appears to be for the benefit of policyholders members and creditors within this Commonwealth provided that proper assurrances are given that their claims if allowed shall share pro rata with claims of the same class in all the assets received by such foreign or alien liquidator and that arrangements satisfactory to said court are made regarding the necessary expenses of such ancillary receivership including the mailing of proper notices to domestic policyholders members or creditors regarding the manner of filing and proving their claims with such receiver and his expenses of investigating the same and reporting his recommendations regarding allowance thereof to such foreign liquidator or receiver

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 248 as follows:

An Act fixing the salaries of court criers and tipstaves in counties of the third class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That salaries of the court criers of the several counties of the third class is hereby fixed at one thousand eight hundred dollars per annum and the salaries of the tipstaves in said counties is fixed at fifteen hundred dollars per annum No court shall have more than one court crier and three tipstaves at any session of the same Such salaries shall be paid out of the county treasury in the usual manner and it shall be compulsory for the judges and the salary board to comply with this act

Section 2 The act approved the seventeenth day of March one thousand nine hundred and twenty-one (Pamphlet Laws thirty-two) entitled "An act fixing the salaries of court criers and tipstaves in counties of the third class" is hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1074 as follows:

An Act fixing the salaries of members of the county board of prison inspectors in counties of the third class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the third class each member of the county board or prison inspectors shall receive an annual salary of one hundred dollars ($100) payable semi-annually on the last days of June and December of each year for the purpose of covering the expenses of such members in the performance of their duties Such salaries shall be paid out of the county treasury

Section 2 All acts and part of acts general local or special inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2404 as follows:

An Act to further amend Section seventeen of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred sixteen) entitled "An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance

Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" to require such societies seeking admission to this Commonwealth to file a valuation report

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section seventeen of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws nine hundred sixteen) entitled "An Act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" as amended by the Act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred forty-three) is hereby further amended to read as follows

Section 17 No foreign society shall transact any business in this Commonwealth without a license from the Insurance Commissioner Any such society may be licensed upon filing with the Commissioner (a) A duly certified copy of its charter or articles of association (b) a copy of its constitution and laws certified by its secretary or corresponding officer (c) a power of attorney to the Insurance Commissioner as hereinafter provided (d) a statement of its business under oath of its president and secretary or corresponding officers in the form required by the Commissioner and duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the Insurance Commissioner of this Commonwealth (e) a certificate from the proper official in its home state province or country that the society is legally organized (f) a copy of its certificate of membership which must show that benefits are provided for by periodical or other payments by persons holding similar certificates (g) a valuation report of its benefit fund obligations in force on December thirty-first last preceding in the manner required by Section twenty-three of this Act and furnishing the commissioner with such other information as he may deem necessary to a proper exhibit of its business and plan of working

Upon compliance with these requirements such foreign society shall be licensed to do business in this Commonwealth until the first day of the succeeding April and such license shall upon compliance with the provisions of this act be renewed annually as hereinbefore provided

Every foreign society desiring admission to this Commonwealth shall have the qualifications required of domestic societies organized under this act and have its benefit fund obligations valued upon a valuation by one of the standards authorized in section twenty-three of this act and have its assets invested as required by the laws of the state territory district country or province wherein it was organized

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2742, as follows:

To regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases shall for the purpose of this act have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning

"Hypnotic drug" shall mean the drugs known as barbital and the salts of barbituric acid also known as malonylurea or any derivative or compounds or any preparations or mixtures thereof possessing hypnotic properties or effects

"Other hypnotic drug or analgesic drug or body-weight reducing drug" shall be held to mean and include sulphonethylmethane (Trional) or sulphonmethane (Sulphonal) or diethylsulphon diethylmethane (Tetronal or bromdiethylacetylcarbamide (Carbromal) by whatever name they may be known or paraldehyde or any derivatives or compounds or preparations or mixtures thereof possessing hypnotic properties or effects and chloral or chloralhydrate or chlorbutanol or any compounds or mixtures thereof possessing hypnotic properties or effects or phenyldimethylpyrazolon (Antipyrine) an analgesic drug or any derivative or compound or dimethylamino-antipyrine (Amidopyrine) or analgesic drug or any derivative or compound or phenylcinchoninic acid (Cinchophen) an analgesic anti-rhematic drug or any derivative or compound including Atophen and Atoquinol or dinotrophenol a metabolic accelerator body-weight reduction drug or any dinitro compounds including dinitrophenol sodium and dinotrocresol sodium when the drugs herein defined or any derivatives or compounds or mixtures or preparations thereof

On the question,

Will the House agree to the section?

Mr. KOBELAK. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, lines 8, 9, 10 and 11, by striking out the words 'or phenyldimethylpyrazolon (Antipyrine) an analgesic drug or derivative or compound or dimethylamino-antipyrine (Amidopyrine) an analgesic drug or any derivative or compound"

Amend sec. 1, page 2, line 14, by striking out the word "dinotrophenol" and insert in lieu thereof "dinitrophenol"

Amend sec. 1, page 2, line 16, by striking out the word "dinothrocresol" and insert in lieu thereof "dinitrocresol"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second, third, fourth, fifth and sixth sections and the title were separately read and agreed to as follows:

Section 2 No hypnotic drug or analgesic or body-weight reduction drug as defined herein shall be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician dentist or veterinarian compodnded or dispensed by a registered pharmacist or under the immediate personal supervision of a

registered pharmacist and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files together with the name of the physician dentist or veterinarian prescribing it Provided That the provisions of this section of this act shall not apply to a duly licensed physician dentist or veterinarian Provided however That they keep a record of the amount of such drugs purchased and a dispensing record showing the date name of the quantity of the drugs dispensed and the name and address of the patient No physician dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser the date dispensed the name and address of the patient and the directions for the use of the drug by the patient

Section 3 No manufacturer pharmacist jobber dealer in drugs or any other person shall sell or have in his possession any hypnotic drug or analgesic drug or body-weight reduction drug defined herein unless the container bears a label securely attached thereto stating conspicuously the specific name of the barbital or other hypnotic drug or analgesic drug or body weight reduction drug and the proportion of amount thereof Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription or dispensed by a physician dentist or veterinarian and the container is labeled in the manner described in section two hereof

Section 4 The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and for that purposes the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act and to employ such assistants and employes as in said Secretary of Health's opinion may be necessary and to fix their compensation

Section 5 Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense and not less than one hundred dollars ($100.00) for the third and each subsequent offense If the violation is by a corporation copartnership or association the officers and directors of such corporation or the members of such copartnership or association their agents and employes with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally

Section 6 This act shall become effective immediately upon final enactment

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2338, as follows:

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (P. L. 922) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" exempting credit unions from the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (P. L. 322) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" is hereby amended to read as follows

Section 3 Exceptions No bonus shall be imposed or be collected under the provisions of this act (a) in the case of the incorporation or the increase of the capital stock of a building and loan association or credit union or (b) from any corporation named in the first class of section two of the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (P. L. 73) entitled "An act to provide for the incorporation and regulation of certain corporations" which does not have any capital stock or (c) upon any capital stock upon which a bonus has been heretofore paid under laws repealed by this act or which was not liable for the payment of bonus under then existing laws

In the case of any corporation issuing shares of stock without nominal or par value no increase in the number of outstanding shares without nominal or par value shall warrant the imposition of any bonus unless there shall be an increase in the stated capital of the corporation issuing such shares and if there be such increase in stated capital the bonus shall be imposed and computed upon the amount of such increase only

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1914, as follows:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties which was last amended by section one of the act approved the sixth

day of April one thousand nine hundred and twenty-five (P. L. 150) is hereby further amended to read as follows

1 "Employe" shall mean any teacher principal supervisor supervising principal county superintendent district superintendent assistant superintendent any member of the staff of the State Normal Schools or of the staff of the State Department of Public Instruction or of the staff of the State Council of Education or any clerk stenographer janitor attendance officer or other person engaged in any work concerning or relating to the public schools of this Commonwealth or in connection therewith or under contract or engagement to perform one or more of these functions Provided That no person shall be deemed an employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods In all cases of doubt the retirement board shall determine whether any person is an employe as defined in this act And provided further That those employes of the Department of Public Instruction who are members of or are entitled to membership in the retirement system herein established may withdraw from the system and be entitled to reimbursement of moneys which they have paid in by so electing in writing filed with the retirement board on or before the first day of July one thousand nine hundred and thirty-six After said date all new employes in the Department of Public Instruction shall be members of said system unless they elect otherwise in writing filed with the retirement board within one year after beginning their employment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2675, as follows:

An Act to amend article two section one (f) and article five section four of an act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphn County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled "An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled "An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled "To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public service company and empowering the Public Service Commission to decree reparations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (f) of section one of article two of an act approved the twenty-sixth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporaton and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolitiion and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to

an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to proprly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Consitution relative to railroads and canals' and an act entitled 'To provide the maximum service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" is hereby amended to read as follows

(f) To make no change in any tariff or schedule which shall have been filed or published or posted by any public service company in compliance with the preceding sections except after thirty days' notice to the commission and to the public posted and published in the manner form and places required with respect to the original tariffs or schedules which shall plainly state the exact changes proposed to be made in the tariffs or schedules then in force and whether an increase or decrease and the time when the proposed changes will go into effect and [all] in the case of an increase in rates until the commission shall have approved the new rates The burden of proof in such case is hereby imposed upon the public service company applying for such increase All [such] changes shall be shown by filing posting and publishing new tariffs or schedules or shall be plainly indicated upon the tariffs or schedules in force at the time and kept open to the public inspection Provided That the commission may [as provided in section four of article five of this act enter an order during said period of thirty days suspending a proposed change or changes in rates And provided further That the commission may] in its discretion and for good cause shown allow changes in such tariffs or schedules not containing increases in rates upon less than thirty days' notice herein specified or upon other conditions And provided further That no rate practice or classification which shall have been determined by the commission shall be changed or discontinued by the public service company directly or through any change in classifications rules regulations contracts or practices within a period of three years after such determination without application to and the approval of the commission of which application thirty days' prior notice shall be given in the said tariffs or schedules to the public And provided further That it shall be the duty of every public service company when required by the commission to issue to its shippers consumers or other patrons a certificate or other evidence of payment made by them to it in excess of the prior established rate of an increase in which rate notice has been provided further That in case of urgency or emergency given to the commission and the public as aforesaid And for cause shown to the satisfaction of the commission the burden of proof thereof being upon the public service company the commission may allow a temporary increase in rates which shall in no event continue for a period in excess of sixty days unless said commission shall have in the meantime approved the new rates with the power in the commission to continue said increase for a further period of sixty days but no longer without approval of said new rate

Section 2 That section four of article five of said act is hereby amended to read as follows

Section 4 Whenever the commission receives notice of any change proposed in any tariff or schedule filed or posted under the provisions of this act it shall have power either upon complaint or upon its own motion [upon reasonable notice to enter upon a hearing concerning the lawfulness of such rate or rates and pending such hearing and decision thereon the commission upon filing with such tariff or schedule and delivering to the public service company affected thereby a statement in writing of its reasons therefor may at any time before they become effective suspend the operation of such rate or rates but not for a longer period than one hundred and fifty days beyond the time when such rate or rates would otherwise go into effect unless the commission shall find that a longer time will be required in which case the commission may further extend the period for not exceeding thirty days provided and notwithstanding any such order of suspension the public service company may put such suspended rate or rates into effect on the date when it or they would have become effective if not so suspended or at any time thereafter by filing with the commission a bond in such reasonable amount with such sureties and of such form as shall be approved by the commission conditioned upon the refund in a manner to be prescribed by order of the commission to the persons entitled thereto of the amount of the excess if the rate or rates so put into effect are finally determined to be excessive and the payment of the penalties costs and fees in this act provided for or there may be substituted for such bond other arrangements satisfactory to the commission for the protection of the parties interested The commission shall have power to fix and determine the amount of the refund or reparation if any to be paid to the parties entitled thereto either with or without a separate petition therefor as the commission may determine in its order pertaining to the reasonableness or unreasonableness of such rate or rates and shall make such further order with respect to the said refund or reparation as it may deem necessary and proper to expedite and to facilitate the payment or adjustment by credits or otherwise of the said refund or reparation The commission shall regard and treat any complaint or petition for refund or reparation by one or more consumers shippers or patrons or any proceeding initiated on its own motion as made in a representative capacity and as if filed or instituted in behalf of all consumers shippers or patrons affected by the rate or rates in question and in its order for refund or reparation it shall fix and determine the amount or amounts of refund or reparation which shall be awarded or credited to each consumer shipper or patron affected If the public service company fails after written demand to make the refund or to give the proper credit in accordance with the order of the commission within ninety days after such final determination any person entitled to such refund may sue therefor in any court of this Commonwealth of competent jurisdiction and be entitled to recover in addition to the amount of the refund a penalty of fifty per centum of the amount of the said refund together with all court costs and reasonable attorneys' fees but no suit may be maintained for that purpose unless instituted within one year after such final determination Any number of persons entitled to such refund may join as plaintiffs and recover their several claims in a single action in which action the court will render a judgment severally for each plaintiff as his interest may appear The foregoing provisions with reference to reparation and refund shall apply only to cases involving a change in rate or rates arising under this section and the provisions of section five of this article shall apply to all other cases involving reparation or refund At any such hearing involving any proposed increase in any rate or rates the burden of proof to show that each such increased rate or rates is just and reasonable shall be upon the public service company

The commission shall have power in its discretion and for good cause shown to permit changes in the tariffs or schedules filed and published upon less than the thirty days' notice specified in article two section one (f) of this act or upon other conditions which shall be just and reasonable

The commission shall also have power in its discre-

tion where any notice of increase in any rates fares tolls or charges of a public service company has been filed to require by general rule or special order that such company shall furnish to its shippers consumers or other patrons a certificate or other evidence of payments made by them in excess of the prior established rate] and if it so orders without answer or other formal pleading by the interested public service company after notice to hold a public hearing make investigations as to the propriety of such proposed change and of the new rate practice or classification After such hearing and investigation the commission may make such order in reference to the new proposed rate practice or classification as it may deem just and lawful but no change in any tariff involving an increase in rates shall take effect until after approval by the commission

At any such hearing involving any proposed increase in any rate or rates the burden of proof to show that each such increased rate or rates is just and reasonable shall be upon the public service company

Except when increases in rates are involved the commission shall have power in its discretion and for good cause shown to permit changes in the tariffs or schedules filed and published upon less than the thirty days' notice specified in article two section one (f) of this act or upon other conditions which shall be just and reasonable

The Public Service Commission may where proposed increases in rates are involved for cause shown in case of urgency or emergency the burden of proof thereof being upon the public service company allow temporary increases shall in no event continue for a period in excess of sixty days unless the Public Service Commission shall have in the meantime approved the new rates Provided however That the Public Service Commission may for good cause allow the said increase to continue for a further period of sixty days but no longer And provided That where temporary increases are allowed the Public Service Commission shall require the interested public service company to keep an accurate account in detail of all amounts received by reason of such temporary increase in rates specifying by whom or in whose behalf such amounts are paid and upon completion of the hearing and investigation to require the interested public service company to refund with interest at six per centum per annum to the persons in whose behalf such amounts were paid such portion of such increased rates as by its decision shall be found not justified or to order the interested public service company to furnish to its shippers consumers or other patrons a certificate or other evidence of payments made by them in excess of the prior established rate

Section 3 This act shall become effective on the first day of July one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2685, as follows:

An Act providing for the regulation supervision and control of public service company holding companies and affiliated interests requiring approval of contracts between such holding companies or affiliated interests and public service companies subjecting such contracts to continuing supervision and control providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies conferring powers and imposing duties on the public service commission conferring jurisdiction on the courts of common pleas and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County imposing penalties and repealing certain provisions of an Act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) as amended commonly known as the "Public Service Company Law"

ARTICLE I
DEFINITIONS

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms when used in this act shall have the following meanings

The term "public service company" includes all railroad corporations canal corporations express corporations street railway corporations stage line corporations express corporations baggage transfer corporations pipe line corporations ferry corporations common carriers Pullman car corporations dining car corporations tunnel corporations turnpike corporations bridge corporations wharf corporations incline plane corporations grain elevator corporations telegraph corporations telephone corporations natural gas corporations artificial gas corporations electric corporations refrigerating corporations sewage corporations doing business within this State and also all persons engaged for profit in the same kind of business within this Commonwealth Provided however That persons and corporations of any of the above classes which do not furnish service within this State but whose rates charges facilities or service affect the rates charges facilities or services of a public service company furnishing service within this State shall be considered as doing business within this State for the purpose of this act And provided further That the provisions of this act shall not be so construed as to extend to any matter orthing excluded under the Federal Constitution or act of Congress of the United States and provided further That none of the provisions of this act shall apply to persons or corporations engaged in the generation transmission or distribution of electricity or the manufacture or distribution of gas or the furnishing or distribution of water or the production delivery or furnishing of steam or any other substance for heat or power who is not otherwise a public service company for the sole use of such person or corporation or for the use of tenants of such person or corporation and not for sale to others

The term "corporation" shall be construed to include all bodies corporate joint stock companies or association domestic or foreign their lessees assignees trustee receivers or other successors in interest having any of the powers or privileges of corporation not possessed by individuals or partnerships and shall not include municipal corporations except as otherwise provided in this act

The term "person" means all individuals partnerships or associations other than corporations

The term "commission" means the Public Service Commission of Pennsylvania

The term "affiliated interest" refers to and includes the following

(7) Every person or corporation owning or holding directly or indirectly fiv per cntum or more of the voting capital stock of any public service company

(b) Every corporation or person in any chain of successive ownership of five per centum or more of the voting capital stock of any public service company

(c) Every corporation five per centum or more of whose voting capital stock is owned by any person or corporation owning five per centum or more of the voting capital stock of any public service company or by any person or corporation in any such chain of successive ownership of five per centum or more of voting capital stock of any public service company

(d) Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five per centum or more of the voting capital stock of any public service company

(e) Every corporation which has one or more officers or one or more directors in common with any public service company

(f) Every person or corporation whihc the commission may determine as a matter of fact after investigation and hearing is actually exercising any substantial influence over the policies and actions of any public service

company even though such influence is not based upon stockholding stockholders directors or officers to the extent specified in this act

(g) Every person or corporation who or which the public service commission may determine as a matter fo fact after investigation and hearing actually exercises in conjunction with one or more other corporations or persons through stock ownership or otherwise or by action in concert any substantial influence over the policies and actions of any public service company under the jurisdiction of the commission although such person or corporation acting alone would not be within the meaning of this act an affiliated interest

(h) Every person or corporation who or which stands in such a relation to any public service company under the jurisdiction of the commission that there is an absence of bargaining at arms length between such person or corporation and the public service company in respect to their dealings and transactions

The term "holding company" means any person firm corporation parnership or association holding or controlling five per centum or more of the voting capital stock of any public service company

ARTICLE II

COMMISSION'S JURISDICTION OF HOLDING COMPANIES

Section 201 The commission shall have jurisdiction over the holders of the voting capital stock of all public service companies under the jurisdiction of the commission to such extent as may be necessary to enable the commission to require the disclosure of the identity and the respective interests of every owner of any substantial interest in such voting capital stock Five per centum or more is a substantial interest within the meaning of this article

ARTICLE III

JURISDICTION OF THE COMMISSION OVER AFFILIATED INTERESTS

Section 301 The commission shall have jurisdiction over affiliated interests having transactions other than ownership of stock and receipt of dividends thereon with public service companies under the jurisdcition of the commission to the extent of access to all accounts and records of such affiliated interests relating to such transactions including access to accounts and records of joint or general expenses any portion of which may be applicable to such transactions and to the extent of authority to require such reports and to the extent of authority to require such reports to be submitted by such affiliated interests as the commission may prescribe

Section 302 No contract or arrangement providing for the furnishing of management managerial supervisory construction engineering accounting legal financial tax or similar services and no contract or arrangement for the purchase sale lease or exchange of any property or thing hereafter made or entered into between a public service company and any affiliated interest or interests shall be valid or effective unless and until such contract or arrangement shall have received the written approval of the commission

Section 303 It shall be the duty of every public service company to file with the commission a verified copy of any such written contract or arrangement or a verified summary of any such unwritten contract or arrangement and also all such contracts and arrangements whether written or unwritten entered into prior to the effective date of this act and in force and effect at that time

Section 304 The commission shall approve such contract or arrangement hereafter made and entered into upon satisfactory proof by the public service company to the commission that the contract or arrangement is reasonable and compatible with the public interest If required to do so by the commission the public service company or affiliated interest must submit satisfactory proof as to the actual cost to the affiliated interest of rendering the services or furnishing the property or services to the public service company No proof shall be satisfactory unless it includes the original (or verified copies) of the relevant cost records and other abstracts therefrom or summary therefrom as the commission may deem adequate properly identified and duly authenticated If from an examination of the contract or arrangement the commission finds that is reasonable and compatible with the public interest the commission may approve such contracts or arrangements without the submission of such cost records or accounts

Section 305 In any proceeding whether upon the commission's own motion or upon complaint involving the rates services practices reports or accounting of any public service company the commission may exclude from the accounts of such public service company any payment or compensation to an affiliated interest for any services rendered or property or service furnished under existing contracts or arrangements with such affiliated interest unless such public service company shall establish the reasonableness of such payment or compensation in whole or in part in the absence of satisfactory proof that it is reasonable in amount In such proceeding no payment or compensation shall be approved or allowed by the commission in whole or in part unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the service or furnishing the property or service above described to any public service company No proof shall be satisfactory unless it includes the original (or verified) copies of the relevant cost records and such other relevant accounts of the affiliated interest or such abstract thereof or summary taken therefrom as the commission may deem adequate properly identified and duly authenticated

Section 306 The commission shall have continuing supervisory control over the terms and conditions of such contracts and arrangements as are herein described so far as necessary to protect and promote the public interest The commission shall have the same jurisdiction over the modifications or amendments of contracts or arrangements as are herein described as it has over original contracts or arrangements The facts that the commission shall have approved entry into such contracts or arrangements as described herein shall not preclude disallowance or disapproval of payments made pursuant thereto if upon actual experience under such contract or arrangement it appears that the payments provided for or made were or are unreasonable Every order of the commission approving any such contract or arrangement shall be expressly conditioned upon the reserved power of the commission to revise and amend the terms and conditions thereof if when and as necessary to protect and promote the public interest

Section 307 Whenever the commission shall find upon investigation that any public service company is giving effect to any such contract or arrangement without such contract or arrangement having received the commission's approval as required by this act the commission shall issue a summary order directing the public service company to cease and desist from making any payments or otherwise giving any effect to the terms of such contract or arrangement until such contract or arrangement shall have received the approval of the commission

Section 308 Whenever the commission shall find upon investigation that any public service company is making payments to an affiliated interest although such payments have been disallowed and disapproved by the commission in a proceeding involving the public service company's rates practices reports or accounting the commission shall issue a summary order directing the public service company to cease and desist from making such payments

ARTICLE IV

REHEARING ON AND APPEALS FROM THE ORDER OF THE COMMISSION

Section 401 After any finding determination or order shall have been made by the commission pusuant to the provisions of this act any public service company or municipal corporation affected thereby or any party complainant in the proceedings or any persons copartnership association corporation or public service company duly permitted by the commission on proper petition and

cause shown to intervene may apply for a rehearing or prosecute an appeal to the Superior Court as provided in in article six sections fourteen to thirty-two inclusive of the act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) commonly known as "The Public Service Company Law" as amended

ARTICLE V

PENALTIES FOR VIOLATION OF THE ACT

Section 501 Whenever the commission shall be of opinion that any public service company is violating or is about to violate any provisions of this act or has done or is about to do any act matter or thing herein prohibited or declared to be unlawful or has failed omitted neglected or refused or is about to fail omit neglect or refuse to perform any duty enjoined upon it by this act or has failed omitted neglected or refused or is about to fail omit neglect or refuse to obey any lawful requirement or final order made by the commission or any final judgment order or decree made by the Superior Court then and in every such case the commission may by its counsel or assistant counsel institute in the name of the commission in the court of common pleas of Dauphin County or of the county where the principal office of the public service company is located injunction mandamus or other appropriate legal proceedings to restrain such violations of the provisions of this act or of the orders of the commission and to enforce obedience thereto and the said court of common pleas of Dauphin County is hereby clothed with jurisdiction throughout the Commonwealth to hear and determine all such actions

Section 502 The Attorney General in addition to the exercise of the powers and duties now conferred upon him by law shall also upon request of the commission or of his own motion proceed in the name of the Commonwealth by mandamus injunction or quo warranto or other appropriate remedy at law or in equity to restrain violations of the provisions of this act or of the orders of the commission or of the judgment orders or decrees of said courts or to enforce obedience thereto

Section 503 If any public service company shall violate any of the provisions of this act or shall do any matter or thing herein prohibited or shall fail omit neglect or refuse to perform any duty enjoined upon its by this act or shall fail omit neglect or refuse to obey observe and comply with any final directions requirements determination or order made by the commission or to comply with any final judgment order or decree made by the Superior Court or of the Supreme Court such public service company for such violation omission failure neglect or refusal and each and every day's continuance in the violation thereof shall be a separate offense shall forfeit and pay to the Commonwealth of Pennsylvania the sum of five hundred dollars to be recovered by an action of assumpsit instituted in the name of the Commonwealth of Pennsylvania in the court of common pleas of Dauphin County or of the county where the principal office of the public service company is located and the said court of common pleas of Dauphin County is hereby clothed with jurisdiction throughout the Commonwealth to hear and determine all such actions

In construing and enforcing the provisions of this section the violation omission failure neglect or refusal of any officer agent or other person acting for or employed by any such public service company acting within the scope of his employment shall in every case be deemed to be the violation omission failure neglect or refusal of such public service company

Section 504 Any president secretary treasurer or other officers of any public service company who shall knowingly affix his name or attestation to any written contract or arrangement or who shall enter into any unwritten contract or arrangement or any director who shall knowingly assent to the entering into of any written or unwritten contract or arrangement in violation of any of the provisions or requirements of this act or any officer or director knowingly making or assenting to any false statement in any application for the approval of any contract or arrangement the approval of which is required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the cost of prosecution and a fine not exceeding five thousand dollars or undergo imprisonment in the county jail for a term not exceeding five years either or both in the discretion of the court

Section 505 Any person whether an officer agent or employe of any public service company or not or any corporation who shall knowingly fail to omit neglect or refuse to obey observe and comply with any final order direction or requirement of the commission or with any final order of the said Superior Court or of the Supreme Court or who shall knowingly procure aid or abet any such violation omission failure neglect or refusal shall be guilty of a disdemeanor and upon conviction thereof in any court of quarter session of competent jurisdiction shall be punished by a fine or not more than five hundred dollars or by imprisonment in the county jail for not less than one month nor more than twelve months either or both at the discretion of the court and upon conviction of any subsequent offense shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not less than three months nor more than eighteen months either or both at the discretion of the court

ARTICLE VI

REPEALING AND SAVING CLAUSES

Section 601 Article three (3) section eleven (11) sub-sections (b) and (c) and (d) and Article five (5) section twenty-two (22) subsection (b) of the Act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway crporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An Act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-

three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended are hereby absolutely repealed and all other parts of acts inconsistent herewith are hereby repealed

Section 602 Nothing in this act shall be construed in any wise to abridge or impair any of the obligations duties or liabilities of any public service company under the existing common or statutory law of this Commonwealth

Section 603 It is hereby declared to be the legislative intent if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held to be unconstitutional had not been included herein

ARTICLE VII

EFFECTIVE DATE

Section 701 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-five

An said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1973, as follows:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 867) is hereby further amended to read as follows

Withdrawal

Section 12 Should a contributor by resignation or dismissal or in any other way than by death or retirement separate from the school service or should such contributor legally withdraw from the retirement system he or she shall be paid on demand from the fund created by this act (a) The full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity which shall be the actuarial equivalent of said accumulation deductions [His or her membership in the retirement association shall thereupon cease]

2 Should an employe so separated from the school service return within five years and restore to the School Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at that time shall be restored

Each employe who separated from school service prior to the first day of July one thousand nine hundred and twenty-five and who subsequently returned or shall return to school service prior to July first one thousand nine hundred and thirty-two after more than five years' absence shall at retirement for super-annuation be entitled to have full credit for each year of service in the public schools of Pennsylvania Provided

(a) He or she shall have rendered not less than twenty years of service in the public schools of Pennsylvania prior to the retirement and

(b) He or she shall have restored to the School Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation

Each employe who separates from school service after the first day of July one thousand nine hundred and twenty-five and who returns to school service after a longer absence than five years shall have his or her annuity rights restored in accordance with the provisions of this paragraph provided he or she fulfills the conditions named in paragraphs (a) and (b) of this clause and in addition thereto (c) shall have left with the retirement board at least twenty per centum of his or her accumulated deductions at the time of his or her separation and (d) shall return to service prior to the age of fifty-nine years

In no case shall an employe who has separated from school service and who later returned to school service after five or more years of absence be eligible to retirement on account of disability until he or she shall have rendered at least three years of service subsequent to such return

In any case the restoration of the accumulated deductions provided herein may be made by the payment of a lump sum or any actuarial equivalent approved by the retirement board

Subject to such rules and regulations as the retirement board may adopt the provisions of this act shall be applicable beginning July first one thousand nine hundred and twenty-five to all who are on the retired list of Pennsylvania public school employes at the time this bill becomes a law

3 Any teacher who has resigned from school service prior to the first day of July one thousand nine hundred and twenty-five after having rendered at least thirty-five consecutive years of service in the public schools of Pennsylvania and who is not now carried as a member of the retirement system shall upon restoring to the School Employes' Retirement Fund his or her accumulated deductions as they were at the time of his or her resignation be reinstated as a member of the retirement system and shall be entitled to the same advantages as other members of the retirement system

[3] 4 Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2339, as follows:

An Act to amend section thirteen and section fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three entitled "An act establishing a public school employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuties allowances returns benefits and rights from taxation and judicial process and providing penalties" changing the ages fixed for the retirement of such employes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" is hereby amended to read as follows

DISABILITY RETIREMENT

Section 13 Retirement upon disability shall be made and discontinued as follows

1 Upon the application of a contributor who is an employe or of one acting in his or her behalf or upon the application of the employer of a contributor the retirement board shall retire said contributor on a disability allowance if he or she is under the age of sixty [two] years and on a superannuation allowance if he or she has attained or passed such age provided the physician or physicians designated by said board after a medical examination of said contributor made at the place of residence of said contributor or at a place mutually agreed upon shall certify to the retirement board that said contributor is physically or mentally incapacitated for the performance of duty and that said contributor ought to be retired and provided further that said contributor has had ten or more school years of school service

2 Once each year the retirement board may require any disability annuitant while still under the age of sixty [two] years to undergo medical examination by a physician or physicians designated by the retirement board said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon Should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty or that such disability beneficiary is able to engage in a gainful occupation and should the retirement board concur in such report then the amount of the State annuity shall be discontinued or reduced to an amount that shall be not in excess of the amount by which the amount of the last years salary of the beneficiary as an employe exceeds the present earning capacity of the contributor

3 Should any disability annuitant while under the age of sixty [two] years refuse to submit to at least one medical examination in any year by a physician or physicians designated by the retirement board his or her State annuity shall be discontinued until the withdrawal of such refusal and should such refusal continue for one year all his or her rights in and to the State anunity constituted by this act shall be forfeited

4 Upon application of any beneficiary under the age of sixty [two] years drawing a retirement allowance under the provisions of this act said beneficiary may be restored to active service by the employer by whom he or she was employed at the time of his or her retirement Upon the restoration of a beneficiary to active service his or her retirement allowance shall cease

ALLOWANCE ON DISABILITY RETIREMENT

5 On retirement for disability a contributor who is an employe shall receive a retirement allowance which shall consist of

(a) An employes annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the employes annuity shall be sufficient to produce a retirement allowance of one-ninetieth of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum of said final salary except that in case thirty per centum of said final salary shall exceed eight-ninths of the rate of retirement allowance to which the employe might have been entitled had retirement been deferred until age sixty [two] then the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the employe might have been entitled had retirement been deferred until age sixty [two]

Section 2 That section fourteen of said act as amended in part by section five of the act approved the seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws one hundred sixty-two) and by section one of the act approved the fifteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred fifty-nine) is hereby further amended to read as follows

SUPERANNUATION RETIREMENT

Section 14 Retirement for superannuation shall be as follows

1 Any contributor who is an employe sixty [two] years of age or older may retire for superannuation by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the execution of said application he or she desires to be retired Said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

2 Each and every contributor who has attained or shall attain the age of [seventy] sixty-five years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of [seventy] sixty-five years is attained

ALLOWANCE ON SUPERANNUATION RETIREMENT

3 On retirement for superannuation a contributor who is an employe shall receive a retirement allowance which shall consist of

(a) An employes annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service and

(c) In addition thereto if a present employe a further State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act

4 Any person sixty [two] years of age or older who was a class-room teacher in the public schools of Pennsylvania for at least twenty-years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen or any person who was a class-room teacher in the public schools of Pennsylvania for at least fifteen years and was separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eightieth of his or her final salary for each year of school service if such former teacher shall agree in writing and hold himself or herself under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupil's home in the interests of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interests The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection Provided that any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this sub-section and the annual amount received by such teacher from such local teachers' retirement system

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1576, as follows:

An Act to further amend sections five hundred and twenty-eight and five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the conditions of the bonds of collectors and receivers of school taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred and twenty-eight and five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by sections twenty and twenty-one respectively of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1152) are hereby further amended to read as follows

Section 528 Every receiver of taxes city treasurer or other authority in a school district of the first class who is by the provisions of this act authorized to collect or receive the school taxes therein shall before entering upon the duties of his office as collector or receiver of school taxes furnish to the school district a fidelity bond in such amount and with such surety or sureties as the board of school directors may approve [conditioned upon] [the faithful performance of his duty in the office of such collector or receiver] [the] and upon such terms and conditions as the board shall establish and approve The cost of [which] such bond shall be paid by the said school district In lieu of furnishing such a bond each such receiver of taxes city treasurer or other authority may file his own collateral bond in such amount as may be required by the board of school directors secured by an actual deposit with the board of school directors or with any bank or trust company within the Commonwealth which may be agreed upon of any of the securities which depositories may use to secure the deposit of school funds as herein provided The total market value of the securities thus deposited shall equal the amount of the collateral bond Such collateral bond shall be conditioned upon the faithful performance of his duties as receiver or collector of taxes The securities thus deposited shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond The securities shall be accompanied by a proper assignment or power of attorney for their transfer Such transfer deposit in the event of any depreciation in its value shall be maintained upon request in writing of the board of school directors at the amount provided herein The board of school directors may permit the receiver or collector of taxes to substitute for any one or more bonds or obligations included in any such securities other bonds or obligations as long as the new securities meet the requirements of this act

Every such treasurer or receiver of school taxes shall be paid such compensation as the board of school directors in the district may determine and in addition to his salary be furnished by the school district with the necessary stationery and books required by him in the performance of his duties as treasurer or receiver of school taxes and said board of school directors may also appoint annually such clerks as it may deem necessary to assist the said receiver of taxes

In case any receiver of taxes or city treasurer elected as receiver of taxes or as school treasurer in a school district of the first class shall refuse or neglect to furnish a proper bond with the proper sureties or securities as herein provided after his election then in that case the board of school directors in the said district may elect any other proper person as receiver of said school taxes or school treasurer

Section 550 Every person appointed or elected collector of school taxes in any school district of the second third or fourth class in this Commonwealth in addition to any bonds that he may now be required by law to give and before receiving his tax duplicate and warrant to collect said school taxes shall furnish to the school district a [proper] fidelity bond in an amount to be fixed by the board of school directors with such surety or sureties as it may approve [conditioned upon] [the faithful performance of his duties as such tax collector] and upon such terms and conditions as the board shall establish and approve In lieu of furnishing such a bond the tax collector may file his own collateral bond in such amount as may be required by the board of school directors secured by an actual deposit with the board of school directors or with any bank or trust company within the Commonwealth which may be agreed upon of any of the securities which depositories may use to secure the deposit of school funds as herein provided The total market value of the securities thus deposited shall equal the amount of the collateral bond Such collateral bond shall be conditioned upon the faithful performance of his duties as tax collector The securities thus deposited shall constitute a trust fund to be available for the satisfaction of any liability accruing upon the collateral bond The securities shall be accompanied by a proper assignment or power of attorney for their transfer Such trust deposit in the event of any depreciation in its value shall be maintained upon request in writing of the board of school directors at the amount provided herein The board of school directors may permit the tax collector to substitute for any one or more bonds or obligations included in any such securities other bonds or obligations as long as the new securities meet the requirements of this act

In case any person elected or appointed tax collector shall fail to furnish a proper bond with the proper sureties or securities within fifteen days after his appointment or notice so to do then in any such case the board of school directors shall appoint another suitable person as collector of the school taxes in said district in his place and stead who upon giving the proper bond with the proper sureties or securities required by the provisions of this act shall be the duly authorized person to collect the school taxes in said district for the ensuing school year

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2666, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name and the advertisement of certain corporate procedure

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred two two hundred four seven hundred six and nine hundred seven of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members preprescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" are hereby amended to read as follows

Section 202 The Corporate Name A The corporate name may be in any language but must be expressed in English letters or characters The corporate name shall not imply that the corporation is an administrative agency of the Commonwealth or of the United States or is subject to the supervision of the Department of Banking or of the Insurance Department and shall not contain the word "bank" "banking" "banker" "savings" "trust" "deposit" "insurance" "mutual" "assurance" "indemnity" "casualty" "fiduciary" "benefit" "beneficial" "benevolent" "public service" "building and loan" "surety" "security" "guaranty" "guarantee" "cooperative" "State" "Commonwealth" ["National" "Federal" or "United States"]

B The corporate name shall not be the same as or deceptively similar to

(1) The name of any other domestic corporation or of any foreign corporation authorized to do business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act of assembly unless such other domestic or foreign corporation or unincorporated body is about to change its name or to cease to do business or is being wound up or has filed with the Department of Revenue a certificate of out of existence or such foreign corporation is about to withdraw from doing business in this Commonwealth and the written consent of such other domestic or foreign corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the application to the Department of State for the registration of the name Provided That nothing herein contained shall be construed to refer or apply to any assumed or fictitious name required by law to be filed with the Department of State

(2) The name of any administrative department board or commission or other agency of the Commonwealth

(3) A name the exclusive right to which is at the time reserved by any other corporation whatsoever in the manner provided in this act or any other act of Assembly

C Nothing in this act shall abrogate or limit the law as to unfair competition or unfair practices nor derogate from the common law the principles of equity or the statutes of this Commonwealth with respect to the right to acquire and protect trade names

D The assumption of a name in violation of this section shall not vitiate or otherwise affect the corporate existence but the court of common pleas of Dauphin County may upon the application of the Attorney General acting on his own motion or at the instance of any administrative department board or commission of the Commonwealth and the court of common pleas of any county having jurisdiction over the corporation may upon the application of any person unincorporated association or corporation adversely affected enjoin the corporation from using or continuing to use a name assumed in violation of this section

Section 204 Registration of Corporate Name The incorporators shall make application to the Department of State for the registration of the proposed corporate name The application shall set forth the name which the incorporators desire to use and the address of the proposed registered office of the corporation If the Department of State finds that the proposed name is available for corporate use the department shall register the name and shall issue to the incorporators a certificate that the proposed name has been duly registered If the proposed name is not available for corporate use the department shall refuse to register such name and shall forthwith notify the incorporators of this fact [Upon application of any party interested either for or against the granting of the proposed charter the department shall include in any certificate issued by it under this section any information desired as to the names registered with the department] The Department of State shall keep a properly indexed record of the registrations and cancellations of registrations provided for in this act

Section 706 Advertisement The corporation shall advertise its intention to apply to the court for an amendment of its charter in a manner similar to that heretofore prescribed in this act in the case of the formation of a nonprofit corporation If by the amendment it is proposed to change the address of the registered office of the corporation to another county the advertisement of the amendment shall be made in the county where the new address of such registered office is to be located Advertisements shall appeal at least three days prior to the

day fixed for the presentation of the application to the court and shall set forth briefly

(1) The name and location of the registered office of the corporation

(2) A statement that the application is to be made under the provisions of this act

(3) The nature and character of the proposed amendment

(4) A statement that the articles of amendment have been filed in the office of the prothonotary and the time when the application will be made to the court

Section 907 Amended Certificate of Authority A After receiving a certificate of authority a foreign nonprofit corporation may subject to the provisions of this act change its name or the address of its registered office in the Commonwealth or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended certificate of authority and proof of the advertisement hereinafter required by this section Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation

B A foreign nonprofit corporation shalil before making application to the Department of State advertise its intention to apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic nonprofit corporation If by the amendment the address of the registered office of the corporation is to be changed to another county the advertisement shall be made in the latter county Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly

(1) The name of the corporation and of the state or country under the laws of which it is formed

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature of the business it proposes to do under the amended certificate of authority

(3) If the application is for a change of name the new name under which it proposes to do business

(4) If the application is for change of the registered office of the corporation [to another county] the address including street and number if any of its then registered office and the address including street and number if any to which the registered office is to be changed

C If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended certificate of authority it shall forthwith but not prior to the day specified in the advertisement heretofore required by this section endorse its approval upon the application and when all fees and charges have been paid as required by law shall file the application and issue to the applicant corporation an amended certificate of authority setting forth the desired changes The amended certificate of authority shall be recorded in the office of the recorder of deeds of the county in which the original certificate of authority was recorded If the address of the registered office of the applicant corporation was changed from one county to another then the corporation shall have recorded in the office of the recorder of deeds of the county in which its new registered office is situated its original and amended certificates of authority and a verified copy of its articles

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2659, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name the advertisement of certain corporate procedure and formal actions by shareholders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred two five hundred thirteen eight hundred seven and one thousand seven of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" are hereby amended to read as follows

Section 202 The Corporate Name A The corporate name may be in any language but shall be expressed in English letters or characters and shall contain the word "corporation" "company" or "incorporated" or shall end with an abbreviation of one of these words except that the word "company" or the abbreviation "Co." may be used only if that word or abbreviation is not immediately preceded by the word "and" or any symbol or substitute therefor The corporate name shall not imply that the corporation is an administrative agency of the Commonwealth or of the United States or is subject to the supervision of the Department of Banking or of the Insurance Department and shall not contain the word "bank" "banking" "bankers" "savings" "trust" "deposit" "insurance" "mutual" "assurance" "indemnity" "casualty" "fiduciary" "benefit" "beneficial" "benevolent" "public service" "building and loan" "surety" "security" "guaranty" "guarantee" "cooperative" "State" "Commonwealth" ["National" "Federal" or "United States"]

B The corporate name shall not be the same as or deceptively similar to

(1) The name of any other domestic corporation or of any foreign corporation authorized to do business in this Commonwealth or the name of any unincorporated body whatsoever voluntarily registered with the Department of State under any act of Assembly unless such other domestic or foreign corporation or unincorporated body is about to change its name or to cease to do business or is being wound up or has filed with the Department of Revenue a certificate of out of existence or such foreign cor-

poration is about to withdraw from doing business in this Commonwealth and the written consent of such other domestic or foreign corporation or unincorporated body to the adoption of its name or a deceptively similar name has been given and is filed with the articles Provided That nothing herein contained shall be construed to refer or apply to any assumed or fictitious name required by law to be filed with the Department of State

(2) The name of any administrative department board or commission or other agency of the Commonwealth

(3) A name the exclusive right to which is at the time reserved by any other corporation whatsoever in the manner provided in this act or any other act of Assembly

C Nothing in this section shall abrogate or limit the law as to unfair competition or unfair practices nor derogate from the common law the principles of equity or the statutes of this Commonwealth with respect to the right to acquire and protect trade names

D The assumption of a name in violation of this section shall not vitiate or otherwise affect the corporate existence but the court of common pleas of Dauphin County may upon he application of the Attorney General acting on his own motion or at the instance of any administrative department board or commission of the Commonwealth and the court of common pleas of any county having jurisdiction over the corporation may upon the application of any person unincorporated body or corporation adversely affected enjoin the corporation from using or continuing to use a name assumed in violation of this section

Section 513 Informal Action by Shareholders Except for the action required by this act for increasing the [stated capital] authorized capital stock or indebtedness of a corporation any action required by this act to be taken at a meeting of the shareholders of a corporation may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the shareholders who would be entitled to vote at a meeting for such purpose and shall be filed wih the secretary of the corporation

Section 807 Advertisement The corporation shall advertise its intention to file articles of amendment with the Department of State in a manner similar to that heretofore prescribed in this act in the case of the formation of a business corporation If by the amendment it is proposed to change the address of the registered office of the corporation to another county the advertisement of the amendment shall be made in the county where the new address of such registered office is to be located Advertisements shall appear at least three days prior to the day upon which the articles of amendment are presented to the Department of State and shall set forth briefly

(1) The name and location of the registered office of the corporation

(2) A statement that the articles of amendment are to be filed under the provisions of this act

(3) The nature and character of the proposed amendment

(4) The time when the articles of amendment will be filed with the Department of State

Section 1007 Amended Certificate of Authority A After receiving a certificate of authority a foreign business corporation may subject to the provisions of this act change its name or the address of its registered office in the Commonwealth or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended cerificate of authority and proof of the advertisement hereinafter required by this section Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation

B A foreign business corporation shall before making application to the Department of State advertise its intention o apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic business corporation If by the amendment the address of the registered office of the corporation is to be changed to another county the advertisement shall be made in the latter county Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly

(1) The name of the corporation and of the State or country under the laws of which it is formed

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature fo the business it proposes to do under the amended certificate of authority

(3) If the application is for a change of name the new name under which it proposes to do business

(4) If the application is for change of the registered office of the corporation [to another county] the address including street and number if any of its then registered office and the address including street and number if any to which the registered office is to be changed

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1135, as follows:

An Act to repeal certain part of acts relating to struck juries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following parts of Acts of Assembly are hereby repealed absolutely

Section seventeen of the Act approved the nineteenth day of March one thousand seven hundred and eighty-five (Two Dallas Laws two hundred sixty-two) entitled "An Act for the better regulation of juries"

Section three of the act approved the twenty-seventh day of March one thousand seven hundred and eighty-nine (Two Smith's Laws Four hundred eighty-three) entitled "An act for granting trials at Nisi Prius in the County of Philadelphia"

Sections one hundred twenty-four one hundred fifty-seven one hundred fifty-eight and one hundred fifty-nine of the Act approved the fourteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws three hundred thirty-three) entitled "An act relative to the organization of the Courts of Justice"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2835, as follows:

An Act increasing the number of courts of common pleas in the county of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there shall be and hereby is established in the county of Philadelphia a distinct and separate court of common pleas designated court of common pleas number six of Philadelphia County composed of three judges learned in the law who shall hold office for the same term and with like powers duties authority and compensation and with like and equal constitution and coordinate jurisdiction with courts of common leas numbers one two three four and five of said county and the judges thereof respectively

Section 2 Three judges of the said court of common pleas number six of Philadelphia County learned in the law shall be elected by the duly qualified electors of said county at the next municipal election in November one thousand nine hundred thirty-five and the three candidates who then receive the highest vote shall be declared elected but no elector may vote for more than two candidates upon one ballot for said office one of said judges to be designated as required by the Constitution of the Commonwealth shall be president judge of said court Said judges shall be duly commissioned as judges aforesaid and shall enter upon the discharge of their duties respectively on the first Monday of January next following their election The successors of said judges respectively shall be elected or appointed as required by law

Section 3 The Governor is hereby authorized to appoint three competent persons learned in the law as judges of said court until the first Monday of January succeeding the next municipal election one of whom shall be designated as president judge for said period

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill 2145, entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 403) entitled "An act relating to the form execution revocation and interpretation of wills to nunsupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of estator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor" which provided as follows

"Section 6 No estate real or personal shall be bequeathed or devised to any body politic or to any person in trust for religious or charitable uses except the same be done by will at least thirty days before the decease of the testator and all dispositions of property contrary hereto shall be void and go to the residuary legatee or devisee heirs or next to kin according to law be and the same is hereby amended

On the question,

Will the House agree to the section?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 2, line 7, by striking out the words "which provides" and inserting in lieu thereof the words "is hereby amended to read".

Amend Section 1, page 2, by striking out line 21.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiture of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2784 (Senate Bill No. 144), entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 607 (Senate Bill No. 105), entitled:

An Act empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry of be United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith

And said bill having been read a length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BALDI. Mr. Speaker, I move that this bill be recommitted to the Committee on Corporations for the purpose of further study.

The motion was agreed to.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 817, as follows:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and provided further for retirements and the rights of retired persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when any person now retired or who may hereafter be retired from the Pennsylvania National Guard has served in the Pennsylvania National Guard whether as an enlisted man or officer or both for a period of more than forty years he shall upon [retirement from the National Guard be retired] application made to the Adjutant General be placed upon the retired list as of the next higher grade but not higher than Major-General and if he shall have served in the Pennsylvania National Guard for more than thirty years whether as an enlisted man or officer or both he shall upon [retirement from the National Guard be retired] application made to the Adjutant General be placed upon the retired list as of the next higher grade but not higher than Colonel Provided however That in considering the period of service as aforesaid the military service by such enlisted man or officer whether in the Pennsylvania National Guard engaged in the Federal service or in the United States Army Navy or Marine Corps in any war or military service in which the United States has participated including the Spanish-American War the Philippine Insurrection the American Border service or the World War or other United States foreign military service shall be included and counted double in calculating the period of service for retirement with increased grade under the provisions of this act All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eroe,	Mallen,	Shaw,
Alexander,	Falkenstein,	Mason,	Shepard,
Allen,	Ferko,	McCreary,	Shortz,
Altenburg,	Finnerty,	McDermott,	Shreiner,
Andrews,	Fitch,	McDevitt,	Shugarts,
Arnold,	Flanagan,	McElroy,	Siegel,
Atkins,	Flinchbaugh,	McHenry,	Simon,
Aukerman,	Flynn,	McKinney,	Simpson,
Baine,	Forrest,	Melchiorre,	Sinwell,
Baker, F. T.,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brumbaugh,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 815, as follows:

An Act to amend sections two hundred seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring certain qualifications for the Adjutant General

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments

boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the Superintendent of the Pennsylvania State Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant Generals Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eroe,	Mallen,	Schwartz,
Alexander,	Falkenstein,	Mason,	Shaw,
Allen,	Ferko,	McCreary,	Shepard,
Altenburg,	Finnerty,	McDermott,	Shortz,
Andrews,	Fitch,	McDevitt,	Shreiner,
Arnold,	Flanagan,	McElroy,	Shugarts,
Atkins,	Flinchbaugh,	McHenry,	Siegel,
Ankerman,	Flynn,	McKinney,	Simon,
Bame,	Forrest,	Melchiorre,	Simpson,
Baker, F. T.,	Furman,	Mentzer,	Sinwell,
Baker, J. J.,	Gates,	Merrell,	Sloan,
Baldi,	Gerard,	Moomaw,	Smith, J. A.,
Barber,	Gillette,	Mooney,	Smith, W. G.,
Barnhardt,	Green,	Moore,	Snyder, F. E.,
Bernhard,	Greenstein,	Moran,	Sowers,
Blumberg,	Habbyshaw,	Moul,	Spangler,
Boose,	Haberlen,	Muir,	Sproul,
Boyd, R.,	Hagerty,	Munley,	Stank,
Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hefferon,	Parks,	Tahl,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hofner,	Peters,	VanAllsburg,
Castor,	Holstrom,	Pfaff,	VanSickle,
Cherrenak,	Hoopes,	Phillips,	Walker,
Coakley,	Horst,	Piole,	Wall,
Cochran,	Jackson,	Powers,	Wasserman,
Cohen,	Jones,	Reising,	Weidemann,
Coleman,	Kane,	Reynolds,	Weiss,
Condon,	Kelder,	Rhys,	Welliver,
Conner,	Kelso,	Rinn,	Welsh,
Coolahan,	Kilroy,	Roan,	Westrick,
Cordier,	Kinney,	Robinson,	White,
Davies,	Klinger,	Rooney,	Wickersham,
Decker,	Kobelak,	Root,	Winner,
Denning,	LaRue,	Ruffennach,	Witkin,
Dent,	Linderman,	Ruth,	Wood,
Diehl,	Long,	Sarraf,	Woodside,
Dilley,	Longaker,	Scanlon,	Yeakel,
Downey, J. J.,	Lovett,	Schrock,	Yourishin,
Downey, G. E.,	Lynch,	Schrope,	Zimmerman,
Duffort,	Male,	Schwab,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2661, as follows:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax by imposeing the tax upon manufacturers selling goods wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt clarifying the provisions defining wholesale venders and dealers and relating to appeals and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay [one mill] two mills additional on each dollar of the whole volume gross of business transacted annually Each wholesale vender of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay [one-half] one mill additional on each dollar of the whole volume gross of business transacted annually Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of [wholesale venders or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products] [or] retail venders or dealers engaged in compounding and dispensing medicines on prescriptions of physicians [but every wholesale vender or wholesale dealer so engaged [and every such retail vender or retail dealer so engaged shall pay the mercantile license tax herein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to [the processing and curing of meats their products and by-products or] the compounding and dispensing of medicines on prescriptions of physicians [as the case may] be it being the object of this proviso to relieve from the mercantile licens. tax only so much of the whole volume gross of business transacted anually by [wholesale] venders or dealers as is realized from [the processing and

curing of meats their products and by-products and so much as is realized] [from] the compounding and dispensing of medicines on prescriptions of physicians by retail venders or dealers Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold Any manufacturer selling goods wares and merchandise of his own manufacture from the place of manufacture shall be taxable under this act as either a wholesaler or a retailer as hereinafter defined by section two of this act

Section 2 That section two of said act is hereby amended to read as follows

Section 2 [And it is provided that all] All persons who shall sell goods wares or merchandise to dealers in or venders of such goods wares and merchandise [and to no other person or persons] which dealers or venders resell such goods wares or merchandise in their original or any other form shall be taken under the provisions of this act to be wholesalers and all other venders of or dealers in goods wares and merchandise shall be retailers and shall pay an annual license tax as provided in this act for retailers

Section 3 That section six of said act as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

Section 6 It shall be the duty of each mercantile appraiser appointed under the provisions of this act to forward by mail at least ten days prior to the date when he makes a personal visit to the place of business of every person whom he is required by law to ascertain and assess a blank prepared for distribution by the Department of Revenue as hereinbefore provided It shall be the further duty of the mercantile appraisers after mailing the blank as hereinbefore provided in the several cities and counties of this State personally to visit the store or other place of business of every vender of or dealer in goods wares and merchandise and at the time of such visit to require each vender or dealer to make a return under oath or affirmation of the goods sold for the preceding calendar year on the blank forwarded and he is hereby empowered to administer an oath or affirmation for that purpose If the mercantile appraiser is dissatisfied with the return so made by the vender or dealer he shall ascertain and assess the merchantile license tax according to the classification so made He shall also leave a written or printed notice to be prepared and furnished by the Department of Revenue specifying the classification and amount of license money to be paid by such person to this State and also the time and place when and where an appeal will be held as required by law The appeal shall be held by the county treasurer acting in conjunction with the mercantile appraiser at such date as shall conform with law in all counties except where there is a board of mercantile appraisers in which case the board shall hear all appeals Any vender or dealer subject to the provisions of this act who is dissatisfied with the [rating] assessment so made by the Mercantile appraiser board of appraisers or the court the Mercantile appraiser and county treasurer who are required to hear him on the day so fixed for the with the finding of the county treasurer and merappeal if the vender or dealer is still dissatisfied cantile appraiser or board of appraisers [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken or at the next sitting thereof If any person fails to attend the appeal before the county treasurer and mercantile appraiser shall have the right of appeal to the shall not thereafter be permitted in a suit for the recovery of said mercantile license tax to set up as a defense either that he is not a vender of or dealer in goods wares or merchandise or any other ground of defense which might have been heard and determined either by said county treasurer and mercantile appraiser board of appraisers or the court of common pleas on appeal as aforesaid

Section 4 The following acts and parts of acts are hereby specifically repealed

Section eleven of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt"

The act approved the twenty-seventh day of February one thousand eight hundred and sixty-eight (Pamphlet Laws forty-three) entitled "An act to declare the true intent and meaning of the eleventh section of an act to provide for the reduction of the public debt approved April twenty-second Anno Domini one thousand eight hundred and forty-six"

The act approved the ninth day of April one thousand eight hundred and seventy (Pamphlet Laws fifty-nine) entitled "A supplement to an act entitled 'An act to provide for the reduction of the public debt' approved the twenty-second day of April Anno Domini one thousand eight hundred and forty-six"

Section 5 All other acts and parts of acts inconsistent with this act are repealed

Section 6 This act shall become effective immediately upon its final enactment and shall apply to all licenses applied for and procured on or after the first day of July one thousand nine hundred and thirty-five

RECONSIDERATION OF VOTE

Mr. CLIFF PATTERSON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. CLIFF PATTERSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 22, by inserting after the word "annually" at the end of said line the following: "Provided that the rate of two mills herein imposed shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven and shall thereafter revert to the rate of one mill"

Amend Section 1, page 2, line 27, by inserting after the word "annually" where the same appears in said line the following: "Provided that the rate of one mill herein imposed shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven and shall thereafter revert to the rate of one-half mill"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF VOTE

Mr. OMINSKY. Mr. Speaker, I move that the vote by which the House agreed to postponed House Bill No. 607. Senate Bill No. 105, Printer's No. 5, entitled

An Act Empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry

of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith

on page 31 of today's calendar, be reconsidered.

Mr. BURKE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky vote on the consideration of the resolution?

Mr. OMINSKY. Mr. Speaker, I voted aye.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Burke, vote on the consideration of the resolution?

Mr. BURKE. Mr. Speaker, I voted aye.

On the question,

Will the House agree to the motion?

Mr. BALDI. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. BALDI. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Ominsky, his purpose in moving to reconsider the motion to recommit.

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman from Philadelphia, I wish to say that the membership of this House voted in haste to recommit this bill to the Committee on Corporations. This bill has been acted upon by the Senate. The Committee on Corporatidns held a public hearing on this bill and then reported it out favorably, it also has had two readings. There is no reason or purpose for the recommitment of this bill to the Committee on Corporations at this time.

Mr. BALDI. Mr. Speaker, I consulted Senator Woodward and it was with his consent that I asked to have this bill recommitted to that Committee.

Mr. OMINSKY. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Baldi?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BALDI. I will, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, for the information of the House, will the gentleman from Philadelphia, Mr. Baldi, advise the membership the reason for recommitting this bill to the Committee on Corporations?

Mr. BALDI. Mr. Speaker, I spoke to Senator Woodward about it, and I believe he has further amendments to be introduced in Committee.

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. Ominsky?

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman to withdraw his motion until tomorrow so as to give Mr. Baldi and myself and whoever is interested an opportunity to consult with Senator Woodward further with respect to the amendments that he may or may not have. I have no personal knowledge of the matter but I would like to give Senator Woodward that opportunity.

Mr. OMINSKY. Mr. Speaker and members of the House, I might suggest in answer to the gentleman from Philadelphia, Mr. Witkin, that we restore this bill to the calendar as it was, leave it there on second reading, and then consult with Senator Woodward regarding the bill, but I do not see any purpose in recommitting it to the Committee on Corporations.

Mr. WITKIN. Mr. Speaker, I want to thank the gentleman from Philadelphia, Mr. Ominsky, and to state that his suggestion is satisfactory.

On the question recurring,

Will the House agree to this motion?

It was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 9 as follows:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing townships to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause I of section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

I Lighting Fire Protection To light and illuminate the streets highways and other public places of the township with electric light gas or other illuminating medium and to provide for defraying the cost charges and expenses thereof and for such purposes to enter into contracts or agreements with any person copartnership association or corporation for a period not exceeding five years for the purpose of securing and maintaining a supply of light

To provide for the protection of property from fire and for such purposes to erect and place fire hydrants and purchase the necessary hose or to enter into contracts with water companies for the erection and placing of fire hydrants along the highways and to provide for defraying the cost charges and expenses thereof from revenues derived from the general road tax

On the question,

Shall the bill pass finally?

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, this is the bill which was before the membership, I believe, last week, or the week before—on a previous occasion, at least.—and it has been amended to omit the electric lighting clause, but it is practically the same bill. We still have the water feature. As you know, the taxpayers of the township would be called upon to furnish water and fire hose to the numerous villages, and that would impose a hardship upon the taxpayers.

I ask the members to vote down this bill.

Mr. TURNER. Mr. Speaker and members of the House, the gentleman from Washington has stated that this is practically the same bill. I do not see it that way. I understood that the objection that was raised here last week by the gentleman from Washington and some others was as to the feature that provided electric lights could be supplied and the bill paid out of the general fund of the township. The bill has now been amended so that it takes out the supplying of electric light by the township and leaves that provision in the same situation as it is in the

second class township code. In the second class township code electric light can now be supplied by setting up electric light districts, where the property owners so petition, and where the charges for the lights are made specifically against the properties in the district where they petition for electric light. I left in the bill, because if I had taken it out, there would have been no bill, the provision as to the fire hydrants. There has been not only in my own township but there has also been a large demand here, and much interest in the supplying of fire protection in the township. The gentleman from Washington said that would be an expense to the taxpayers. Everyone knows that when you put in fire protection, when you place properties within certain districts close to fire hydrants, it immediately reduces the insurance rate in those districts and changes the classification so that there is a decided saving to the taxpayer and to the home owner as a result of the reduction in his rates, and certainly there is a greater protection to the people of the community, and there is certainly a greater satisfaction to all of those communities where they have fire protection and where they have fire hydrants.

I therefore, ask you to support this bill.

Mr. JOHN E. BROWN. Mr. Speaker and members of the House, I am quite in accord with the gentleman from Delaware as to the benefits which would come to the villages and small municipalities from the installation of water plugs, but I am opposed to the method by which he proposes to secure them—that is, at the expense of the taxpayers who receive no benefit.

If this bill would call for the installation of fire plugs by the same methods by which municipalities now secure electricity, I would be very much in favor of the bill, but not at the expense of those who receive no benefit.

The farmers of the townships are already overtaxed and this is only imposing upon them an extra burden, which is not just.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—106

Altenburg,	Ferko,	Mason,	Sloan,
Andrews,	Flinchbaugh,	McDermott,	Smith, W. G.,
Baker, F. T.,	Flynn,	McDevitt,	Snyder, F. E.,
Baldi,	Forrest,	McElroy,	Snyder, J. L.,
Barnhardt,	Gates,	McHenry,	Sowers,
Bernhard,	Gerard,	McKinney,	Spangler,
Blumberg,	Gillette,	Moore,	Sproul,
Boose,	Green,	Muir,	Stank,
Boyd, R.,	Greenstein,	Nothnagle,	Stockham,
Boyer,	Habbyshaw,	Ominsky,	Stott,
Bradley,	Hagerty,	O'Neill,	Surface,
Brennan,	Hamilton, R. S.,	Pearson,	Trout,
Burke,	Hart,	Perry,	Turner,
Carr,	Hefferon,	Peters,	Walker,
Castor,	Hermansen,	Phillips,	Wall,
Coakley,	Hindman,	Powers,	Wasserman,
Cochran,	Hoffner,	Reynolds,	Weidemann
Condon,	Horst,	Rhys,	Welsh,
Conner,	Jackson,	Roan,	White,
Cordier,	Jones,	Root,	Wickersham,
Davies,	Kane,	Schrope,	Winner,
Deuning,	Kelder,	Schwartz,	Witkin,
Downey, G. E.,	Kinner,	Shortz,	Wood,
Downey, J. J.,	Kobelak,	Shreiner,	Woodside,
Duffort,	Linderman,	Simon,	Yeakel,
Eroe,	Longaker,	Simpson,	Yourishin,
		Sinwell,	Zimmerman,

NAYS—76

Achterman,	Diehl,	Klingler,	Robinson,
Alexander,	Dilley,	LaRue,	Ruffennach,
Allen,	Eberharter,	Lovett,	Ruth,
Arnold,	Falkenstein,	Lynch,	Sarraf,
Atkins,	Finnerty,	Male,	Scanlon,
Aukerman,	Fitch,	Melchiorre,	Schrock,
Baine,	Flanagan,	Moomaw,	Schwab,
Baker, J. J.,	Furman,	Moran,	Shugarts,
Barber,	Haberlen,	Moul,	Siegel,
Brancato,	Haluska,	Munley,	Smith, J. A.,
Brown, H. S.,	Hamilton, F. P.,	Murrin,	Stevens,
Brown, J. E.,	Harkins,	Nagel,	Stewart,
Brownfield,	Harmuth,	Panton,	Tahl,
Brumbaugh,	Hetrick,	Patterson, C.,	Tumelty,
Cannon,	Hirsch,	Patterson, J. W.,	Van Allsburg,
Carson,	Holstrom,	Pfaff,	Van Sickle,
Coleman,	Hoopes,	Piole,	Weiss,
Decker,	Kelso,	Reising,	Westrick,
Dent,	Kilroy,	Rinn,	Sarig,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. PFAFF. Mr. Speaker, I desire to call up at this time House Bill No. 2126, Printer's No. 1012, on page 34 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. PFAFF.

The House resumed the consideration on final passage of House Bill No. 2126, entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies; and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proprotionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such order, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred

and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals'; and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring open bidding on certain contracts of public service companies having the power of eminent domain.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—105

Achterman,	Downey, J. J.,	Lovett,	Robinson,
Alexander,	Eberharter,	Lynch,	Ruffennach,
Arnold,	Eroe,	Male,	Ruth,
Aukerman,	Falkenstein,	McCreary,	Sarraf,
Baine,	Finnerty,	McDermott,	Scanlon,
Baker, J. J.,	Fitch,	McDevitt,	Shaw,
Barber,	Flanagan,	McHenry,	Shepard,
Bradley,	Flinchbaugh,	Melchiorre,	Shugarts,
Brancato,	Haberlen,	Moomaw,	Siegel,
Brown, H. S.,	Hagerty,	Mooney,	Simon,
Brownfield,	Haluska,	Moran,	Sinwell,
Brumbaugh,	Hamilton, F. P.	Moul,	Smith, J. A.,
Burke,	Harkins,	Munley,	Stank,
Cannon,	Harmuth,	Murrin,	Stevens,
Carr,	Hartman,	Nagel,	Sumney,
Carson,	Hefferon,	O'Keefe,	Surface,
Chervenak,	Hetrick,	Ominsky,	Tronzo,
Coakley,	Hirsch,	O'Neill,	Tumelty,
Cochran,	Holstrom,	Panton,	Van Sickle,
Cohen,	Hoopes,	Patterson, C.,	Walker,
Coleman,	Kelso,	Patterson, J. W.,	Weiss,
Condon,	Kilroy,	Pearson,	Welliver,
Coolahan,	Kinney,	Pfaff,	Welsh,
Dent,	Klingler,	Piole,	Westrick,
Diehl,	Kobelak,	Powers,	Yourishin,
Dilley,	LaRue,	Reising,	Sarig,
Downey, G. E.,	Long,		

NAYS—76

Allen,	Ferko,	Merrell,	Sowers,
Altenburg,	Flynn,	Moore,	Spangler,
Atkins,	Forrest,	Muir,	Sproul,
Baker, F. T.,	Furman,	Nothnagle,	Stewart,
Baldi,	Gates,	Parks,	Stockham,
Barnhardt,	Gillette,	Perry,	Trout,
Bernhard,	Green,	Peters,	Turner,
Blumberg,	Greenstein,	Phillips,	Wall,
Boose,	Habbyshaw,	Reynolds,	Wasserman,
Boyd, R.,	Hamilton, R. S.,	Rhys,	Weidemann,
Boyer,	Hart,	Roan,	White,
Brennan,	Hermansen,	Root,	Wickersham,
Castor,	Hoffner,	Schrock,	Winner,
Conner,	Jackson,	Shortz,	Witkin,
Cordier,	Jones,	Shreiner,	Wood,
Davies,	Kane,	Simpson,	Woodside,
Decker,	Linderman,	Sloan,	Yeakel,
Denning,	Mason,	Snyder, F. E.,	Zimmerman,
Duffort,	McKinney,	Snyder, J. L.,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. SOWERS, from the Committee on Municipal Corporations reported as amended, House Bill No. 2185, entitled:

An Act fixing a uniform system of discounts, penalties and interest for county, city, borough, town, township, school district and poor district taxes.

Mr. COHEN, from the Committee on Appropriations reported as amended, House Bill No. 1991, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five.

TIME EXTENDED ON BILL

Mr. BLUMBERG. Mr. Speaker, I move that the time on House Bill No. 1772, Printer's No. 930, entitled:

An Act to amend sections ten twelve fifteen and eighteen of and to add section thirteen to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages requiring the court to appont a committee for insane respondents and providing that children born after a supposed marriage shall be deemed to be born in wedlock even though the marriage is annulled

on page 3 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Mr. DIEHL. Mr. Speaker, I desire to call up at this time House Bill No. 2525, Printer's No. 940, on page 48, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. DIEHL.

The House resumed the consideration on third reading of House Bill No. 2525, entitled:

An Act to further amend sections one hundred two five hundred eleven five hundred twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailors and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailors providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the

Commonwealth liability for damages caused by the negligent operation of tractors and trailors imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight

On the question recurring,

Will the House agree to the bill on third reading?

Mr. DIEHL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Page 6, Line 27 by inserting after the word "permit" the following: "Provided: That upon request, included in the application, a combination permit may be issued for a single continuous round trip, whether or not a load or loads may be transported for the entire trip, but no substantial increase in the size or weight of vehicle or combination of vehicles, or of load shall be made between intermediate points without supplemental permit."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. TURNER. Mr. Speaker, I desire to call up at this time House Bill No. 1869, Printer's No. 856, on page 48 of today's calender, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. TURNER.

The House resumed the consideration on third reading of House Bill No. 1869, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements defining the powers and duties of the Department of Highways and the Water and Power Resources Board; authorizing political subdivisions persons copartnerships associations corporations and the Board of Fish Commissioners to contribute to the cost of the construction maintenance and repair of any such dam providing for acceptance by agencies of the Commonwealth of gifts and lease of lands and making appropriations from the Motor License Fund and the Fish Fund

On the question,

Will the House agree to the bill on third reading?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 6, page 3, lines 14 and 15, by striking out the words "with the approval of the Governor"

Amend Sec. 6, page 3, line 19, by inserting after the part-word "pended" the following: "from such fund"

Amend Sec. 6, page 3, line 21, by inserting after the word "not" the following: "in the opinion of the Secretary of Highways"

Amend Sec. 6, page 3, line 21, by striking out the word "excessively"

Amend Sec. 6, page 3, line 22, by striking out the word "in" and inserting in lieu thereof: "on"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL INTRODUCED

Mr. CLIFF PATTERSON asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk as follows:

An Act to further amend section one of the act approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, one hundred eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by increasing the rate of the mercantile license tax for a limited period of time, and appropriating the revenues derived from the additional tax for unemployment relief.

The SPEAKER. The bill will be filed with the Clerk.

RESOLUTION

EMPLOYES TO ATTEND BASEBALL GAME

Mr. WITKIN asked and obtained unanimous consent to offer a resolution which was twice read considered and adopted:

Whereas, The Republican and Democratic Members of the House of Representatives are scheduled to engage in what is supposed to be a baseball game on Tuesday, May 21, 1935, at Island Park; and

Whereas, It is the sense of this House that all those who can, ought to see this game, or whatever else it shall turn out to be; now therefore be it

Resolved, That all employes of the House of Representatives shall be given a leave of absence with pay for Tuesday afternoon, with direction that they shall be present at the game.

TIME EXTENDED ON BILL

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that the time on House Bill No. 2034, Printer's No. 924, entitled:

An Act to promote public health safety morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions and the construction and supervision of safe and sanitary dwellings and apartments and for the renting thereof creating a State Housing Authority as a body corporate and politic prescribing and defining its powers and duties including the power to construct purchase lease and operate housing projects and the power to suprevise and regulate certain municipal private and semi-public housing companies and corporations authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act authorizing said Authority to issue bonds for the financing of its housing projects providing such housing projects are self-supporting and

self-liquidating and to enter into agreements with the Government of the United States or any Federal agency granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

on Page 10 of today's calendar, bills on second reading be extended for two weeks.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. RUTH. Mr. Speaker, I move that the time on House Bill No. 1044, Printer's No. 811, entitled:

An Act to amend section two of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties" granting licenses by the Board to certain persons having had at least ten years' practical experience as embalmer or undertaker under certain conditions

on page 47 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. RUFFENNACH. Mr. Speaker, I move that the time on House Bill No. 2412, Printer's No. 925, entitled:

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to provide that the bonds of the authority shall be legal investments to provide that housing authorities their property and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

on page 9 of today's calendar, bills on second reading be extended for two weeks.

The motion was agreed to.

BILL ON THIRD READING

Mr. RUTH asked and obtained unanimous consent to call up out of order House Bill No. 2853, Printer's No. 1075, on page 44 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2853, entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WITKIN and Mr. BLUMBERG and were as follows:

YEAS—76

Altenburg,	Forrest,	McKinney,	Snyder, J. L.,
Atkins,	Gates,	Merrell,	Sowers,
Baker, F. T.,	Gillette,	Moore,	Spangler,
Baldi,	Green,	Muir,	Sproul,
Barnhardt,	Greenstein,	Nothnagle,	Stewart,
Bernhard,	Habbyshaw,	Parks,	Stockham,
Blumberg,	Hamilton, R. S.,	Perry,	Stott,
Boose,	Hart,	Peters,	Surface,
Boyd, R.,	Hefferon,	Phillips,	Turner,
Boyer,	Hermansen,	Reynolds,	Van Allsburg,
Brennan,	Hoffner,	Rhys,	Wasserman,
Castor,	Horst,	Roan,	Weidemann,
Conner,	Jackson,	Root,	White,
Cordier,	Jones,	Schrock,	Winner,
Davies,	Kane,	Shortz,	Witkin,
Denning,	Kelder,	Shreiner,	Wood,
Duffort,	Linderman,	Simpson,	Woodside,
Ferko,	Longaker,	Sloan,	Yeakel,
Flynn,	McDevitt,	Snyder, F. E.,	Zimmerman,

NAYS—112

Achterman,	Diehl,	Kobelak,	Reising,
Alexander,	Dilley,	LaRue,	Rinn,
Allen,	Downey, G. E.,	Long,	Robinson,
Andrews,	Downey, J. J.,	Lovett,	Ruffennach,
Arnold,	Eberharter,	Lynch,	Ruth,
Aukerman,	Eroe,	Male,	Sarraf,
Baine,	Falkenstein,	McCreary,	Scanlon,
Baker, J J.,	Finnerty,	McDermott,	Schwab,
Barber,	Fitch,	McElroy,	Shaw,
Bradley,	Flanagan,	McHenry,	Shepard,
Brancato,	Furman,	Melchiorre,	Shugarts,
Brown, H. S.,	Gerard,	Mentzer,	Siegel,
Brown, J. E.,	Haberlen,	Moomaw,	Simon,
Brownfield,	Hagerty,	Mooney,	Sinwell,
Brumbaugh,	Haluska,	Moran,	Smith, W. G.,
Burke,	Hamilton, F. P.,	Moul,	Stank,
Cannon,	Harkins,	Munley,	Stevens,
Caputo,	Harmuth,	Murrin,	Sumney,
Carr,	Hartman,	Nagel,	Tronzo,
Carson,	Hetrick,	O'Keefe,	Tumelty,
Chervenak,	Hindman,	Ominsky,	Van Sickle,
Coakley,	Hirsch,	O'Neill,	Walker,
Cochran,	Holstrom,	Panton,	Weiss,
Cohen,	Hoopes,	Patterson, J. W.,	Welliver,
Coleman,	Kelso,	Pearson,	Welsh,
Condon,	Kilroy,	Pfaff,	Westrick,
Coolahan,	Kinney,	Piole,	Yourishin,
Decker,	Klingler,	Powers,	Sarig,
Dent,			

So the question was determined in the negative and the motion was not agreed to .

On the question recurring,

Will the House agree to the bill on third reading?

Mr. RUTH. Mr. Speaker, this is one of the compromise tax bills. We have pledged ourselves to a tax program of sixty million dollars. In the compromise this bill was one that was agreed to. In order to uphold our pledge and our honor, I ask the members to vote "aye" on this bill.

Mr. GATES. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. GATES. Mr. Speaker, is it not true that in this bill only the poor man would pay the two cents?

Mr. RUTH. Mr. Speaker, I do not believe that is true. Mr. Speaker, I will answer the gentleman by saying that it has always been said that the poor man has no money to put in the bank.

Mr. GATES. Is it not true, Mr. Speaker, that when the Federal two cent stamp tax was on checks, that after the amount had reached forty-one million dollars, certain persons got on to a way of defeating it, and it dropped six million dollars? Now, if this measure could be amended to take in these large corporations, I would be very happy to vote for the bill, but under present conditions they could draw checks or drafts on themselves and have them come into your bank for six or eight or ten thousand dollars, and then they could come in and lift the bunch with one check and pay two cents on it. If you will offer an amendment to catch the big fellow, I will be delighted to vote for the bill.

Mr. RUTH. Mr. Speaker, this bill was proposed by the Senators, but because of the rules it had to be introduced in the House. If they want to make it that way, I have no objection. As it is our pledge to pass this program in the House, I would like to have this bill out tonight.

Mr. GATES. Mr. Speaker, if you pass it that way, then you will catch no one but the small depositor in the banks in the state of Pennsylvania.

Mr. ANDREWS. Mr. Speaker, I presume that the majority group pledged themselves to adopt some kind of a tax program. Some of the tax bills already adopted represent a major, financial crime. This one represents petty larceny.

The gentleman who has just spoken is absolutely right. The corporations and banks clear with a single check, ten thousand or twenty thousand, for two cents; John Doe, five dollars or two dollar check, would cost him two cents. It is a nuisance tax, and of all the taxes the people resent, it is a nuisance tax, because it hits them every day. A man is willing to pay once and be socked hard, but not a tax that nags him day after day, nags the house wife and nags everybody that tries to have a little bank account. This kind of tax went out of style in this country twenty years ago. It is penurious, petty larceny, and any administration or any House ought to be ashamed of it.

Mr. WITKIN. Mr. Speaker and members of the House, I am not going to discuss the merits or the demerits of this bill. I merely want to correct the erroneous impression that may have been given to this House by the gentleman from Berks, Mr. Ruth, when he stated that this House is pledged to vote for this bill. I know of no resolution, nor of any action taken by the minority of this House or by this House as a whole, wherein at any time, directly or indirectly, in any manner, shape or form, we pledged ourselves to vote for this tax measure, and I object rather strenousuly to the remarks of the gentleman from Berks, Mr. Ruth, that we are committed to this bill. No action was ever taken by this House with respect to this measure or a similar measure, nor was any action ever taken by the Republican membership of this House one way or the other with respect to this bill. I did not want to permit the remarks of the gentleman from Berks to pass without being contradicted.

Mr. COHEN. Mr. Speaker and members of the House, I do not know the paternity of this bill; I do not know the maternity of the bill; I do not know any of its predecessors or how many generations it came down to infest this House. I understand that this bill was one of the bills that was included in the tax compromise suggested at the meeting between the Governor, the members of the Senate and the members of this House. The bill was presented and it was agreed to by the Governor.

BILL POSTPONED

Mr. COHEN. In view of the remarks that have been made by the gentleman from Philadelphia, and until we can straighten out the parentage of the "child". I move, Mr. Speaker, that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker and members of the House, the gentleman from York has stated another erroneous and improper fact. I would suggest to the Democratic members of this House that when they make statements on the floor of this House they ought to be sure of their statements and not make them haphazardly and recklessly.

This bill, as far as my knowledge is concerned, and I think I speak for every member of the Reepublican party in this House, was not the result of a compromise wherein any Republic member of this House participated, and when the gentleman speaks of a compromise meeting between the Governor and the members of the Senate and the mmbers of the House, I have no objection thereto provided he confines his remarks to the Democratic members of the House, if they were present, but to give the impression that we on this side of the House are breaking faith on a compromise plan that was agreed to by the members of this House is an absolutely improper thing to do.

We on the Republican side of this House will never break faith on any agreement that we may make. I object to any member of the Democratic party creating any such impression. I say to the Democratic gentleman who made that remark that he cannot possibly point to a single instance where we on this side of the House at any time ever broke faith with you on any measure. If the best you can do is to roar in derision upon a fact that is a fact, then it bespeaks very little for your intelligence. I hate to go so venomous with you, but it is a fact; you cannot show me where at any time I or the Republican minority of this House ever entered into any agreement wherein we subsequently broke faith.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 815.

An Act to amend sections two hundred seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive De-

partment thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" requiring certain qualifications for the Adjutant General

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2544, entitled:

An Act to amend the act approved the second day of June, one thousand nine hundred fifteen (P. L. 762), as amended, entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; and providing penalties for the violation thereof," by authorizing the State Workmens' Insurance Board to pay dividends in such proportion as it may determine; by giving the said board the right to reject any risk; and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance.

On the question,

Will the House agree to the bill on third reading?

Mr. KOBELAK. Mr. Speaker, I ask unanimous consent to offier amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 11 of title, by striking out the words "any risk" and insert in lieu thereof "risks except for certain reasons"

Amend section 1, page 4, line 22, by inserting after the word "reject" the following: "Provided however, That no risk shall be rejected at any time on account of race or color"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2206, entitled:

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended establishing a compulsory tax levy for fire protection.

On the question.

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. RUTH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2207, as follows:

An Act to amend clause four of section seven hundred two and clause five of section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection and requiring the levy of a tax for fire protection

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause four of section seven hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

IV Fire Protection To appropriate moneys to fire companies located therein to secure fire protection for the inhabitants of the township To enter into contracts with the proper authorities of near or adjacent cities boroughs or townships or fire departments fire companies or fire company therein for the furnishing to such townships of fire protection by the fire department fire departments fire companies or fire company of such cities boroughs or townships and to make appropriations therefor Provided that such contracts before being entered into by township supervisors shall be first approved by the township auditors

Section 2 That clause five of section nine hundred five of said act is hereby amended to read as follows

Five [A] The supervisors shall levy a tax not exceeding one mill and not [exceeding the amounts hereinafter limited] less than one-half mill for the purpose of [purchasing and] maintaining fire apparatus [and to] and fire buildings and the payment of municipalities and organizations outside the township for fire protection The supervisors may provide with the assent of the electors of the township as hereinafter provided a suitable place for the housing of [the same] fire apparatus if such place does not exist and [to] make appropriations to fire companies for the purchase and maintenance of fire apparatus [but the total expenditure for the purchase of fire apparatus by the township together with the amount of appropriation to one or more fire companies from such taxes shall not for the first fiscal year exceed in all the sum of seven thousand five hundred dollars nor shall any] No new fire apparatus shall be thereafter purchased by the township or by any fire company from appropriations made by the township without the consent of the electors as hereinafter provided [nor shall the total expenditure by the township in any fiscal year for the purpose of maintenance and operation together with the appropriations to any one or more fire companies exceed forty-five hundred dollars]

Whenever the assent of the electors is required as hereinbefore provided the same shall be expressed at an election to be held at the place time and under the same regulations as provided by law for the holding of primary general or municipal election At such election the election officers shall receive ballots from the electors which shall

be prepared in the manner prescribed by the general election law In receiving and counting and in making return of the votes cast the election officers shall be governed by the laws regulating municipal elections and the returns shall be computed by the court as now provided by law for municipal elections The taxes authorized to be levied by this section shall be levied upon the last adjusted valuation for county purposes which valuation shall be furnished to the township supervisors by the county commissioners If any further adjustment of valuation is made by the county commissioners after any tax is so levied and before said tax is payable such adjusted valuation shall be certified to the township supervisors and to the township collector of taxes by the commissioners and the tax shall be collected on the basis of such adjusted valuation

This article does not include the levy of any taxes upon particular districts or parts of any township for particular purposes

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. RUTH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1716, as follows:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of a public library although a school library already exists

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith," is hereby amended to read as follows

Section 2510 [instead of establishing or maintaining a separate public school library any] Any board of school directors may by a two-thirds vote join with or aid any individual or association in the maintenance or the establishment and maintenance of a free public non-sectarian library under such written agreement as it may determine whether or not a separate public school library is already maintained in the district [which] Such agreement shall be entered in full in its minutes and [Such agreement] shall specify the manner terms and conditions agreed upon for the aiding establishing maintenance or management of such joint library

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Ruffennach,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2690, entitled:

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requiring private contract carriers to procure permits empowering the Public Service Commission to grant, revoke and suspend permits empowering The Public Service Commission to fix minimum rates, fares and charges of private contract carriers, prescribe maximum hours of employment for drivers of private contract carriers, trucks requiring identification insignia to be displayed in or on private contract motor trucks, prescribing fees and penalties, increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of the Public Service Commission.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 637, entitled:

An Act to insure bituminous coal miners of correct weight for coal loaded by them and providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	McCreary,	Shepard,
Alexander,	Ferko,	McDermott,	Shortz,
Allen,	Finnerty,	McDevitt,	Shreiner,
Altenburg,	Fitch,	McElroy,	Shugarts,
Andrews,	Flanagan,	McHenry,	Siegel,
Arnold,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Harkins,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2318, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorder of deeds, and certain State Departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts," by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and of their officers, directors, shareholders, solicitors, and other and other employes, and further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2709, entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended; by removing limitation on minimum term.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. McDERMOTT. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2321, entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. JOHN J. DOWNEY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2499, entitled:

An Act requiring the licensing of portable grinding mills by the respective counties fixing fees therefor and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—184

Achterman,	Downey, J. J.,	Lovett,	Shaw,
Alexander,	Duffort,	Male,	Shepard,
Allen,	Eberharter,	Mallen,	Shortz,
Altenburg,	Eroe,	Mason,	Shreiner,
Andrews,	Falkenstein,	McCreary,	Shugarts,
Arnold,	Ferko,	McDevitt,	Siegel,
Atkins,	Finnerty,	McElroy,	Simon,
Aukerman,	Fitch,	McHenry,	Simpson,
Baine,	Flanagan,	Melchiorre,	Sinwell,
Baker, F. T.,	Flinchbaugh,	Mentzer,	Sloan,
Baker, J. J.,	Flynn,	Merrell,	Smith, J. A.,
Baldi,	Forrest,	Moomaw,	Smith, W. G.,
Barber,	Gates,	Mooney,	Snyder, F. E.,
Barnhardt,	Gerard,	Moore,	Snyder, J. L.,
Bernhard,	Gillette,	Moran,	Sowers,
Blumberg,	Green,	Moul,	Spangler,
Boose,	Habbyshaw,	Munley,	Sproul,
Boyd, R.,	Haberlen,	Murrin,	Stank,
Boyer,	Hagerty,	Nagel,	Stevens,
Bradley,	Haluska,	Nothnagle,	Stewart,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stockham,
Brennan,	Hamilton, R. S.,	Ominsky,	Stone,
Brown, H. S.,	Harkins,	O'Neill,	Sumney,
Brown, J. E.,	Harmuth,	Parks,	Surface,
Brownfield,	Hart,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hartman,	Pearson,	Tumelty,
Burke,	Hefferon,	Perry,	Turner,
Cannon,	Hermansen,	Peters,	VanAllsburg,
Caputo,	Hetrick,	Pfaff,	VanSickle,
Carr,	Hindman,	Phillips,	Walker,
Carson,	Hirsch,	Piole,	Wall,
Castor,	Hoffner,	Powers,	Wasserman,
Chervenak,	Hoopes,	Reynolds,	Weidemann,
Coakley,	Horst,	Rhys,	Weiss,
Cochran,	Jackson,	Rinn,	Welliver,
Cohen,	Jones,	Roan,	Welsh,
Coleman,	Kane,	Robinson,	Westrick,
Condon,	Kelder,	Rooney,	Wickersham,
Coolahan,	Kelso,	Root,	Winner,
Cordier,	Kilroy,	Ruffennach,	Wood,
Davies,	Kinney,	Ruth,	Woodside,
Decker,	Kobelak,	Sarraf,	Yeakel,
Dent,	LaRue,	Scanlon,	Yourishin,
Diehl,	Linderman,	Schrock,	Zimmerman,
Dilley,	Long,	Schrope,	Sarig,
Downey, G. E.,	Longaker,	Schwartz,	

NAYS—18

Conner,	Klinger,	Panton,	Tahl,
Denning,	Lynch,	Patterson, C.,	Trout,
Furman,	McDermott,	Reising,	White,
Greenstein,	McKinney,	Schwab,	Witkin,
Holstrom,	Muir,	Stott,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2509, entitled:

An Act to amend section one of the act approved the twenty-first day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand sixty-four) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties" as amended by providing that each of said judges in counties of the second class may appoint a clerk and providing for the compensation of said clerks

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stocknam,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2580, entitled:

An Act to further amend section one of the act approved the nineteenth day of August one thousand nine hundred thirty-two (Special Session Pamphlet Laws, page eighty-eight), entitled "An act creating the State Emergency Relief Board, consisting of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed, in accordance with plans adopted by the board; and making an appropriation," by empowering the State Emergency Relief Board to utilize means and agencies which will facilitate the securing of cooperation and financial assistance from the Government of the United States.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stocknam,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1736, entitled:

An Act to amend sections eighteen and twenty-four of the act approved the fourth day of June, one thousand nine hundred and one (P. L. 404), entitled "An act relating to insolvency; embracing, among other matters, voluntary assignments for the benefit of creditors, and adverse proceedings in insolvency by creditors; forbidding, also certain preferences; providing for the distribution of the insolvent's estate, and in certain contingencies relieving him, and others liable with him, from further liability for his or their debts," shortening the time for the liquidation of the assets of an insolvent and the filing of an account by the assignee or receiver.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Ferko,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1115, entitled:

An Act to limit the operation of the rule in Shelly's case by providing that certain grants and devises in trust or otherwise shall be construed not to create estates in fee

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Dilley,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2641, entitled:

An Act to provide for and regulate counsel fees to garnishees in attachment procedings

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,

Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2416, entitled:

An Act to further amend section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses of other buildings devised; the abatement and survival of actions and the substitution of executors and administrators herein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and so generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by repealing clause (c) and otherwise changing and revising said section.

On the question,

Will the House agree to the bill on third reading?

Mr. FORREST. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 6, by inserting a bracket, at the beginning of line 4, before the word "Upon", thus: "["

Amend Section 1, on page 6, by inserting a bracket, at the end of line 29, after the word "such", thus: "]"

Amend Section 1, on page 7, by inserting a bracket at the beginning of line 1, before the word "custodian", thus: "["

Amend Section 1, on page 7, by inserting a bracket at the end of line 2, after the word "officer", thus: "]"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendmens will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2681, entitled:

An Act making an appropriation out of the General Fund of the State Treasury for the purpose of reimbursing certain special funds of the State Treasury for moneys transferred from such special funds to the General Fund.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,

Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2429 (Senate Bill No. 67), entitled:

An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Faikenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2440, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by removing the exemption in the case of certain private banks.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2538, entitled:

An Act to amend further a part of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widows and children's exemptions: debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, judgments and executions therefor, sales and mortgages of real estate for the payment thereof, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and resignation of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also generally dealing with the jurisdiction, powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," by authorizing executors, administrators, guardians and trustees to invest moneys in their custody or possession eligible for investment in mortgages insured and in debentures issued by the Federal Housing Administrator pursuant to title two of the National Housing Act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shreiner,
Andrews,	Finnerty,	McElroy,	Shugarts,
Arnold,	Fitch,	McHenry,	Siegel,
Atkins,	Flanagan,	McKinney,	Simon,
Aukerman,	Flinchbaugh,	Melchiorre,	Simpson,
Baine,	Flynn,	Mentzer,	Sinwell,
Baker, F. T.,	Forrest,	Merrell,	Sloan,
Baker, J. J.,	Furman,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Rinn,	Welliver,
Conner,	Kilroy,	Roan,	Welsh,
Coleman,	Kinney,	Robinson,	Westrick,
Cordier,	Klinger,	Rooney,	White,
Davies,	Kobelak,	Root,	Wickersham,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zimmerman,
Duffort,	Mallen,	Schwartz,	Sarig,

NAYS—2

Kane, Gates,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2856 (Senate Bill No. 1289), entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Shugarts,
Arnold,	Flanagan,	McHenry,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baker, F. T.,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordereed, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

TIME EXTENDED ON BILL

Mr. HORST. Mr. Speaker, I move that the time on House Bill No. 1072, Printer's No. 757, entitled:

An Act to amend section one paragraphs thirteen and fourteen of section five and section seven of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred eighty-five) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" regulating the holding and vote of common stock of cooperative agriculture associations by similar corporations or associations

on page 46 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON SECOND READING

The SPEAKER. The Chair desires to call the attention to the fact that House Bill No. 2249, Printer's No. 1141, on page 2 of the calendar, is erroneously on first reading. It should be on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2249, as follows:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphleet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" as last amended by the act approved the twentieth day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred and forty-two) is hereby further amended to read as follows

Section 7 Whensoever any property real or personal [other than funds from plate Christmas and Easter collections and annual voluntary contributions for salaries of clergy teachers organist and sexton] has heretofore been or shall hereafter be bequeathed devised or conveyed to any ecclesiastical corporation bishop ecclesiastic or other person for the use of any church congregation or religious society for or in trust for religious worship or sepulture or for use by said Church Congregation or Religious Society for a school educational institution convent rectory parsonage hall auditorium or the maintenance of [either] any of these the same shall be taken and held subject to the control and disposition of [the lay members] such officers or authorities of such church congregation or religious society [or the control and disposition of such constituted officers or representatives thereof as shall be com-

posed of a majority of lay members citizens of Pennsylvania] having a controlling power according to the rules regulations usages or corporate requirements [thereof so far as consistent herewith] of such church congregation or religious society which control and disposition shall be exercised in accordance with and subject to the rules and regulations usages canons discipline and requirements of the religious body denomination or organization to which such church congregation or religious society shall belong [Provided It shall be lawful for the majority of the male members of lawful age of any unincorporated church congregation or religious society to choose for their trustee or trustees any other person or persons than a layman and whenever not previously declared to declare the manner in which the title to their said trust property shall be held and conveyed subject however to all the terms and conditions upon which the same may have been bequeathed devised or conveyed to such unincorporated church congregation or religious society and upon due proof of such consent any court having jurisdiction over trusts may direct the legal title to be conveyed accordingly] but nothing herein contained shall authorize the diversion of any property from the purposes usees and trusts to which it may have been heretofore lawfully dedicated or to which it may hereafter consistently herewith be lawfully dedicated And provided All charters heretofore granted for any church congregation or religious society without incorporating therein the requirement that the property real and personal of such corporation shall be taken held and enure subject to the control and disposition as herein provided but which are in other respects good and valid and shall be in all respects as good and valid for all purposes as if the said requirement had been inserted therein when the said charters were originally granted and th title to all property real and personal [other than the funds above expected] heretofore bequeathed devised or conveyed to may have heretofore been granted or conveyed by such corporation shall be firm and stable forever with like effect as though the said requirements had been contained in the charter of such corporation when the same was originally granted Provided That all property real and personal [other than the funds above excepted now] held by such existing corporation shall enure and be taken and held subject to the control and disposition as herein provided with like effect as though such provision had been inserted in the charter of such corporation when originally granted any other or different provision therein notwithstanding

Section 2 Jurisdiction is hereby conferred upon courts of equity to enforce the provisions of this act

Section 3 This act shall become eeffective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. EBERHARTER. Mr. Speaker, I move that the time on House Bill No. 2515, Printer's No. 882, entitled:

An Act to amend the title and to amend sections three, four, six, seven, eight, nine, eleven and fifteen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain cost on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel; revising certain penalties; imposing filing fees on distributors; eliminating certain discounts; changing date for reports and payment; further clarifying and defining the procedure under the act; and imposing certain duties on persons transporting liquid fuel.

on page 9 of today's calendar, bills on second reading, be extended for two weeks.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. EBERHARTER. Mr. Speaker, I move that the time on House Bill No. 2516, Printer's No. 881, entitled:

An Act requiring a license for the maintenance or operation of any pump apparatus or appliance used for the purpose of raising withdrawing or removing liquid fuels from any place of storage and imposing penalties

on page 9 of today's calendar, bills on second reading be extended for two weeks.

The motion was agreed to.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 20, 1935.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 27, 1935, at 9 o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, May 27, 1935, at 9 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 493.

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2270.

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1530), entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the estblishment of a reservior for the flood control of Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservior providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and matrials" conferring additional powers and duties on the Water and Power Resources Board.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Represenatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 3, line 22 by striking out after the word "into" the words "the Forests and Waters Fund" and inserting in lieu thereof "the General Fund of the Commonwealth".

On the question,

Will the House concur in the amendments made by the Senate?

BILL AND MESSAGE LAID ON TABLE

Mr. WILLIAM G. SMITH. Mr. Speaker, I move that the message together with the bill be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL NO. 22.

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties

HOUSE INSISTS UPON AMENDMENTS NONCONCURRED IN BY SENATE

Mr. O'KEEFE. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 815.

An Act to amend sections two hundred seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers hereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined requiring certain qualifications for the Adjutant General

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2175.

An Act to amend section one of the act approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1 page 2, line 24 by striking out after the word "each" the words "and every bullfrog or tadpole or terrapin so caught taken or killed" and inserting in lieu thereof the word "offense."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McHenry,	Shugarts,
Arnold,	Flanagan,	McElroy,	Siegel,
Atkins,	Flinchbaugh,	McKinney,	Simon,
Aukerman,	Flynn,	Melchiorre,	Simpson,
Baine,	Forrest,	Mentzer,	Sinwell,
Baker, F. T.,	Furman,	Merrell,	Sloan,
Baker, J. J.,	Gates,	Moomaw,	Smith, J. A.,
Baldi,	Gerard,	Mooney,	Smith, W. G.,
Barber,	Gillette,	Moore,	Snyder, F. E.,
Barnhardt,	Green,	Moran,	Snyder, J. L.,
Bernhard,	Greenstein,	Moul,	Sowers,
Blumberg,	Habbyshaw,	Muir,	Spangler,
Boose,	Haberlen,	Munley,	Sproul,
Boyd, R.,	Hagerty,	Murrin,	Stank,
Boyer,	Haluska,	Nagel,	Stevens,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stewart,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brennan,	Harkins,	Ominsky,	Stone,
Brown, H. S.,	Harmuth,	O'Neill,	Stott,
Brown, J. E.,	Hart,	Panton,	Sumney,
Brownfield,	Hartman,	Parks,	Surface,
Brumbaugh,	Hefferon,	Patterson, C.,	Tahl,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrum,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

ANNOUNCEMENTS

BASE BALL

The ball game between the Democrats and the Republicans will be played on the Island Park tomorrow afternoon at 3:00 o'clock. Admission will be twenty-five cents and there will be no reserved seats. The Harrisburg Welfare Association receives the benefits from the game. This is for a worthy cause, so let us turn out in full force. Harry O'Neill will manage the Democrats. Frank Bernhard will manage the Republicans.

COMMITTEE MEETINGS

There will be a public hearing on House Bill No. 1703 before the Committee on Law and Order at 2:30 P. M. tomorrow in the Hall of the House.

There will be a public hearing before the Committee on State Government in the House caucus room at 2:00 P. M. tomorrow on House Bills No. 1767, 1768, 1769, 1770 and 1771.

There will be a public hearing before the Committee on Mines and Mining in the conference room on House Bill No. 2474, tomorrow at 2:15 P. M.

There will be a public hearing on House Bills No. 2436 and 2437 in the House caucus room on Wednesday, May 22, 1935, at 3:00 P. M., before the Committee on Law and Order.

The Committee investigating the University of Pittsburgh will meet tomorrow after the morning session in Room 325.

There will be the following committee meetings tomorrow:

The Committee on Cities in room 323 at 10:30 A. M.

The Committee on Highways in room 326 at 10:00 A. M.

The Committee on Judiciary General in room 325 at 10:00 A. M.

The Committee on Agriculture in room 324 at 9:30 A. M.

The Committee on Appropriations in room 326 at 9:00 A. M.

There will be no meetings of the following committees tomorrow:

Labor, Judiciary Special, Elections, and Banking.

ADJOURNMENT

Mr. SIEGEL. Mr. Speaker, I move that this House do now adjourn until 11:00 A. M., Tuesday.

The motion was agreed to, and (at 12:35 A. M.) the House adjourned until Tuesday, May 21, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, MAY 21, 1935 No. 65

SENATE

TUESDAY, May 21, 1935.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

O God, Thou art the supreme law-maker and the supreme judge of all the earth. Not only dost Thou set the bounds limiting our acts and thoughts, but from Thy throne uplifted high Thou dost pass judgment upon us and measure out unto us the commendation or condemnation which fixes our eternal destiny. And Thy judgments are always right and just.

Thou art the only safe absolute monarch the world has ever known. Such power to rule and control placed in any other hand than Thine would wreck the world and bring confusion and chaos among men.

Back of Thy absolute power lies Thy absolute love and Thy boundless knowledge. May all who are entrusted with human legislative power take their orders from Thee. Then shall justice and equity rule the race.

Be Thou, O Lord, our source of authority this day and every day, to the honor of Thy name. Amen.

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 9 (Senate Bill No. 1401), entitled:

An Act to amend clause I of section seven hundred and two of the act approved the first day of May, one thousand nine hundred and thirty-three, (P. L. 103), entitled "The Second Class Township Law," authorizing townships to light the streets, highways and public places, and to provide for fire hydrants and hose and to pay for the same from revenues derived from the general road tax.

Which was committed to the Committee on Municipal Government.

House Bill No. 637 (Senate Bill No. 1402), entitled:

An Act to insure bituminous coal miners of correct weight for coal loaded by them; and providing penalties.

Which was committed to the Committee on State Government.

House Bill No. 1115 (Senate Bill No. 1403), entitled:

An Act to limit the operation of the rules in Shelly's case, by providing that certain grants and devices in trust or otherwise, shall be construed not to create estates in fee.

Which was committed to the Committee on Judiciary General.

House Bill No. 1716 (Senate Bill No. 1404), entitled:

An Act to amend section two thousand five hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

Which was committed to the Committee on Education.

House Bill No. 1736 (Senate Bill No. 1405), entitled:

An Act to amend sections eighteen and twenty-four of the act approved the fourth day of June, one thousand nine hundred and one (P. L. 404), entitled "An act relating to insolvency; embracing, among other matters, voluntary assignments for the benefit of creditors, and adverse proceedings in insolvency by creditors; forbidding, also certain preferences; providing for the distribution of the insolvent's estate, and in certain contingencies relieving him, and others liable with him, from further liability for his or their debts," shortening the time for the liquidation of the assets of an insolvent and the filing of an account by the assignee or receiver.

Which was committed to the Committee on Judiciary General.

House Bill No. 2126 (Senate Bill No. 1406) entitled:

A Supplement to an act approved the twenty-sixth day of July, of an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "Public Service Company Laws," by requiring open bidding on certain contracts of public service companies having the power of eminent domain.

Which was committed to the Committee on Public Utilities.

House Bill No. 2318 (Senate Bill No. 1407), entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three, (Pamphlet Laws, four hundred fifty-seven), entitled "Building and Loan Codes" by further defining the rights, powers, duties, liabilities, and immunities of building and loan associations, and their officers, directors, shareholders, solicitors, and other employes, and further regulating the merger and consolidation of building and loan associations and the creation of building and loan associations by merger, consolidation or conversion.

Which was committed to the Committee on Banking.

House Bill No. 2440 (Senate Bill No. 1408), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, five hundred sixty-five), entitled "Department of Banking Code," as amended, by removing the exemption in the case of certain private banks.

Which was committed to the Committee on Banking.

House Bill No. 2499 (Senate Bill No. 1409; entitled:

An Act requiring the licensing of portable grinding mills by the respective counties; fixing fees therefor; and prescribing penalties.

Which was committed to the Committee on State Government

House Bill No. 2509 (Senate Bill No. 1410), entitled:

An Act to amend section one of the act approved the twenty-first day of July, one thousand nine hundred and nineteen (Pamphlet Laws one thousand sixty-four) entitled "An act authorizing the appointment of clerks by the judges of the orphans' court of certain counties," as amended: by providing that each of said judges in counties of the second class may appoint a clerk, and providing for the compensation of said clerks.

Which was committed to the Committee on Judiciary General.

House Bill No. 2538 (Senate Bill No. 1411), entitled:

An Act to amend further a part of section forty-one of the act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred forty-seven), entitled "Fiduciaries Act of 1917" by authorizing executors, administrators, guardians and trustees to invest moneys in their custody or possession eligible for investment in mortgages insured and in debentures issued by the Federal Housing Administrator pursuant to title two of the National Housing Act.

Which was committed to the Committee on Judiciary General.

House Bill No. 2580 (Senate Bill No. 1412), entitled:

An Act to further amend section one of the act approved the nineteenth day of August one thousand nine hundred thirty-two, (Special Session Pamphlet Laws, page eighty-eight), entitled "An act creating the State Emergency Relief Board, consising of the Governor, the Lieutenant Governor, the Auditor General, State Treasurer, and the Speaker of the House of Representatives; prescribing its powers and duties; empowering the Governor to disburse moneys received from the Federal Government for the relief of the unemployed, in accordance with plans adopted by the board; and making an appropriation," by empowering the State Emergency Relief Board to utilize means and agencies which will facilitate the securing of cooperation and financial assistance from the Government of the United States.

Which was committed to the Committee on State Government.

House Bill No. 2641 (Senate Bill No. 1413), entitled:

An Act to provide for and regulate counsel fees to garnishees in attachment proceedings.

Which was committed to the Committee on Judiciary General.

House Bill No. 2681 (Senate Bill No. 1414), entitled:

An Act making an appropriation out of the General Fund of the State Treasury for the purpose of reimbursing certain special funds of the State Treasury for moneys transferred from such special funds to the General Fund.

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2175

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2175, entitled:

An Act to amend section one of the act, approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection, and to regulate the catching or taking or having in possession, wihin this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

HOUSE CONCURS IN SENATE BILL NO. 67

He also returned to the Senate, Senate Bill No. 67, entitled:

An Act requiring return courts, judges and boards sitting to record, compute and certify the returns of any primary, general, municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat, whether said election was conducted by the use of voting machines or paper ballots; providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation, defining the scope and extent of such investigation, and providing for an appeal from the decision thereon, prescribing the effect of such excess, imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registration commissions and other public officers, and repealing inconsistent legislation.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1289

He also returned to the Senate, Senate Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

with the information that the House has passed the same without amendment.

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurrd in Resolution from the Senate as follows:

In the Senate, May 20, 1935.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, May 27, 1935, at 9 o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, May 27, 1935, at 9 o'clock, Eastern Standard Time.

BILLS SIGNED

The PRESIDENT, Lieutenant Governor Thomas Kennedy, announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 902, entitled:

An Act making a deficiency appropriation to the Department of Military Affairs.

House Bill No. 1209, entitled:

An Act prohibiting collection agencies, as herein defined, from representing creditors or taking an assignment for the purpose of representing creditors in any action of proceeding, or in settlement or adjustment of the affairs of a debtor; from soliciting business for attorneys at law, and from threatening the debtor with legal proceedings; and providing penalties.

House Bill No. 2175, entitled:

An Act to amend section one of the act, approved the twenty-ninth day of May, one thousand nine hundred and seventeen (P. L. 322), entitled "An act to give protection and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles or terrapin out of season.

House Bill No. 88, entitled:

An Act providing for the organization and equipment of two colored battalions of infantry and making an appropriation therefor.

House Bill No. 493, entitled:

An Act to amend section thirty-seven of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "Crimes Act of 1860," providing for the sentence of one convicted of fornification and bastardy to pay funeral expenses of infant.

House Bill No. 676, entitled:

An Act to amend sections one and two of the act approved the fifth day of May, one thousand nine hundred and thirty-one (P. L. 91), entitled "An act authorizing the Department of Forests and Waters in certain instances, and with the approval of the Governor, to construct, improve or repair, at the expense of the Commonwealth, portions of roads or highways connecting roads or highways lying within areas of State forest lands with State, county or township roads or highways near such areas;" extending the provisions of said act to forest protection roads and fire lanes on private property.

House Bill No. 1281, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by adding thereto clause (k) providing for the leasing or sale of mineral rights in certain State-owned lands.

Senate Bill No. 67, entitled:

An Act requiring return courts, judges and boards sitting to record, compute and certify the returns of any primary, general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat, whether said election was conducted by the excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation, defining the scope and extent of such investigation, and providing for an appeal from the decision thereon, prescribing the effect of such excess, imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registration commissions and other public officers, and repealing inconsistent legislation.

Senate Bill No. 581, entitled:

An Act creating a Local Government Commission to study and report on functions of local government, their allocation and elimination, the cost of local government; and making an appropriation.

Senate Bill No. 1289, entitled:

An Act making an appropriation to the State Emergency Relief Board for unemployment relief.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 22

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars, registrars of vital statistics, and boards of school directors; and imposing penalties.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. REED (Dauphin). Mr. President, I move that the Senate insists upon its non-concurrence in the amendments to the foregoing bill and that a Committee of Conference be appointed to confer with a similar Committee of the House (if the House shall appoint such committee)

to consider the differences existing between the two houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Reed (Dauphin) Norton and Baumer be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. STAUDENMEIER from the Committee on Education, reported as committed, Senate Bill No. 1384, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

Mr. COYNE from the Committee on Law and Order, reported as committed, Senate Bill No. 1040, entitled:

An Act to control and regulate the dispensing of alcoholic beverages at retail under licenses as defined dividing the Commonwealth into Retail Licensing Districts creating District Retail Licensing Boards defining their powers and duties and providing for employes of such boards and fixing salaries authorizing and restricting certain classes of licenses for the dispensing of alcoholic beverages and the issuing transferring revoking and suspending of such licenses and fixing certain license fees for different classes of such licenses and providing for the payment thereof prohibiting certain practices in dispensing liquors certain interests therein and connections therewith by licensees and others providing for the submission to the electors of certain municipalities and counties of the question whether certain classes of such licenses shall or shall not be granted for such municipalities making disposition of license fees and other monies and imposing penalties.

Mr. COYNE from the Committee on Law and Order, reported as committed, Senate Bill No. 458, entitled:

An Act permitting the playing of polo on Sunday.

Mr. THOMPSON (Westmoreland), from the Committee on Judiciary General, reported as committed, Senate Bill No. 1381, entitled:

An Act to amend section one of the act approved the nineteenth day of March, one thousand nine hundred and thirty-five, (Act No. 1), entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six; validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act, and preserving the lien of all taxes on lands to be sold at such sales," providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court, the action shall be ratified, confirmed and made valid; preserving tax liens in such cases; and providing for the fixing of dates for tax sales in such cases.

Mr. BATCHELOR from the Committee on Education reported as committed, Senate Bill No. 1305, entitled:

An Act to furher amend subsecion twenty of, and to add subsections twenty-five and twenty-six to, section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to established a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools, subject to the reduction of taxes on real property by school districts; and imposing duties on school districts.

Mr. EALY from the Committee on Education reported as committed, Senate Bill No. 332 (House Bill No. 547), entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1299, entitled:

An act making an appropriation to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh, Pennsylvania.

Mr. REED (Dauphin) from the Committee on Education re-reported as committed, Senate Bill No. 1215 (House Bill No. 2222), entitled:

An act providing for the observance of Free School Day in commemoration of the foundling and development of free public schools in the Commonwealth.

Mr. BUCKMAN from the Committee on Game and Fisheries re-reported as amended, Senate Bill No. 1123 (House Bill No. 2117), entitled:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

Mr. GELDER from the Committee on Education re-reported as committed, Senate Bill No. 521, entitled:

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for

the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by extending the benefits of State appropriations to teachers employed after the making of the annual certificates.

Mr. WOODWARD from the Committee on State Government reported as committed, Senate Bill No. 1386, entitled:

An Act to amend section one thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department, boards and commissions shall be determined," establishing a board for the determination and payment of minor damages caused by the National Guard.

Also from the Committee on State Government, reported as committed, Senate Bill No. 1380, entitled:

An Act relinquishing the title of the Commonwealth in certain real estate, in Sewickley Township, Westmoreland County, late of Carrie E. S. Blackburn, deceased, in favor of her residuary devisees and/or heirs-at-law.

Mr. SALUS from the Committee on Law and Order, reported as committed, Senate Bill No. 1056, entitled:

An act relating to tennis on Sunday in cases where an admission is charged; permitting tennis on Sunday for which an admission is charged during certain hours, and providing for the licensing of exhibitions of tennis where an admission charge is made.

Mr. HUNSICKER from the Committee on State Government, reported as committed, Senate Bill No. 1317, entitled:

An Act requiring authorities in charge of State, State aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

Also from the Committee on State Government, reported as committed, House Resolution No. 68.

FIRST CLASS TOWNSHIP LAW OF JUNE 24th, 1931 TO BE PRINTED.

In the House of Representatives, February 25, 1935.

Resolved (if the Senate concur) That the Legislative Reference Bureau is hereby directed to have printed as a legislative document three thousand copies of the First Class Township Law of June twenty-fourth one thousand nine hundred thirty-one (P. L. 1206) with all amendments thereto up to and including the regular session of one thousand nine hundred thirty-five to be distributed as follows five hundred copies for the use of the Senate one thousand copies for the use of the House of Representatives three hundred copies for the use of the Legislative Reference Bureau and the remaining copies to be distributed and sold by the Division of Documents of the Department of Property and Supplies in the manner provided by law

Mr. CLARK. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions reported from committee to lie on the table one day be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. THOMPSON (Centre), from the Committee on State Government, reported as amended, Senate Bill No. 987 (House Bill No. 1613), entitled:

An Act to further amend clauses six and nine of section one, and section three of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," authorizing legislative journal reporters to become members of said retirement system; and opening the system further for original members.

Mr. SONES from the Committee on Judiciary General, reported as committed, Senate Bill No. 935, entitled:

An act limiting the time within which suits for malicious prosecution or false arrest must be briught.

Mr. FREY from the Committee on State Government, reported as committed, Senate Bill No. 1387, entitled:

An Act authorizing the publication of legal and official advertising and notices in newspapers of general circulation published on Sunday.

Mr. REED (Washington), from the Committee on Education, reported as committed, Senate Bill No. 1101 (House Bill No. 2129), entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

Mr. SORDONI from the Committee on Judiciary General, reported as committed, Senate Bill No. 1080 (House Bill No. 1976), entitled:

An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name.

Mr. McGINNIS from the Committee on Judiciary General, reported as committed, Senate Bill No. 558 (House Bill No. 933), entitled:

An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1271) entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny."

Also from the Committee on Judiciary General reported as committed, Senate Bill No. 960, entitled:

An Act providing for the abatement and exoneration of penalties and interest on delinquent taxes in certain cases.

Mr. PIERSON from the Committee on State Government, reported as amended the following Resolution:

PROCEEDINGS OF MEMORIAL SERVICES IN HONOR OF THE LATE HONORABLE JAMES S. BOYD TO BE PRINTED

In the Senate, May 13, 1935.

Resolved (if the House of Representatives concur), That one thousand copies of the proceedings of the memorial service, held in honor of the late Honorable James S. Boyd, be printed for the use of the Senate.

Mr. BEAN. Mr. President I ask unanimous consent that Rule 39 which requires that concurrent resolutions reported from Committee lie on the table one day, be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

Mr. HARVEY from the Committee on Education, reported as committed, Senate Bill No. 679 (House Bill No. 955), entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes.

BILLS INTRODUCED

Mr. CLARK read in his place and presented to the Chair, Senate Bill No. 1415, entitled:

An Act for the establishment, operation and maintenance by corporations and cities of foreign-trade zones in, or adjacent to ports of entry of the United States in accordance with the act of Congress, providing for the formation of private corporations for such purposes; and prescribing the powers and duties of such corporations and of cities in connection with such trade zones.

Which was committed to the Committee on Appropriations.

Mr. BUCKMAN read in his place and presented to the Chair, Senate Bill No. 1416, entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May, one thousand nine hundred and thirty-three, (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State department, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations, requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

Which was committed to the Committee on Judiciary General.

Mr. RICE read in his place and presented to the Chair, Senate Bill No. 1417, entitled:

An Act to amend subheading (e) of article five of the act approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, and revising, amending and consolidating the laws relating thereto," as amended; authorizing appropriations to veterans organizations for certain purposes.

Which was committed to the Committee on County Government.

Mr. HUFFMAN read in his place and presented to the Chair, Senate Bill No. 1418, entitled:

An Act to amend section two of the act approved the seventeenth day of June, one thousand nine hundred and fifteen, (P. L. 1012) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security to individuals pressed by lack of funds to meet immediate necessities; fixing the rate of interest and charges therefore; requiring the licensing of lenders; and prescribing penalties for the violation of this act," as amended, reducing the interest rate on small loans,

Which was committed to the Committee on Judiciary General.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED (Dauphin). Mr. President, prior to the birth of the Republican party, one of Pennsylvania's greatest jurists, Chief Justice Jeremiah S. Black said in delivering the opinion of the Supreme Court of Pennsylvania, in Sharpless vs. Mayor of Philadelphia, 21 Pa. 147:

"The General Assembly cannot pass any law to conflict with the rightful authority of Congress, nor perform a judicial or executive function, nor violate the popular privileges reserved by the Declaration of Rights, nor change the organic structure of the government, nor exercise any other power prohibited in the constitution. If it does any of these things, the judiciary claims, and in clear cases has always exercised, the right to declare such acts void.

"But beyond this there lies a vast field of power, granted to the legislature by the general words of the constitution, and not reserved, prohibited, or given away to others. Of this field the General Assembly is entitled to the full and uncontrolled possession. Their use of it can be limited

only by their own discretion. * * * To me, it is plain that the General Assembly may exercise all powers which are properly legislative, and which are not taken away by our own, or by the federal constitution, as it is that the people have all the rights which are expressly reserved."

On May 8, 1935, for the first time in Pennsylvania history, the Senate was obliged to submit to coercion, in what Chief Justice Black declared to be its "vast field of power," in which it is entitled to "full and uncontrolled possession." A tax program was imposed, which was not of our choosing, but which as to details was dictated in the Governor's office, and within a definite and reiterated threat from Washington, that unless the program was adopted by May 15th, all federal funds would be diverted from Pennsylvania. We were made to understand that if a single bill included in the ten point program fails, that untold suffering will be inflicted upon Pennsylvania's citizens who are dependent upon relief, exactly as such an inhuman penalty has been inflicted upon the unfortunate citizenry of Illinois.

What a masterful triumph for "New Deal Democracy." Well may Governor Earle exclaim in the memorable words of King Pyrrhus, "Another such victory and we are lost." Now that Pennsylvania agriculture, commerce, industry and labor, and as well Pennsylvania taxpayers in general, are about to "drink the hemlock," as prescribed by Governor Earle, in consultation with Dictator Hopkins, certain questions will force themselves into the open for public consideration.

The first question is, by what authority is the Senate of Pennsylvania compelled to accept a dictated budget?

It will be conceded that the right to levy and collect taxes is a right reserved to the states. As was said by Thomas M. Cooley, in his Principles of Constitutional Law:

"When a particular power is found to belong to the states, they are entitled to the same complete independence in its exercise as is the National Government in wielding its own authority. Each within its sphere has sovereign powers."

We have searched the four corners of the Federal Emergency Relief Act of May 12, 1933 and as well the Emergency Relief Appropriation Act of 1935, whence come all powers vested in Dictator Hopkins as the agent of the President of the United States, and we cannot find that any authority was conferred upon Mr. Hopkins or Governor Earle or upon anyone else to dictate Pennsylvania's budget. It is interesting to note that when Governor Earle issued his budget message last February, the budget called for $135,000,000 for unemployment relief: $15,000,000 prior to June 1, 1935 and the balance at the rate of $5,000,000 per month, beginning June 1, 1935 and ending June 1, 1937. An examination of the Federal Emergency Relief Act of 1933 shows that Governor Earle was attempting to collect $5,000,000 per month during a two year period, although under the law as it then stood, Hopkins' term expired May 12, 1935 and he had nothing to deliver.

We next inquire as to the yard stick by which $5,000,000 per month is fixed as Pennsylvania's fair share of unemployment relief?

According to a press dispatch issued from Washington on April 10th last:

"States and communities are called upon to provide $563,775,000 of public funds as their share of the relief load for the respective fiscal years beginning in 1935, an increase of $154,883,000 over the 1934 requirements, in an announcement issued today by Harry L. Hopkins, Federal Emergency Relief Administrator."

After much search, we have been unable to learn the method by which the sum of $563,775,000 is assessed upon the several states. The method of assessment is as much a mystery as is the constitutional or statutory authority conferred upon Hopkins or Earle for making any assessment whatever.

In determining whether or not $5,000,000 per month is a fair assessment upon Pennsylvania, certain circumstances must not be overlooked. It is a matter of record that thirty-one of the forty-eight states have been and are receiving federal relief for impoverished local school districts. No such aid has been afforded Pennsylvania. Further, it appears by a statement issued from Dictator Hopkins' office, that during the years 1933 and 1934, the proportional part of all relief in certain states which was furnished by the Federal Government was as follows: Alabama 96 percent; Arkansas 96.2 percent; Florida 97.7 percent; Louisiana 97.9 percent; South Carolina 98.2 percent Mississippi 97.4 percent and New Mexico 98.5 percent and the percentage of funds for relief purposes which Pennsylvania has received from the Federal Government is 65.6 percent. Further citation is unnecessary to prove that Governor Earle has not used any equitable yard stick in assessing $5,000,000 a month upon Pennsylvania.

Our third inquiry is as to what assurance have we that the Federal Government will furnish the monthly balances sufficient to meet Pennsylvania's unemployment needs? For any assurance we must look to the Emergency Relief Act of 1935. In that act after appropriating $4,000,000,000 "out of any money in the treasury not otherwise appropriated, to be used in the discretion and under the direction of the President," there is this proviso: "that except as to such part of the appropriation made herein as the President may deem necessary for continuing relief as authorized under the Federal Emergency Relief Act of 1933 as amended." Unlimited discretion is conferred upon the President, but nothing is guaranteed to Pennsylvania and the hope that Pennsylvania will receive needed federal funds is also limited by Section 10 of the same act which provides that "until June 30, 1936 or such earlier date as the President, by proclamation may fix, the Federal Emergency Relief Act of 1933, as amended, is continued in full force and effect." There is no definite guarantee by any act of Congress or by proclamation of the President that the unemployed of Pennsylvania will receive funds from the federal government. The unemployed of Pennsylvania are dependent upon the whims and caprices of Mr. Hopkins, and their only reliance is the hope that the decrees of Hopkins may hereafter be tempered with mercy.

Our fourth inquiry is, by what authority does Dictator Hopkins cut off Federal funds from a sovereign state as was done in Illinois and as was threatened in Pennsylvania? Our examination of the Federal Emergency Relief Act of 1933 and of the Emergency Relief Appropriation Act of 1935 gives us no answer to that question.

It seems very clear, however, that under the Emergency Relief Appropriation Act of 1935 that the powers of the President of the United States are unlimited. He may, if he wills, furnish all necessary relief, to the several states without any taxes for unemployment relief being levied by the states. And we are constrained to ask why, with $4,000,000,000 in the Federal Treasury, should Penn-

sylvania or Illinois or Missouri or any other state be compelled to levy taxes for unemployment relief? Why is it that the Federal Government, which during September 1933 took over the whole matter of unemployment relief, now seeks to turn it back to the several states? Why did Governor Earle in his budget message seek to impose $203,000,000 in new taxes, an amount which was $100,000,000 more than was necessary to appease Hopkins? Why did Governor Earle consistently refuse to urge Pennsylvania's claim to exemption from all State levies, before the Federal Dictator; an exemption which many southern and western states have heretofore enjoyed, and as far as we can learn, continue to enjoy?

We answered this question in our remarks upon the floor of the Senate on April 23rd when we said:

"There has been no real mystery, therefore, as to the reason for the insistent demand that the Legislature appropriate relief funds for a full two years, on the basis of $5,000,000 a month as the States share.

"On the contrary, the suspicion is becoming widespread that there has been and is a definite and well-considered program for deliberately enlarging the relief rolls for Democratic political purposes, even by the desperate expedient of hamstringing industry and crucifying labor by destroying more jobs."

What we then stated to be a suspicion, is now as clear as the noon day sun. Even though the first plank of the Democratic platform of 1934 promised "a job for every man who wants to work", it is now apparent that the aim of this administration is to destroy existing jobs. We could view Governor Earle's sins of omission and commission with charity, were there any evidence that he even travelled to Washington to fight for Pennsylvania's rights. But the conclusion is inescapable that Governor Earle's frequent trips to Washington have been to conspire with Hopkins against Pennsylvania; not to plead with Hopkins for Pennsylvania. Pennsylvanians will not long support an administration which was willing and anxious to foist $100,000,000 in new taxes upon Pennsylvania which are now conceded to be unnecessary.

Governor Earle's program is a threat against Pennsylvania's hope of business recovery. It is a menace to the future of Pennsylvania. These tax levies are confiscatory, unjust and unnecessary because Pennsylvania is not receiving from the federal government a proportional return of the federal tax load which Pennsylvanians are carrying.

To prove my contention I desire to quote the words of a distinguished Democratic National leader, Senator Josiah W. Bailey of North Carolina who said recently on the floor of the United States Senate:

"These big appropriations, this one billion in the instant bill, the $4,880,000,000 in the bill that we passed just recently, are not caught out of thin air. Every dollar of it that is ever paid—and as honest men we have in contemplation that it shall be paid—will be paid by the workers of America who create the national wealth. It is a toll upon labor. It is a toll upon the farmer. It is a toll upon commerce. Since my State of North Carolina constitutes one-fortieth of the population—Senators can make the calculations for their own States—I consider that at least one-fortieth of the public funds ought to be distributed in North Carolina. I am confronted with the fact that unless there is a reasonably equitable distribution of these immense funds the states which are the victims of the inequality will hopelessly go broke. In that sense a man has a duty of comparing the situation of his State with the situation of the Union as a whole."

Senator Bailey is right. Unless there is a reasonably equitable distribution of these immense funds it is certain that a state like Pennsylvania, which is the most conspicuous victim of the inequality, will hopelessly go broke. Pennsylvania cannot continue to be drained dry by federal taxation, and at the same time be persecuted through state levies raising colossal sums, allegedly for relief, but in reality for Democratic political control. We confidentially assert that when it is fully comprehended by the electorate of Pennsylvania that the objective of this administration is to maintain Democratic supremacy by increasing a costly bureauocracy; by continuing the dole; and by steadfastly refusing to cut the cost of government or to permit industry to find new jobs for labor that the Governor's triumph of May 8, 1935 will be found to be the "Austerlitz" of New Deal Democracy. November 3, 1936 will witness its "Waterloo".

REQUEST TO PRINT EXHIBITS

Mr. President, in support of my contention that there is no authority in federal law to compel any tax assessment upon Pennsylvania or to cut off federal relief funds from a state because of the failure of the Legislature to impose taxes, other than discretionary powers in the President of the United States, I offer as "Exhibit A" the Federal Emergency Relief Act of 1933, and as "Exhibit B" the Emergency Relief Appropriation Act of 1935, and ask unanimous consent that these two federal statutes be printed in the Legislative Journal immediately following my remarks.

The PRESIDENT. Is there objection?

Mr. ROBERTS. Mr. President, I object.

MOTION TO PRINT EXHIBITS.

Mr. BUCKMAN. Mr. President, I move that the exhibits offered by the Senator from Dauphin, Mr. Reed, be printed in the Legislative Journal.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

EXHIBIT A

[Public—No. 15—73d. Congress]

[H. R. 4606]

An Act to provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the present economic depression has created a serious emergency, due to widespread unemployment and increasing inadequacy of State and local relief funds, resulting in the existing or threatened deprivation of a considerable number of families and individuals of the necessities of life, and making it imperative that the Federal Government cooperate more effectively with the several States and Territories and the District of Columbia in furnishing relief to their needy and distressed people.

Sec 2 (a) The Reconstruction Finance Corporation is authorized and directed to make available out of the funds of the Corporation not to exceed $500,000,000, in addition to the funds authorized under title 1 of the Emergency Relief and Construction Act of 1932, for expenditure under the provisions of this Act upon certification by the Federal Emergency Relief Administrator provided for in section 3.

(b) The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Cor-

poration is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time is increased by $500,000,000: Provided, That no such additional notes, debentures, bonds, or other such obligations authorized by this subsection shall be issued except at such times in such amounts as the President shall approve.

(c) After the expiration of ten days after the date upon which the Federal Emergency Relief Administrator has qualified and has taken office, no application shall be approved by the Reconstruction Finance Corporation under the provisions of title 1 of the Emergency Relief and Construction Act of 1932, and the Federal Emergency Relief Administrator shall have access to all files and records of the Reconstruction Finance Corporation relating to the administration of funds under title 1 of such Act. At the expiration of such ten-day period, the unexpended and unobligated balance of the funds authorized under title 1 of such Act shall be available for the purposes of this Act.

Sec 3 (a) There is hereby created a Federal Emergency Relief Administration, all the powers of which shall be exercised by a Federal Emergency Relief Administrator (referred to in this Act as the "Administrator") to be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive a salary to be fixed by the President at not to exceed $10,000, and necessary traveling and subsistence expenses within the limitations prescribed by law for civilian employees in the executive branch of the Government. The Federal Emergency Relief Administration and the office of Federal Emergency Relief Administrator shall cease upon the expiration of two years after the date of enactment of this Act, and the unexpended balance on such date of any funds made available under the provisions of this Act shall be disposed of as the Congress may by law provide.

(b) The Administrator may appoint and fix the compensation of such experts and their appointment may be made and compensation fixed without regard to the civil service laws, or the Classification Act of 1923, as amended and the Administrator may, in the same manner, appoint and fix the compensation of such other officers and employees as are necessary to carry out the provisions of this Act, but such compensation shall not exceed in any case the sum of $8,000; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for printing and binding), not to exceed $350,000, as are necessary to carry out the provisions of this Act, to be paid by the Reconstruction Finance Corporation out of funds made available by this Act upon presentation of vouchers approved by the Administrator or by an officer of the Administration designated by him for that purpose. The Administrator may, under rules and regulations prescribed by the President, assume control of the administration in any State or States where, in his judgment, more effective and efficient cooperation between the State and Federal authorities may thereby be secured in carrying out the purposes of this Act.

(c) In executing any of the provisions of this Act, the Administrator, and any person duly authorized or designated by him, may conduct any investigation pertinent or material to the furtherance of the purposes of this Act and, at the request of the President shall make such further investigations and studies as the President may deem necessary in dealing with problems of unemployment relief.

(d) The Administrator shall print monthly, and shall submit to the President and to the Senate and the House of Representatives (or to the Secretary of the Senate and the Clerk of the House of Representatives, if those bodies are not in session), a report of his activities and expenditures under this Act. Such reports shall, when submitted, be printed as public documents.

Sec. 4 (a) Out of the funds of the Reconstruction Finance Corporation made available by this Act, the Administrator is authorized to make grants to the several States to aid in meeting the costs of furnishing relief and work relief and in relieving the hardship and suffering caused by unemployement in the form of money, service, materials, and/or commodities to provide the necessities of life to persons in need as a result of the present emergency, and/or to their dependants, whether resident, transient, or homeless.

(b) Of the amounts made available by this Act not to exceed $250,000,000 shall be granted to the several States applying therefor, in the following manner: Each State shall be entitled to receive grants equal to one third of the amount expended by such State, including the civil subdivisions thereof, out of public moneys from all sources for the purposes set forth in subsection (a) of this section; and such grants shall be made quarterly, beginning with the second quarter in the calendar year 1933, and shall be made during any quarter upon the basis of such expenditures certified by the States to have been made during the preceding quarter.

(c) The balance of the amounts made available by this Act, except the amount required for administrative expenditures under section 3, shall be used for grants to be made whenever, from an application presented by a State, the Administrator finds that the combined moneys which can be made available within the State from all sources, supplemented by any moneys, available under subsection (b) of this section, will fall below the estimated needs within the State for the purposes specified in subsection (a) of this section; Provided, That the Administrator may certify out of the funds made available by this subsection additional grants to States applying therefor to aid needy persons who have no legal settlement in any one State or community, and to aid in assisting cooperative and self-help associations for the barter of goods and services.

(d) After October 1, 1933, notwithstanding the provisions of subsection (b), the unexpended balance of the amounts available for the purposes of subsection (b) may, in the discretion of the Administrator and with the approval of the President, be available for grants under subsection (c).

(e) The decision of the Administrator as to the purpose of any expenditure shall be final.

(f) The amount available to any one State under subsections (b) and (c) of this section shall not exceed 15 per centum of the total amount made available by such subsections.

Sec. 5 Any State desiring to obtain funds under this Act shall through its Governor make application therefor from time to time to the Administrator. Each application so made shall present in the manner requested by the Administrator information showing (1) the amounts necessary to meet relief needs in the State during the period covered by such application and the amounts available from public or private sources within the State, its political subdivisions, and private agencies, to meet the relief needs of the State, (2) the provision made to assure adequate administrative supervision, (3) the provision made for suitable standards of relief, and (4) the purposes for which the funds requested will be used.

Sec. 6 The Administrator upon approving a grant to any State shall so certify to the Reconstrucion Finance Corporation which shall, except upon revocation of a certificate by the Administrator, make payments without delay to the State in such amounts and at such times as may be prescribed in the certificate. The Governor of each State receiving grants under this Act shall file monthly with the Administrator, and in the form required by him, a report of the disbursements made upder such grants.

Sec. 7 As used in the foregoing provisions of this Act, the term "State" shall include the District of Columbia, Alaska, Hawaii, the Virgin Islands, and Puerto Rico; and the term "Governor'" shall include the Commissioners of the District of Columbia.

Sec. 8 This Act may be cited as the "Federal Emergency Relief Act of 1933."

Approved May 12th 1933.

EXHIBIT B.

[Public Resolution—No. 11—74th Congress]
[H. J. Res. 117]

Joint Resolution

Making appropriations for relief purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

in order to provide relief, work relief and to increase employment by providing for useful projects, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used in the discretion and under the direction of the President, to be immediately available and to remain available until June 30, 1937, the sum of $4,000,000,000, together with the separate funds established for particular areas by proclamation of the President pursuant to section 15 (f) of the Agricultural Adjustment Act (but any amounts thereof shall be available for use only for the area for which the fund was established); not exceeding $500,000,000 in the aggregate of any savings or unexpended balances in funds of the Reconstruction Finance Corporation; and not exceeding a total of $380,000,000 of such unexpended balances as the President may determine are not required for the purposes for which authorized, of the following appropriations, namely: The appropriation of $3,300,000,000 for national industrial recovery contained in the Fourth Deficiency Act, fiscal year 1933, approved June 16, 1933 (48 Stat. 274); the appropriation of $950,000,000 for emergency relief and civil works contained in the Act approved February 15, 1934 (48 Stat. 351); the appropriation of $899,675,000 for emergency relief and public works, and the appropriation of $525,000,000 to meet the emergency and necessity for relief in stricken agricultural areas, contained in the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1055); and any remainder of the unobligated moneys referred to in section 4 of the Act approved March 31, 1933 (48 Stat. 22): Provided, That except as to such part of the appropriation made herein as the President may deem necessary for continuing relief as authorized under the Federal Emergency Relief Act of 1933, as amended, or for restoring to the Federal Emergency Administration of Public Works any sums which after December 28, 1934, were, by order of the President impounded or transferred to the Federal Emergency Relief Administration from appropriations heretofore made available to such Federal Emergency Administration of Public Works (which restoration is hereby authorized), this appropriation shall be available for the following classes of projects, and the amounts to be used for each class shall not, except as hereinafter provided, exceed the respective amounts stated, namely: (a) Highways, roads, streets, and grade-crossing elimination, $800,000,000; (b) rural rehabilitation and relief in stricken agricultural areas, and water conservation, trans-mountain water diversion and irrigation and reclamation, $500,000,000; (c) rural electrification, $100,000,000; (d) housing, $450,000,000; (e) assistance for educational, professional and clerical persons, $300,000,000; (f) Civilian Conservation Corps, $600,000,000; (g) loans or grants, or both, for projects of States, Territories, Possessions, including subdivisions and agencies thereof, municipalities, and the District of Columbia, and self-liquidating projects of public bodies thereof, where in the determination of the President, not less than twenty-five per centum of the loan or the grant, or the aggregate thereof, is to be expended for work under each particular project, $900,000,000; (h) sanitation, prevention of soil erosion, prevention of stream pollution, sea coast erosion, reforestation, forestation, flood control, rivers and harbors and miscellaneous projects, $350,000,000: Provided further, That not to exceed 20 per centum of the amount herein appropriated may be used by the President to increase any one or more of the foregoing limitations if he finds it necessary to do so in order to effectuate the purpose of this joint resolution: Provided further, That no part of the appropriation made by this joint resolution shall be expended for munitions, warships, or military or naval materiel; but this proviso shall not be construed to prevent the use of such appropriation for new buildings, reconstruction of buildings and other improvements in military or naval reservations, posts, forts, camps, cemeteries, or fortified areas, or for projects for nonmilitary or nonnaval purposes in such places.

Except as hereinafter provided, all sums allocated from the appropriation made herein for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) shall be apportioned by the Secretary of Agriculture in the manner provided by section 204 (b) of the National Industrial Recovery Act for expenditure by the State highway departments under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, and subject to the provisions of section 1 of the Act of June 18, 1934 (48 Stat. 993): Provided, That any amounts allocated from the appropriation made herein for the elimination of existing hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, shall be apportioned by the Secretary of Agriculture to the several States (including the Territory of Hawaii and the District of Columbia), one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, to be expended by the State highway departments under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, and subject to the provisions of section 1 of such Act of June 18, 1934 (48 Stat. 993); but no part of the funds apportioned to any State or Territory under this joint resolution for public highways and grade crossings need be matched by the State or Territory: And provided further, That the President may also allot funds made available by this joint resolution for the construction, repair, and improvement of public highways in Alaska, Puerto Rico, and the Virgin Islands, and money allocated under this joint resolution to relief agencies may be expended by such agencies for the construction and improvement of roads and streets: Provided, however, That the expenditure of funds from the appropriation made herein for the construction of public highways and other related projects shall be subject to such rules and regulations as the President may prescribe for carrying out this paragraph and preference in the employment of labor shall be given (except in executive, administrative, supervisory, and highly skilled positions) to persons receiving relief, where they are qualified, and the President is hereby authorized to predetermine for each State the hours of work and the rates of wages to be paid to skilled, intermediate, and unskilled labor engaged in such construction therein: Provided further, That rivers and harbors projects, reclamation projects (except the drilling of wells, development of springs and subsurface waters), and public buildings projects undertaken pursuant to the provisions of this joint resolution shall be carried out under the direction of the respective permanent Government departments or agencies now having jurisdiction of similar projects.

Funds made available by this joint resolution may be used, in the discretion of the President, for the purpose of making loans to finance, in whole or in part, the purchase of farm lands and necessary equipment by farmers, farm tenants, croppers, or farm laborers. Such loans shall be made on such terms as the President shall prescribe and shall be repaid in equal annual installments, or in such other manner as the President may determine.

Funds made available by this joint resolution may be used, in the discretion of the President for the administration of the Agricultural Adjustment Act, as amended, during the period of twelve months after the effective date of this joint resolution.

Sec. 2. The appropriation made herein shall be available for use only in the United States and its Territories and possessions. The provisions of the Act of February 15, 1934 (48 Stat. 351), relating to disability or death compensation and benefits shall apply to those persons receiving from the appropriations made herein, for services rendered as employees of the United States, security payments in accordance with schedules established by the President: Provided, That so much of the sum herein appropriated as the United States Employees' Compensation Commission, with the approval of the President, estimates and certifies to the Secretary of the Treasury will be necessary for the payment of such compensation

and administrative expenses shall be set aside in a special fund to be administered by the Commission for such purposes; and after June 30, 1936, such special fund shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation Acts. The provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured in carrying out the provisions of this joint resolution when the aggregate amount involved is less than $300.

Sec. 3. In carrying out the provisions of this joint resolution the President may (a) authorize expenditures for contract stenographic reporting services; supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspapers and press clippings; travel expenses, including the expense of attendance at meetings when specifically authorized; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding; and such other expenses as he may determine necessary to the accomplishment of the objectives of this joint resolution; and (b) accept and utilize such voluntary and uncompensated services, appoint, without regard to the provisions of the civil-service laws, such officers and employees, and utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as may be necessary, prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, fix the compensation of any officers and employees so appointed.

Any Administrator or other officer, or the members of any central board, or other agency, named to have general supervision at the seat of Government over the program and work contemplated under the appropriation made in section 1 of this joint resolution and receiving a salary of $5,000 or more per annum from such appropriation, and any State or regional administrator receiving a salary of $5,000 or more per annum from such appropriation (except persons now serving as such under other law), shall be appointed by the President, by and with the advice and consent of the Senate: Provided, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

Sec. 4. In carrying out the provisions of this joint resolution the President is authorized to establish and prescribe the duties and functions of necessary agencies within the Government.

Sec. 5. In carrying out the provisions of this joint resolution the President is authorized (within the limits of the appropriation made in section 1) to acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

Sec. 6. The President is authorized to prescribe such rules and regulations as may be necessary to carry out this joint resolution, and any willful violation of any such rule or regulation shall be punishable by fine of not to exceed $1,000.

Sec. 7. The President shall require to be paid such rates of pay for all persons engaged upon any project financed in whole or in part, through loans or otherwise, by funds appropriated by this joint resolution, as will in the discretion of the President accomplish the purpose of this joint resolution, and not affect adversely or otherwise tend to decrease the going rates of wages paid for work of a similar nature.

The President may fix different rates of wages for various types of work on any project, which rates need not be uniform throughout the United States: Provided, however, That whenever permanent buildings for the use of any departments of the Government of the United States, or the District of Columbia, are to be constructed by funds appropriated by this joint resolution, the provisions of the Act of March 3, 1931 (U. S. C., Supp. VII, title 40, sec. 276a), shall apply but the rates of wages shall be determined in advance of any bidding thereon.

Sec. 8. Wherever practicable in the carrying out of the provisions of this joint resolution, full advantage shall be taken of the facilities of private enterprise.

Sec. 9. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project, employment, or relief aid under the provisions of this joint resolution, or diverts, or attempts to divert, or assists in diverting for the benefit of any person or persons not entitled thereto, any moneys appropriated by this joint resolution or any services or real or personal property acquired thereunder, of who knowingly, by means of any fraud, force, threat, intimidation, or boycott, deprives any person of any of the benefits to which he may be entitled under the provisions of this joint resolution, or attempts so to do, or assists in so doing, shall be deemed guilty of a misdemeanor and shall be fined not more than $2,000 or imprisoned not more than one year, or both.

Sec. 10. Until June 30, 1936, or such earlier date as the President by proclamation may fix, the Federal Emergency Relief Act of 1933, as amended, is continued in full force and effect.

Sec. 11. No part of the funds herein appropriated shall be expended for the administrative expenses of any department bureau, board, commission, or independent agency of the Government if such administrative expenses are ordinarily financed from annual appropriations, unless additional work is imposed thereupon by reason of this joint resolution.

Sec. 12. The Federal Emergency Administration of Public Works established under title II of the National Industrial Recovery Act is hereby continued until June 30, 1937, and is authorized to perform such of its functions under said Act and such functions under this joint resolution as may be authorized by the President. All sums appropriated to carry out the purposes of said Act shall be available until June 30, 1937. The President is authorized to sell any securities acquired under said Act or under this joint resolution and all moneys realized from such sales shall be available to the President, in addition to the sums heretofore appropriated under this joint resolution, for the making of further loans under said Act or under this joint resolution.

Sec. 13. (a) The acquisition of articles, materials, and supplies for the public use, with funds appropriated by this joint resolution, shall be subject to the provisions of section 2 of title III of the Treasury and Post Office Appropriation Act, fiscal year 1934; and all contracts let pursuant to the provisions of this point resolution shall be subject to the provisions of section 3 of title III of such Act.

(b) Any allocation, grant, or other distribution of funds for any project, Federal or non-Federal, from the appropriation made by this joint resolution, shall contain stipulations which will provide for the application of title III of such Act to the acquisition of articles, materials and supplies for use in carrying out such project.

Sec. 14. The authority of the President under the provisions of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, as amended, is hereby continued to and including March 31, 1937.

Sec. 15. A report of the operations under this joint resolution shall be submitted to Congress before the 10th day of January in each of the next three regular sessions of Congress, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts.

Sec. 16. This joint resolution may be cited as the "Emergency Relief Appropriation Act of 1935."

Approved, April 8, 1935, 4 p. m.

RESOLUTION GRANTING THE USE OF THE SENATE CHAMBER FOR PUBLIC HEARING

Mr. HARRIS offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 21, 1935.

Resolved, That the Senate of Pennsylvania grant per-

mission to the Committee on Legislative Apportionment for the use of the Senate Chamber for a public hearing on Senate Bill No. 178, on Tuesday, May 28, 1935, at 3 P. M.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In comformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Sophia C. Kasputis, Bridgeville.

CARBON COUNTY

Harry N. Fagely, East Mauch Chunk.

DAUPHIN COUNTY

Mrs. Jennie A. McLaughlin, Millersburg.

DELAWARE COUNTY

Miss Alfreda D. Anderson, Lansdowne.

ERIE COUNTY

Paul T. Allen, Erie.

GREENE COUNTY

Claire Minor, Mapleton.

MONTGOMERY COUNTY

E. Nelson Weir, Glensie.

PHILADELPHIA COUNTY

Miss Sylvia R. Blasbaud, Philadelphia Bankers Securities Building.

Joseph R. Spotts, Philadelphia City Hall Annex.

May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite her name:

ERIE COUNTY

Mrs. Marie A. Newcomer, Erie, May 25, 1935.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Arthur J. D. Koenig, of Allentown, Lehigh County, as Alderman of the Third Ward of the City of Allentown, Lehigh County, vice Guy R. Jones, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS FOR CONCURRENCE IN HOUSE AMENDMENTS —RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 406 (House Bill No. 817), entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and providing further for retirements and the rights of retired persons

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows:

Amend title, page 1, line 7 by adding after the word "classification" the following: "and providing further for retirements and the rights of retired persons;" also Sec-

tion 1, page 1, line 12 by adding after the word "person" the following: "now retired or who may hereafter be retired from the Pennsylvania National Guard;" also page 2, line 4 by adding after the word "retired" the following: "application made to the Adjutant General be placed upon the retired list;" also line 9 by adding after the word "retired" the following: "application made to the Adjutant General be placed upon the retired list;" also line 14 by striking out the word "way" and inserting in lieu thereof the word "war;" also by adding after the word "act" in line 21, the following: "All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions.

MOTION TO NON-CONCUR IN HOUSE AMENDMENTS

Mr. BENNETT. Mr. President, I move that the Senate non-concur in the amendments made by the House of Representatives to Senate Bill No. 406 (House Bill No. 817).

Mr. OWLETT. Mr. President, I second the motion.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, the motion to non-concur is not in oredr. It can be cured by the withdrawal of the motion by the Senator from Indiana, Mr. Bennett; but a motion to non-concur is not in order—the question before the Senate is, "Will the Senate concur in the amendments made by the House?" That is the only question before the Senate; and in order that we may not have any confusion, I would request that the Senator from Indiana, Mr. Bennett, withdraw his motion, and simply request that the Senate vote to non-concur in the amendments.

The PRESIDENT. The Chair is of the opinion that time would be saved, and the matter facilitated, if the direct motion—"Shall the Senate concur in the amendments made by the House?" were to be voted upon by the Senate; however, the Chair disagrees with the point of order raised by the Senator from Bucks, Mr. Buckman: the motion is not out of order; it is proper along these lines.

Mr. BENNETT. Mr. President, I withdraw my motion.

Mr. OWLETT. Mr. President, I withdraw my seconding of the motion.

The PRESIDENT. The motion has been withdrawn.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—7

Frey,	McGinnis,	Reed,	Salus,
Kahle,	Rankin,	(Washington)	
McCreesh,			

NAYS—39

Aron,	Gelder,	Miller,	Rupp,
Batchelor,	Graff,	Norton,	Shapiro,
Baumer,	Harris,	Owlett,	Sones,
Bean,	Harvey,	Pierson,	Staudenmeier,
Bennett,	Homsher,	Prince,	Thompson,
Buckman,	Huffman,	Reed,	(Centre)
Cavalcante,	Hunsicker,	(Dauphin)	Thompson
Chapman,	Lanius,	Rice,	(Westmoreland)
Clark,	Law,	Roberts,	Trainer,
Coyne,	Mallery,	Rodgers,	Ziesenheim,
Ealy,	McClure,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL FOR CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 1046 (House Bill No. 1885), entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, were twice read as follows: Amend title page 1 line 11 by adding after the word "New York" the following: "and persons fishing in the waters of the Pymatuning Lake holding a fishing license by the State of Ohio."

Mr. BUCKMAN. Mr. President, I would respectfully request that the Senate non-cur in the bill in order that certain amendments may be taken care of.

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—4

Cavalcante,	Frey,	McCreesh,	Rankin,

NAYS—42

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Reed,	Staudenmeier,
Buckman,	Kahle,	(Dauphin)	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Washington)	Thompson,
Coyne,	Mallery,	Rice,	(Westmoreland)
Ealy,	McClure,	Roberts,	Trainer,
Gelder,	McCreesh,	Rodgers,	Ziesenheim,
Graff,	Miller,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 752, entitled:

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

Said amendments having been printed as required by the Constitution, were twice read as follows: Amend section 1 page 2 line 4 by striking out the article "A" and inserting in lieu thereof "his or her own"; also line 4 by inserting after the word "Commonwealth" the words "without surety".

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Salus,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed, (Centre)	
Clark,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Coyne,	Law,	Reed, (Washington)	Trainer,
Ealy,	Mallery,	Rice,	Ziesenheim,
Frey,	McClure,	Roberts,	
Gelder,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 39, as follows:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following terms shall be construed to have the following meaning except in those instances where the context clearly indicates otherwise

(a) "Secretary" shall mean the Secretary of Labor and Industry

(b) "Wage board" shall mean a board created as provided in section five of the act

(c) "Women" shall mean females of twenty-one years or over

(d) "Minor" shall mean a person of either sex under the age of twenty-one years

(e) "Occupation" shall mean an industry trade business or branch thereof or class of work therein in which women or minors are gainfully employed as enumerated classified and tabulated by the Department of Labor and Industry but shall not include domestic service in private homes or labor on a farm

(f) "An oppressive an unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health

(g) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered In establishing a minimum fair wage for any service or class of service under this act a wage board shall take into account all relevant circumstances affecting the value of the service or class of service rendered and be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and may consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

(h) "A mandatory order" shall mean an order the violation of which shall be subject to the penalties prescribed in section fifteen (b) of this act

(i) "The court" shall mean any court of common pleas of the Commonwealth having appropriate jurisdiction as provided in section four of this act

(j) "Employer" shall refer equally to a corporation partnership or other legal entity as well as to an individual

Section 2 It is hereby declared to be against the public policy of the Commonwealth for any employer to employ a woman or a minor in any occupation in this Commonwealth at an oppressive and unreasonable wage Any contract agreement or understanding for or in relation to such employment at an oppressive and unreasonable wage shall be null and void

Section 3 The Department of Labor and Industry is required to keep complete and accurate records of all employers in occupations as defined in section one clause (e) of this act and to classify the same in such manner as will best effect the purposes of this act and the secretary shall have full power and authority

(a) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(b) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting records required to be kept under this act and for the purpose of ascertaining whether orders of the courts have been and are being complied with and

(c) To require from such employer full and correct statements in writing of the wages paid to all women and minors in his employment

Section 4 The secretary shall have the power and it shall be his duty on the petition of fifty or more qualified voters of the Commonwealth to cause an investigation to be made of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages If on the basis of information in the possession of the secretary with or without a special investigation the secretary is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages he shall petition the court of common pleas of the county where the persons alleged to be receiving oppressive and unreasonable wages are employed setting forth the facts and asking the court to appoint a wage board to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations

Section 5 (a) A wage board shall be composed of a representative of the employers in such occupation a representative of the employes in such occupation and a disinterested person representing the Commonwealth one of whom shall be designated as chairman shall be forthwith appointed by the court Members of a wage board shall be citizens of Pennsylvania The representatives of

the employers and employes shall be selected by the court so far as practicable from nominations submitted by employers and employes in such occupation Two-thirds of the members of such wage board shall constitute a quorum and the report of such wage board shall require a vote of two members with the right of a dissenting member to file a minority report Members of a wage board shall receive such compensation as the court shall direct not exceeding five dollars per day for every day that testimony is actually taken and in addition shall be reimbursed for all necessary traveling expenses from moneys appropriated for such purposes by the Commonwealth The wage board shall appoint a competent stenographer approved by the court who shall transcribe all testimony and who shall receive such compensation as may be approved by the court not however exceeding the compensation customarily allowed court stenographers acting under the jurisdiction of the said court

(b) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by the chairman of the wage board and shall be served and have the same effect as if issued out of the court A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for depositions in civil actions in the courts of common pleas

(c) The secretary shall furnish to a wage board a complete list of the names and addresses of all employers of women and minors of the occupation complained of and the wage board shall take no testimony until all employers whose names and addresses have been so furnished shall have had at least five days' notice by registered letter of the time and place of meeting of the wage board but a failure to properly designate the employer shall have not avoid the legality of the notice provided a correct address is given and the notice is actually received by the employer or his officer or agent The secretary shall cause to be brought before the committee any witnesses whom he deems material A wage board may summon other witnesses or call upon the secretary to furnish additional information to aid it in its deliberations

All witnesses subpoenaed by the wage board shall be entitled to the fees and mileage fixed by law in civil cases which shall be paid from appropriations made for such purposes In case of failure on the part of any person to comply with any subpoena of the wage board or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board it shall be the duty of the court on the application of two members of the wage board to compel obedience in the same manner that such obedience would be compelled by contempt proceedings or otherwise in a proceeding pending before said court

(d) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the court may on application to it compel its final report within a fixed time thereafter not exceeding thirty days or constitute a new wage board and direct all testimony papers and other records to be turned over to the new board and testimony theretofore taken shall be considered in evidence by the new board

(e) A wage board may recommend minimum fair wage rates varying with localities if on the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(f) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

Section 6 The report of a wage board shall be filed with the court and within ten days thereafter any party in interest may file exceptions thereto If exceptions are filed by any party in interest the court shall fix a day for argument to be held within ten days of the filing of such exceptions The court shall review the report of the wage board and may in its discretion review the testimony and after argument where exceptions are filed shall approve modify or disapprove the report as in its judgment is deemed fair and equitable The court may resubmit the matter to the same wage board or to a new wage board by it appointed with a statement of the reasons for the resubmission When the court makes any final order on a wage board report it shall file all testimony and exhibits in the office of the prothonotary

Section 7 Whenever the court shall enter any order on the report of a wage board the court shall if no appeal has been taken or after an appeal has been finally adjudicated issue a mandatory order defining the minimum wages in the occupation as approved by the court The court may also include in its order such regulations as it deems appropriate to safeguard the minimum fair wage standards established and such order shall be effective and binding upon the employer affected by the proceeding

Section 8 If the secretary has reason to believe that any employer is not observing a mandatory order made by the court the secretary may on at least ten days' notice summon such employer to appear before the secretary to show cause why the same be not complied with After a hearing and a finding by the secretary of non-observance the secretary shall refer the proceeding to the Attorney General of the Commonwealth to proceed either by contempt proceedings or otherwise as in the opinion of the Attorney General will best fulfill the purposes of this act

Section 9 At any time after a mandatory order has been in effect for at least six months the secretary may on his own motion and after said order has been in effect at least one year he shall on petition of fifty or more qualified voters of the Commonwealth petition the court to reconsider the minimum fair wage rates set therein and to reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in sections six and seven of this act

Section 10 From any report as finally approved by the court an appeal may be taken by any person aggrieved to the Supreme Court The Attorney General of the Commonwealth shall represent women and minors in prosecuting or defending such appeal if the secreatry shall request him so to do and such intervention in the opinion of the secretary is appropriate and necessary to safeguard the interest of women and minors Any such appeal shall be taken within thirty days after the order of the court is made and not thereafter In any such appeal the Supreme Court shall consider the entire record of the proceedings including all testimony and on its own independent judgment determine whether or not the findings made by a wage board as approved by the court below in its order are reasonable and proper The Supreme Court may remit any case back with directions to reform or amplify any findings of facts which it deems necessary

Section 11 Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each the wages paid by him to each and shall furnish to the secretary or a member of any wage board upon demand a sworn statement of the same Every employer subject to a mandatory order shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed Employers shall be furnished copies of orders by the secretary on request without charge

Section 12 (a) Any employer and his agent or any officer or agent of any employer who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employe may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall be guilty of a misdemeanor and upon conviction be punished by a fine of

not less than fifty dollars ($50) nor more than two hundred dollars ($200)

(b) Any employer or his officer or agent who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor employe less than the rates applicable to such woman or minor under a mandatory order made by the court shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200) or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment upon a first conviction and upon a subsequent conviction of violation of the same mandatory order a fine of not less than one hundred dollars nor more than two hundred dollars or by imprisonment of not less than thirty nor more than one hundred eighty days or by both such fine and imprisonment

(c) Any employer or his officer or agent who wilfully violates any other provisions of this act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100)

Section 13 If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court Any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the secretary in his discretion may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court which fee shall not be less than five per centum of the claim

Section 14 The Legislature shall from time to time make appropriations to the Department of Labor and Industry to pay the expenses of wage boards witness fees and mileage court costs compensation of assistants of wage boards postage telephone telegraph and other miscellaneous expenses and of the Department of Labor and of the Department of Justice

Section 15 If any provisions of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 16 Anything herein required to be done by the secretary may be performed by an officer or employe of the Department of Labor and Industry deputized to so act and anything required of the Attorney General of the Commonwealth may be done by a deputy attorney general

Section 17 This act shall take effect thirty days after its enactment into law

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RODGERS. Mr. President, Senate Bill No. 39, in a measure, is in accord with the Democratic principles as outlined in the platform of the Democratic Party; at the same time the bill gives the courts original jurisdicion in the matter of establishing wages, and therefore it does not meet the requirements, as I see it. Therefore, I will vote in opposition to the bill.

Mr. SALUS. Mr. President, this, is a bill to comply with what seems to be the popular request that we have a minimum wage. It is the only bill that is before the Senate at this time which will offer relief along these lines. If our Democratic friends feel as though they do not want to vote for this bill, it is up to them. It looks like good legislation, and I believe that it ought to be passed at this time. If in the future there should come before this Senate a bill which meets the requirements more fully than this bill does, that bill, as well as this one, will be before the Governor, and he will have his choice as to which he thinks is for the best interest of the people of the Commonwealth.

Mr. REED (Dauphin). Mr. President, I want to say that I am heartily in favor of this bill, and intend to vote for it, because it embodies a principle in which I believe; and that is, that there should be redress for women and minors in industry who are subjected to starvation wages. Certain statements with regard to this bill were made last evening from the rostrum by His Excellency, the Governor of the Commonwealth, with the statements I cannot agree.

The Governor said this bill differs substantially from the House Bill in that it assigns the task of establishing wage rates to the County Courts of Common Pleas. That is not my understanding of the bill. Both bills provide for Wage Boards: in the House Bill there is a complicated set-up of nine members on the Wage Board, whereas in the present bill there is provided a Wage Board of three members—one member suggested by Labor, one suggested by Industry, and the third appointed by the Courts; and these Boards have the same function in both bills, namely, to take evidence and to determine what the reasonable minimum wage should be. Therefore, I think His Excellency, the Governor, inadvertently stated that the task of establishing wage rates was put in the Courts; it is put in a Wage Board, from which a majority and a minority report can be found, and after it is found it can be approved by the Court.

His Excellency, the Governor, further stated that this would not only place the problem before judicial bodies inexperienced in handling wage and labor problems but also would throw the entire question upon the sixty-seven counties. It is true it will throw the problems upon the various counties, but I fail to see the force of the argument that it is putting the matter in bodies inexperienced in handling wage and labor problems. Boards are created in exactly the same manner under both bills.

His Excellency, the Governor, further said that it would be ruinous to place the difficult task of establishing fair minimum wage rates anywhere but in the most qualified hands. It may be noticed that under the House Bill the predominant influence, the controlling influence, will be the three members appointed by the Department of Labor; and I fail to see, therefore, where there is any course in the Governor's contention that one is more qualified than the other.

He further stated, "I will oppose any so-called minimum wage bill which is unsound and which does not place administration of the Act in the Department of Labor and Industry." Certainly His Excellency was misinformed on that point with reference to this bill, because the entire administration is placed in governmental departments. The Wage Board can only come into existence under an investigation made by the Department of Labor, after orders are fixed for minimum wages. The enforcement is entirely placed in the Department of Labor and the office of the Attorney General. The difference in the two bills is small.

The method of dealing with the question of fixing the

wages, I feel, should be through competent evidence given under legal procedure, and not the peculiar method which is set up under the House Bill; and certainly, in such a vital question as this—vital to Labor and vital to Industry as well—the final appeal in any case in which an order is fixed should go to our highest Appellate Court, and not be, as it is, in the House Bill, entirely under an executive board.

Therefore, Mr. President, believing that the bill fills a great need in Pennsylvania, that it is fair to Labor and that it is fair also to Capital, that it brings in the principle of a fair deal, I ask that this bill be approved by the Senate.

Mr. McGINNIS. Mr. President, the most serious objection, I think, to this bill is the provision that before anything can be started fifty citizens must petition the Secretary of Labor about the wages of women and children in their district or neighborhood. This bill applies particularly to factory towns, and I will venture to say there are not half a dozen towns, factory towns, where you can get fifty citizens that are free, or, at least, that feel free to sign a petition complaining about the wages of women and children in their factories. So that, of all the factory towns in Pennsylvania I venture to say you cannot get fifty citizens in any of those towns because of the power that the owners of the factory have over all the activities of the towns—whether in stores or business houses or in the way of employment; and therefore I feel that this bill is not worth the paper it is written on, because you can get hardly a town in Pennsylvania, a factory town, where you can get fifty citizens who at least feel free enough to start a petition, to go around among the citizens and get them to sign up fifty names. And even if that should be done, in rare cases, the Secretary of Labor then takes a hand, and, if he feels there is something wrong, then the Courts appoint a Wage Board—a different Wage Board in every little town, factory town, in Pennsylvania. The Wage Board has sixty days to investigate, and then it makes a report. The factory owners may file exceptions to the report, and then it goes further up—to the Superior Court or the Supreme Court; and the thing may be dangling around for a year before there is any relief.

I feel that the process is too cumbersome; and among the factory towns you cannot get half a dozen towns in which a petition can be started.

REQUEST THAT BILL GO OVER IN ITS ORDER

Mr. McGINNIS. Mr. President, I ask unanimous consent that Senate Bill No. 39, on final passage, go over in its order.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Shall the bill pass finally?

Mr. THOMPSON (Centre). Mr. President, I agree very largely with the remarks of my colleague, the Senator from Allegheny, Mr. McGinnis, and I think if we would just stop to examine a few of the provisions of this bill we would see how wholly impractical the machinery of the bill is to achieve the end which the bill purports to tend to.

Now, if we look in section 3 of the bill we see that all provisions relative to the investigation of wages, the compilation of data with reference to wages, and all matters of that sort, are put in the hands of the Department of Labor and Industry. They are the people who have the information, under the terms of this Act, upon which any action must be taken.

Then, if we go over to section 6—sections 5 and 6—where the Wage Board is set up, and its operation outlined, we find that this Wage Board is not purely a Wage Board with authority to determine, but they are more in the nature of a referee or a master, or a set of referees or masters, appointed by the Court to make findings for the Court.

Section 6 of the Act provides that this report shall be filed in the court, and either part, within ten days after its filing, shall have the opportunity of filing exceptions thereto. In the event that no exceptions are filed to the report of the Wage Board appointed by the Court for a specific purpose, then the Court makes an order putting such findings into effect as he sees it. The operation is the operation of the Court, and not the operation of a Wage Board.

The so-called Wage Board, under this Act, is simply an administrative agency of the court, and not a Wage Board with any powers which it derives except from the Court's action; so we find, in actuality, that it is the Courts under this Act who are the controlling feature in the determination of wage structure.

Then, after a hearing by the Board, and exceptions taken, the Court enters into another full hearing. Then there is an opportunity of appeal; and the Lord only knows when any determination of the problems before those Boards would actually take effect. In all probality, before a contested wage standard case would be determined the standard of wages in that community might have changed back and forth three or four different times.

Then, even presuming that it has finally adjudicated what the standard of wages will be, then, if we go on to section 8 of the Act, if the Secretary of Labor and Industry—now, mind you, we come back into the Department of Labor and Industry again before we can have any enforcement of this Act—then, to enforce a mandatory order of the Court, it requires notice by the Secretary of Labor and Industry upon the offending, or the allegedly offending employer, and after that there must be a hearing—a hearing, as I understand it, before the Department of Labor and Industry, to carry out the provisions of the Court which adopts the finding of the Wage Board.

I say, Mr. President and members of the Senate, the machinery set up in this Act is entirely too complicated and cumbersome.

Mr. REED (Dauphin). Mr. President, I feel that I should say a few words in answer to my friend, the Senator from Allegheny, Mr. McGinnis, by calling attention to the fact that section 4 of this Act provides: "The secretary shall have the power and it shall be his duty on the petition of fifty or more qualified voters of the Commonwealth to cause an investigation to be made of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages."

I think fifty signers throughout Pennsylvania might be secured. And, furthermore, the Department of Labor can institute these proceedings without any petition what-

ever. In other words, the provisions are identical with the provisions contained in the House Bill.

Just to answer, for a minute, my friend the Senator from Centre, Mr. Thompson, as to the cumbersome proceedings, I wonder if he has read the House Bill, which provides that the Department of Labor can accept or reject the reports of a Wage Board, make them impotent, tear them out, and make any such provisions that the Department may want; that after an order is made by the Department there is to be a kind of mass hearing, which is not defined in the bill, and with no chance of procedure whatever before a review of a competent Court.

I am sure that any one who will carefully compare the two bills will find that the uncertainties and the cumbersome procedure are all in the House Bill.

Mr. CAVALCANTE. Mr. President, I regard this bill as involving principles such that I do not think we ought to be too hasty in preventing discussion. In the first place, I think that I express the opinion of a large number of the members of this body when I say I do not like hypocrisy. We ought to be fair, and we ought to investigate a bill of this kind very thoroughly before we make our minds up to vote one way or the other. Since I have been a member of this Senate I have developed a great respect for our colleague from Dauphin County, Senator Reed; but in the development of that respect I have also learned that he is a master strategist in the art of confusion; and when he makes elaborate and extensive argument in favor of any measure I always whet my mind to investigate the measure thoroughly before I give my approval or disapproval to it.

Now, I think that most of the arguments in favor of this measure are founded in hycocrisy. It is not so much the love of labor—love for labor that the proponents of this bill have, but I think that there is a greater love prompting their arguments; I think that they have a higher master than the laboring class—that they pretend they are defending when sponsoring this bill.

Now, this bill, Mr. President, no doubt involves a legislative function. I mean by that that the function of determining mnimum wages and minimum hours our legislative functions and not judicial functions. I feel that this bill is cloaked with the highest degree of hypocrisy in that the proponents of it do not have the moral courage to, here on the floor of this Senate, exercise their legislative functions to come to grips with the problem of minimum wages and sweat shops that have infested our State for many years.

The dealing with minimum wages and sweat shops is a legislative function, and, in order to shirk that duty that we have to these men and women who labor in these sweat shops we are going to pass that buck over to sixty-seven separate Common Pleas Courts of our Commonwealth, places where we know the masters of the proponents of these bills have always had sway—Mr. Grundy and his manufacturing groups; and today these Courts of this Commonwealth are the only bodies where Grundy and his followers have the greatest influence, for the actions of the past few weeks have fully demonstrated that they have no more influence on the legislative floors of this Commonwealth.

This bill puts into the hands of a body that is elected every ten years the function of determining what hours are appropriate and what wages are appropriate in sweat shops; and the people who are vitally interested in these matters have only every ten years where they can show their disapproval of the conduct of the men who will decide what are proper wages and proper hours; where, if we follow the act of the House of Representatives, the bill sponsored by the Administration, at least every four years the people that are interested in these measures can go to their polls and register their disapproval of the handling of this minimum wage and minimum hours measure.

I say that the proponents of this bill are camouflaging the purpose of this bill, and that their arguments are most hypocritical in their nature. These men are shirking on the floor of this Senate the duties that they owe those men and women and children. It is the duty of every Senator to indicate the appropriate legislation, and not pass the buck down to sixty-seven different courts of this Commonwealth, making it possible in counties where Mr. Grundy still has the dominant power for him to dictate the minimum wages and the hours of these men and women—from which we will probably have the debacle of probably having sixty-seven different scales of minimum hours and minimum wages in this entire Commonwealth.

Now, Mr. President, if this system is not consistent with confusion, consistent with the strategy of my colleague from Dauphin County, in confusing all matters in which Mr. Grundy is vitally interested, I cannot understand his argument.

Mr. SHAPIRO. Mr. President, I should like to vote on this question at once and end this thing; but I cannot sit idly by, if the rest of my colleagues can, when there is a question of such great importance brought to the floor of the Senate, with so much unnecessary and unfair criticism on a subject which to my mind is of importance to both the manufacturer and the employee. I do not propose to sit idly by in this Senate and have the judges of the Commonwealth, and various other individual citizens, dragged out on the floor and personally attacked on a proposition which to me means more, as a citizen of the State, than it does to the other members of the Senate.

I think the arguments of my friend on the other side are most highly unfair. I think this is a new departure in the industry of Pennsylvania; this is something new, that we have never heard of before, something we are not used to. We are now taking the position that this Legislature shall delve into the management and functions of industry, and shall govern the rates and contracts between employers and employees; and it seems to me when we do that we should be very careful.

Now, I was one of those who were always opposed to the sweat shop theory. I have read carefully the reports of both sides—the minority and majority reports of those who investigated this matter; and while I am one of those who said, "This is no time for exemption of privilege to classes," I also feel that this is no time to appeal to the emotions of people, or to deal with their stomachs rather than their heads; because that, in my opinion, is always dangerous. Any one who fairly reads both sides of the question—the reports on both sides, as brought to this Senate—will come to the conclusion that while there are sweat shops in Pennsylvania, the large majority of the manufacturers in Pennsylvania are not dealing in sweat shop methods, and that it is just those few manufacturers against whom this bill is aimed.

It seems to me that any bill—or any law which we will pass—cannot be a legislative poultice plaster. You

cannot stop people from stealing by passing a law, and you cannot stop people from treating others unfairly by passing a law; but what you aim to accomplish by passing a bill of this kind, or any other bill, is to bring a moral effect upon the people involved, to bring the force of public attention, of public opinion, not on the industry as a whole but on the persons involved in this practice, and then you can accomplish a great deal more. A man has a high regard for the reputation he holds amongst his fellow men, and I would not want to be called a thief, or to be called names in the public press; and if we can bring to the front—and bring to the eyes of the public—those few manufacturers who still persist in believing that they have a right to do that which they feel is just, without regard to the feelings or interests of others—if we can bring those people before the public, we can accomplish something.

I am glad that my friend, the Senator from Pittsburgh, Mr. McGinnis, said that his only objection to the bill is that it would be difficult to get fifty citizens to bring about a proceeding, because I can certainly answer his argument by reading him these words from page 5 of the bill: "If on the basis of information in the possession of the secretary with or without a special investigation the secretary is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages he shall petition the Court of Common Pleas of the county where the persons alleged to be receiving oppressive and unreasonable wages are employed setting forth the facts and asking the court to appoint a wage board * * *."

Now, this, in my opinion, answers any question that there will be any difficulty in raising the issue. The Secretary of Labor, under this bill, has a right to initiate the proceedings; and while the name of a certain manufacturer has been brought into the proceeding, I might say I am no follower of, and have no personal acquaintance with the gentleman.

The reports filed, both minority and majority reports of the Sweat Shop Investigating Committee, do not,, to my mind, indicate that there were any such sweat shop activities in his jurisdiction as would warrant the statement made on the floor of this Senate by my friend from the other side; and I want to say one thing—that so far as I, personally, am concerned, while I do not know whether this bill or the bill in the House, that you were talking about, will bring about the best results, I do know this is a step in the right direction, and I do feel that nobody has the right to make such a general statement, such a general condemnatory statement on the floor of this Senate as to the members of the judiciary of Pennsylvania without more authority than we have here: To say that we cannot trust the Courts of Pennsylvania to do justice to women and children is, in my opinion, one of the unfairest statements that could be made, and I protest against such a statement, and say that at least one place we can hope to look for the restoration of law and order in this Commonwealth is in the Courts of Pennsylvania; and I am happy to give to them the supervisory function offered by this bill, because I feel it is a step in the right direction; and I hope my friends on both sides will take the first step.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Aron,	Ealy,	Mallery,	Salus,
Batchelor,	Gelder,	McClure,	Shapiro,
Bean,	Graff,	Norton,	Staudenmeier,
Bennett,	Harvey,	Owlett,	Thompson
Buckman,	Homsher,	Pierson,	(Westmoreland)
Chapman,	Howell,	Reed,	Trainer,
Clark,	Hunsicker,	(Dauphin)	Ziegenheim,
Coyne,			

NAYS—20

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Harris,	McGinnis,	Rice,	Thompson,
Huffman,	Miller,	Roberts,	(Centre)
Kahle,	Prince,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

FURTHER CONSIDERATION OF THE CALENDAR DEFERRED

Mr. BUCKMAN. Mr. President, I move that further consideration of the calendar be deferred until 4:30 o'clock, this afternoon, in order that a hearing before the Committee on Insurance may be held as scheduled.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now take a recess until 4:30 this afternoon.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvanit,
Governors Office, Harrisburg, May 21, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

MONTGOMERY COUNTY

Alfonse L. Nicholson, Ardmore, May 25, 1935.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nom-

inate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Nell M. Cusick, 235 4th Avenue, Pittsburgh.

BLAIR COUNTY

Woodrow W. Filler, Altoona.

DELAWARE COUNTY

John L. Hawthorne, Jr., Glenolden.

ERIE COUNTY

Harry C. Edy, Erie.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 712 RECALLED FROM THE GOVERNOR

Mr. McGINNIS. Mr. President, I move that the Senate do now proceed to the reconsideration of Senate Bill No. 712, recalled from the Governor, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one, (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to the registration of and conducting of business by corporations not previously licensed.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. McGINNIS. Mr. President, I move to reconsider the vote by which Senate Bill No. 712 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted "aye".

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. McGINNIS. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted "aye".

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye".

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McGINNIS. Mr. President, I ask unanimous consent to amend title as follows: Page 1 of title, line 10, at the end of the line, strike out the following letters "cor-"; Amend Page 1 of title, line 11, at the beginning of the line, strike out the letters "porate", and insert after the word "and" the word "the"; Amend Page 1 of title, line 12, by inserting after the word "licensed" at the end of the line the word "and"; Amend Page 1 of title, line 12, by striking out after word "registered" the following "and in active operation"; Amend page 2, section 13, paragraph (b), line 21, by inserting after the word "corporation" the following "nor shall any corporation be permitted to conduct the business or profession of undertaking"; Amend page 2, Section 13, paragraph (b), by inserting after the word "licensed" at the beginning of the line, the word "and"; Amend page 2, Section 13, paragraph (b), line 22, by striking out after the word "registered" the remainder of the line, and all of lines 23, 24, and 25, to the end of the paragraph .

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 752, entitled:

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILL OVER IN ORDER

Mr. GRAFF. Mr. President, I ask unanimous consent that Senate Bill No. 19, on third reading, entitled:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 268) entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not in-

terfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 575 (House Bill No. 1220), entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July one thousand nine hundred and nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" by providing for furnishing artificial limbs to children over ten years of age.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. STAUDENMEIER. Mr. President, the bill which was attempted to be recommitted last night, and, as I said on the floor of the Senate, that it was my belief that it is a good bill, and that I wanted the Senators, before voting upon it, to make an investigation of its contents. The bill is nothing more or less than an amendment to the Act of 1919. The Act of 1919 created the Department of Rehabilitation, under the heading of the Department of Labor and Industry, and among other things, for people who are engaged in industry, who lose a limb, that Department has the right to go ahead and get a limb for the party so that he can be rehabilitated and go back into industry. But that Act also contains three clauses, and one of the clauses is Section E. This Act proposes to amend; it gives the head of the Department of Labor and Industry the right to purchase, at cost, for any person who is not engaged in industry, and who should be deprived of a limb, to purchase a limb for that party in the hope that he can be rehabilitated and go back to some type of work, and then pay back the Department in installments; and in a case where one is so indigent that he can pay nothing back, Section E of the Act of 1919 gives the Department the right to purchase a limb for a person of that type.

This bill on the calendar here proposes to extend the provision under Section "E" of the Act of 1919 to children over the age of ten years. Why is that necessary? I can think of several cases—and probably some of the Senators here have done likewise—where the Department has always held that the provisions of the Act of 1919 could not be extended to children, on account of the title of the Act of 1919, which said: "engaged in industry;" but under the early Act of 1919, Section E, Clause 5, it enabled the Commission to purchase limbs, as I have outlined, to persons who are disabled, or suffering from the loss of a limb, who were not engaged in industry, but they could not see fit to extend it to children.

Now, then, we have been here since the beginning of the Session talking about minimum wages, hours for women, unemployment relief and relief for the starving people, and it would certainly be a sad commentary of this Senate to say that we would refuse to become a party to enable the head of the Department to do what—to furnish a limb to a young fellow ten, eleven, twelve or thirteen years old, or an arm. Perhaps the father would have some sort of employment whereby he could in time pay back in installments the cost of this limb, and I do not believe there is a man in this Senate who has a full realization of the terms of this bill who would say to Tiny Tim, John Jones, Harry Smith, Mary Weaver, or Mary Smith, "no, we, as Senators believe in becoming agitated in unemployment, minimum wages, relief, but to tiny children we say, "you should get other help in being rehabilitated." Why?—because your parents are not able to buy a limb? Are we going to do that? I do not believe we are. If we are, there is lack of mentality, there is something wrong with our makeup. I believe, and so do you, that that youngster should be given an opportunity, and I have in mind this particular case of a young fellow up near Coaldale, Schuylkill County, with one leg off up near the hip and the other one up above the knee. There is a case where the Department said: "If we had the necessary legislation, we would see that the youngster would get two legs, and perhaps the youngster would be enabled to obtain some form of employment, and in time to come he would pay back the Department. Let us not have a black blot upon our record of this type. Let us pass this bill unanimously, so that these youngsters throughout the Commonwealth of Pennsylvania whose parents are unable to supply them with limbs that perhaps would enable them to work, to obtain some form of employment; let us do our part here and pass enabling legislation which will take away all doubt as to whether or not the head of the Department of Labor and Industry has the right or has not the right to furnish limbs to people of this type. I sincerely hope that this bill will pass unanimously.

Mr. KAHLE. Mr. President, I would like to interrogate the Senator from Schuylkill, Mr. Staudenmeier.

The PRESIDENT. Will the Senator from Schuylkill, Mr. Staudenmeier, be interrogated.

Mr. STAUDENMEIER. Mr. President, I will.

Mr. KAHLE. Mr. President, I would like to ask the Senator how many people this will affect now, in regard to the number of children.

Mr. STAUDENMEIER. Mr. President, I am informed by the Department that it would be comparatively few. Most parents or relatives, or service clubs have been enabled to help out in various sections, and the requests to councilmen have been very few, and I am willing to go along and believe that many of the service clubs and charitably inclined citizens are willing to contribute one-half of the cost of the limb where the Department perhaps would make an outright grant, which would be comparatively small. In these cases where help is needed, I think we should be the interested ones to give help of this kind.

Mr. KAHLE. Mr. President, may I ask if there is not some sort of a system by which they are taken care of now?

Mr. STAUDENMEIER. Mr. President, no, there is no

law on the statute books at all. It is entirely discretionary with the head of the Department.

Mr. KAHLE. Mr. President, is there not some governmental system that helps?

Mr. STAUDENMEIER. Mr. President, no, absolutely not.

Mr. KAHLE. Mr. President, I am for these youngsters, for any man that is crippled, but the question is whether it is advisable to set up at this time a bureau with an overhead expense and so on, that would go along with it, or whether there would not be in some way arrangements made to take care of the few that will come under this rather than put a great expense upon the State at this time.

Mr. STAUDENMEIER. Mr. President, this Bureau already exists, and the head of the Bureau in his discretion is taking care of that. The machinery is already there.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	Norton,	Rodgers,
Batchelor,	Harvey,	Owlett,	Rupp,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Salus,
Bennett,	Hunsicker,	Pytko,	Sones,
Buckman,	Kahle,	Rankin,	Sordoni,
Cavalcante,	Lanius,	Reed,	Staudenmeier,
Chapman,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 759 (House Bill No. 371) on third reading, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by he Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent fro mthe provisions of the act certain occupation and with the provisions thereof" as amended by excepting professions and further regulating the hours of labor

be recommitted to the Committee on Labor and Industry to correct errors in the printing of the bill.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 853 (House Bill No. 953), entitled:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for he refund of fees where certificates of registration are withdrawn or not proceeded with

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	Norton,	Rodgers,
Batchelor,	Harvey,	Owlett,	Rupp,
Baumer,	Homsher,	Pierson,	Salus,
Bean,	Howell,	Prince,	Shapiro,
Bennett,	Huffman,	Pytko,	Sones,
Buckman,	Kahle,	Rankin,	Sordoni,
Cavalcante,	Lanius,	Reed,	Staudenmeier,
Chapman,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 863 (House Bill No. 1734), entitled:

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and on additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Homsher,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Rankin,	Sordoni,
Bennett,	Hunsicker,	Reed,	Staudenmeier,
Buckman,	Kahle,	(Dauphin)	Thompson,
Cavalcante,	Lanius,	Reed,	(Centre)
Chapman,	Law,	(Washington)	Thompson,
Ealy,	Mallery,	Rice,	(Westmoreland)
Frey,	McClure,	Roberts,	Trainer,
Gelder,	McCreesh,	Rodgers,	Woodward,
Graff,	McGinnis,	Rupp,	Ziesenheim,
Harris,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1007, entitled:

An Act to amend sections nine hundred one and one thousand eighty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; providing for the collection of county, borough and school taxes by the county commissioners in certain cases; conferring powers on boroughs and school districts with respect to the collection of their taxes; and providing that the bonds of borough tax collectors shall be fidelity bonds.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Homsher,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Rankin,	Sordoni,
Bennett,	Hunsicker,	Reed,	Staudenmeier,
Buckman,	Kahle,	(Dauphin)	Thompson,
Chapman,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Gelder,	McClure,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	Ziesenheim,
Harris,	Norton,	Rodgers,	

NAYS—7

Cavalcante,	Lanius,	Miller,	Thompson,
Frey,	McCreesh,	Rupp,	(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I have been requested to make amendment to this bill and I ask unanimous consent that Senate Bill No. 1128, on third reading, entitled:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. HARVEY. Mr. President, I move that Senate Bill No. 1149 (House Bill No. 1683) on third reading, entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

be recommitted to the Committee on Game and Fisheries.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1201 (House Bill No. 2637), entitled:

An Act imposing duties upon the Department of Health and providing for the furinshing of anti-rabic serum and treatment without charge in certain circumstances

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harvey,	Norton,	Salus,
Batchelor,	Homsher,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,
Harris,	Miller,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceded to the third reading and consideration of Senate Bill No. 1203 (House Bill No. 1147), entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harvey,	Norton,	Salus,
Batchelor,	Homsher,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Law,	Rice,	Trainer,
Ealy,	Mallery,	Roberts,	Woodward,
Frey,	McClure,	Rodgers,	Ziesenheim,
Gelder,	McCreesh,	Rupp,	
Graff,	McGinnis,		
Harris,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 1214 (House Bill No. 2205), on third reading, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws gneral special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

be recommitted to the Committee on Education.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1230, entitled:

An Act to amend route Seventy-seven of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs an incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of a State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, mantenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requring contracts by counties, townships, boroughs, and incoporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs, providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BATCHELOR. Mr. President, I ask unanimous consent to amend title, page 1, line 1 of title, by inserting after the word "of" the following: "section six of"; also section 1, page 3, line 4, by inserting after the word "of" the following: "section six of"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1235, entitled:

An Act to further amend section ten of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highways Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointetes; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain

certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harvey,	Norton,	Salus,
Batchelor,	Homsher,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,
Harris,	Miller,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1239, as follows:

An Act making an appropriation to the Department of Public Instruction for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and thirty dollars ($130) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the payment of the claim with interest thereon of the plumbing subcontractor employed during the year one thousand nine hundred and twenty-nine in connection with the erection of a Day Students' Room at the California State Teachers College moneys for the payment of which claim were retained by the Commonwealth out of the amount payable to the general contractor and which moneys have since been lapsed into the General Fund

Payment of such claim shall be made on requisition of the Department of Public Instruction upon proof of such claim to the satisfaction of the Secretary of Property and Supplies

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harvey,	Norton,	Rupp,
Batchelor,	Homsher,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,
Harris,	Miller,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 1252 (House Bill No. 910) on third reading, entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred nine) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. HUNSICKER. Mr. President, I move that Senate Bill No. 1257 (House Bill No. 2067) on third reading, entitled:

An Act to further amend paragraph (a) of section three hundred eleven of the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties."

be recommitted to the Committee on Public Health.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1262, entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harvey,	Norton,	Salus,
Batchelor,	Homsher,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,
Harris,	Miller,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1270 (House Bill No. 1738), entitled:

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 682) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harvey,	Norton,	Salus,
Batchelor,	Homsher,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,
Harris,	Miller,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. HARVEY. Mr. President, I ask unanimous consent that Senate Bill No. 1273 (House Bill No. 2216), on third reading, entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PRINCE. Mr. President, I ask unanimous consent that Senate Bill No. 1278 (House Bill No. 2393), on third reading, entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1279 (House Bill No. 2477), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince.	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1287, entitled:

An Act to amend section one thousand and twenty-five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, authorizing the Secretary of Revenue in certain cases to offer and pay rewards for information resulting in the arrest and conviction of hit and run drivers, and requiring such drivers to pay the amount of such rewards in addition to the existing penalties.

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1288, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highmay Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or tollroads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing

contracts are not effected by provisions of this act," as amended, requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1294, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand eight hundred and eighty-one (P. L. 10), entitled "An act granting power to counties, cities (except cities of the first and second classes), boroughs, municipalities and school districts in this Commonwealth, which have issued bonds or other interest-bearing evidences of indebtedness, to redeem the same and issue new bonds therefor, with or without interest coupons attached," as amended, by providing that bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by the issuance of bonds pursuant to the provisions of this act.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McCLURE. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 19 by striking out the word "and" at the end of said line and insert in lieu thereof: "any"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1295, entitled:

An Act to ratify, confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by municipal corporations for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway, street or alley or part thereof in any such municipality, or for the payment of the cost of construction of any sewer or sewers, which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost, and to authorize the municipal corporation to fund such debts by the issuance of bonds to provide for their payment.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McCLURE. Mr. President, I ask unanimous consent to amend title, page 1, line 3 of title, by striking out the words "municipal corporations" and insert in lieu thereof "cities of the third class;" amend title, page 1, line 7 of title, by striking out the word "municipality" the following: "city of the third class;" amend title, page 1, line 12 of title, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 1, page 1, line 4, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 1, page 2, line 4, by striking out the word "municipality" and insert in lieu thereof "city;" amend sec. 1, page 2, line 10, by striking out the word "municipality" and insert in lieu thereof "city;" amend sec. 1, page 2, lines 10 and 11, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 1, page 2, line 14, by striking out the word "municipality" and insert in lieu thereof "city;" amend sec. 1, page 2, line 20, by striking out the word "municipality" and insert in lieu thereof "city;" amend sec. 2, page 2, line 24, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 2, page 2, line 29, by striking out the word "municipal;" amend sec. 2, page 3, line 1, by striking out the word "corporation" and insert in lieu thereof "city;" amend sec. 3, page 3, line 22, by striking out the words "the municipal corporation" and insert in lieu thereof "any city of the third class;" amend sec. 3, page 3, lines 24 and 25, by striking out the word "municipality" and insert in lieu thereof "city;" amend sec. 3, page 4, lines 2 and 3, by striking out the words "municipal corporation" and insert in lieu thereof "city;" amend sec. 4, page 4, lines 13 and 14, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 5, page 4, line 19, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 5, page 4, lines 24 and 25, by striking out the words "municipal corporation" and insert in lieu thereof "city;" amend sec. 5, page 4, line 27, by striking out the words "municipal corporation" and insert in lieu thereof "city;" amend sec. 5, page 5, line 3, by striking out the words "municipal corporation" and insert in lieu thereof "city;" amend sec. 6, page 5, line 7, by striking out the words "municipal corporation" and insert in lieu thereof "city of the third class;" amend sec. 6, page 5, line 10, by striking out the words "municipal corporation" and insert in lieu thereof "city."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1298, entitled:

An Act prohibiting anyone engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief and imposing a penalty

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Homsher,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Rankin,	Sordoni
Bennett,	Kahle,	Reed,	Staudenmeier,
Buckman,	Lanius,	(Dauphin)	Thompson,
Chapman	Law,	Reed,	(Centre)
Coyne,	Mallery,	(Washington)	Thompson,
Ealy,	McClure,	Rice,	(Westmoreland)
Gelder,	McCreesh,	Roberts,	Trainer,
Graff,	McGinnis,	Rodgers,	Woodward
Harris,	Miller,	Rupp,	Ziesenheim,
Harvey,	Norton,		

NAYS—2

Cavalcante, Frey,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk presented said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1316, entitled:

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens' fees for use of pound nets

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1327 (House Bill No. 1204), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return sadi bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1334 (House Bill No. 2302), entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)

Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1341 (House Bill No. 2601), entitled:

An Act to amend sections two three and four of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as Bucktail State Park and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1345, entitled:

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1347, entitled:

An Act making an appropriation to the Lancaster General Hospital Lancaster Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1348, entitled:

An Act making an appropriation to the Lancaster County Tuberculosis Society Rossmere Lancaster County Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1349, entitled:

An Act making an appropriation to the Thaddeus Stevens Industrial School of Lancaster Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1350, entitled:

An Act making an appropriation to the Home of Friendless Children of Lancaster Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. HUNSICKER. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 150 (House Bill No. 147), on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate procedede to the second reading and consideration of Senate Bill No. 891, as follows:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission

Whereas By a resolution adopted the eighteenth day of August one thousand nine hundred and thirty-two the Senate of Pennsylvania constituted a committee to investigate the Public Service Commission and

Whereas By the act approved the nineteenth day of August one thousand nine hundred and thirty-two the sum of one hundred thousand dollars ($100,000) was appropriated to said Senate Committee to pay the expenses of the investigation conducted by it and

Whereas Said appropriation was declared unconstitutional by the court of Common Pleas of Dauphin County for the reason that it was not within the call of the Governor for the special session at which it was made and

Whereas At the special session convened in the year one thousand nine hundred and thirty-three the sum of forty-seven thousand twenty-six dollars and thirteen cents ($47,026.13) was appropriated by the act approved the nineteenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred eighty-eight) to the Secretary of the Senate for the payment of the bills incurred by said committee in its investigations which appropriation was approved by the Governor only in the sum of twenty-five thousand dollars ($25,000) which proved insufficient to pay all of the oustanding bills incurred by said investigating committee therefore be it

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixteen thousand six hundred twelve dollars and six cents ($16,612.06) is hereby specifically appropriated to the Secretary of the Senate for the payment of unpaid expenses and bills incurred by the Senate Committee during the Investigation of the Public Service Commission pursuant to the authority granted by Senate Resolution Serial Number

nine adopted the eighteenth day of August one thousand nine hundred and thirty-two Payment from said appropriation shall be made on requisition of the Secretary of the Senate in the manner provided by law

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 990 (House Bill No. 1631), entitled:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

The first section of the bill was read as follows, and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Gift Tax Act"

The second section of the bill was read as follows:

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise or organization owned by or with which is affiliated two or more persons or members

"Corporations" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Donee" Any person to whom a gift is made

"Donor" Any natural person making a gift

"Department" The Department of Revenue of this Commonwealth

"Gift" Any property real or personal tangible or intangible or any interest therein or income derived therefrom in trust or otherwise voluntarily granted or transferred either directly or indirectly by any device whatever without consideration or for less than a full and adequate consideration by any donor Provided That in the case of any donor a resident of this Commonwealth the word "gift" shall not include any real or tangible personal property permanently located outside of this Commonwealth and in the case of a donor not a resident of this Commonwealth the word "gift" shall only include such property as is situated within this Commonwealth and subject to its taxing power and Provided further That the word "gift" shall not include property transferred money service or anything of value paid furnished or delivered by any person to or for any member of his immediate family reasonably necessary for current maintenance support and education

"Person" Every natural persons association or corporation whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 2, page 2, line 5 by striking out after the word "which" and before the word "affiliated" the word: "[is]" and inserting in lieu thereof the word: "are"; amend section 2, page 2, line 7 by striking out after the word "or" and before the word "association" the words: "[joint stock]" and inserting in lieu thereof the word: "joint-stock"; amend section 2, page 3, line 2 by inserting after the word "family" and before the word "reasonably" the words: "which are"; amend section 2, page 3, line 5 by striking out at the beginning of the line before the word "used" the word: "[whenever]" and inserting in lieu thereof the word: "Whenever".

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 A State excise tax payable by the donor if he is a resident or by the donee if the donor is a nonresident is hereby imposed with respect to any gift in excess of two thousand dollars ($2,000) at following rates

(a) Two percentum upon the clear value of any such gift made to the donor's father mother husband wife children lineal descendants born in lawful wedlock by any adopted children children of a former husband or wife or the wife or widow of the son of the donor and also upon the clear value of any gift made by the mother of an illegitimate child or by any person of whom the mother is a lineal descendant to such child his wife or widow and by any illegitimate child to his mother

(b) Ten per centum upon the clear value of any gift made to any persons other than those set forth in subsection (a) of this section or to any body politic

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 3, page 3 line 14 by inserting after the word "at" and before the syllable "follow-" the word: "the"; amend section 3, page 3, line 16 by striking out after the word "Two" and before the word "upon" the word: "[per-centum]" and inserting in lieu thereof the words: "per centum"; amend section 3, page 3, line 18 by striking out at the end of the line after the word "wedlock" the words: "[by any]" and inserting in lieu thereof the word: "legally"

Mr. FREY. Mr. President, I second the motion

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows, and agreed to:

Section 4 (a) If a gift is made in property of any nature whatsoever the clear market value thereof at the date of gift shall be considered the taxable value of the gift Provided That when any such property is sold or exchanged for less than a fair consideration in money or money's worth then the amount by which the clear market value of the property exceeded the consideration received shall for the purposes of this act be deemed a gift and shall be included in computing the amount of gifts

(b) The clear value of all gifts made during the year to the same donee by the same donor within the same calendar year shall be added together and the aggregate

of such amounts shall be considered as one gift for the purposes of taxation under this act and the rates of tax prescribed in this act shall be applied to such aggregate of such amounts

The fifth section of the bill was read as follows:

Section 5 Nothing in this act is intended or shall in any wise be considered so that the provisions hereof shall conflict with or modify in any respect the provisions of the Transfer Inheritance or Estate Tax Law

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 5, page 4, line 17 by striking out after the word "be" and before the word "so" the word: "[considered]" and inserting in lieu thereof the word: "construed"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows and agreed to:

Section 6 Any voluntary gift made by any person to any corporation association trust community chest fund or foundation organized exclusively for charitable religious or educational purposes no part of the income of which inures to the benefit of any private shareholder member or individual shall not be considered a gift taxable under the provisions of this act

The seventh section of the bill was read as follows:

Section 7 For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every donor or donee liable to pay such tax on or before the fifteenth day of March of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return under oath or affirmation of all gifts with respect to which tax is imposed by this act made by him during the preceding calendar year Such report shall contain such information as the department may require

The failure of any person liable to tax under the provisions of this act to receive or procure a return form shall not excuse him from making a return

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 7, page 5, line 28 by striking out after the word "liable" and before the word "tax" the word: "[to]" and inserting in lieu thereof the word: "for"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the bill were read as follows and agreed to:

Section 8 The department shall originally assess the tax imposed by this act on the basis of the return duly made Promptly after the date of such original assessment the department shall give or send by mail or otherwise a notice thereof to the taxpayer If the taxpayer is dissatisfied with the original assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 9 If any person liable for or believed by the department to be liable for any tax under the provisions of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such person may file a return under oath or affirmation with the department and if the department is satisfied that such return is correct and includes all gifts made taxable under the provisions of this act or that such person made no taxable gifts within the period covered by such estimated assessment it shall assess the tax if any on the basis of the return so made together with a penalty of ten per centum of the amount of tax with interest thereon at the rate of six per centum per annum from the time such property should have been returned to the date of assessment and shall cancel the estimated assessment Any resident against whom an estimated assessment is made who shall fail or refuse to file a return in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he made no gifts made taxable by this act within the period covered by such estimated assessment or any other matter of defense whatsoever if a return is filed before an estimated assessment is made but not within the time required by this act a penalty of ten per centum shall be added to the amount of property so returned and the tax assessed on the basis thereof with interest at the rate of six per centum per annum from the time such property should have been returned to the date of assessment.

Section 10 If any person shall fail to include in any return all of his gifts made taxable by this act within the period covered by such return the department shall make an additional assessment against such person of the amount of tax due with respect to such omitted gifts together with a penalty of ten per centum of such amount and interest thereon at the rate of six per centum per annum from the time such gifts should have been returned to the date of assessment Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident if such resident is dissatisfied with the additional assessment so made he may petition for a reassessment in the manner hereinafter provided

Section 11 An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within ten (10) years after any gift made by any person should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous additional or estimated assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section 12 Any resident against whom any original assessment or additional assessment is made may petition the department for a reassessment prior to the time the amount becomes due and payable to wit within thirty (30) days after notice of such original assessment or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly filed a petition for reassessment shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the original or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein

If such petitioner is dissatisfied with the action of the department on his petition for reassessment or if any person against whom an estimated assessment is made and who has duly thereafter made a return as heretofore provided is dissatisfied with the refusal of the department

to assess the tax on the basis of the return so made and to cancel the estimated assessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any person shall fail to file a petition for reassessment within the time and in the manner herein set forth or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such person so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the courts of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section 13 All taxes penalties and interest resulting from any original or additional assessment made by the department shall be due and payable within thirty (30) days after notice of such original or additional assessment is given or sent by the department as heretofore provided if no petition for reassessment is taken or within thirty (30) days after notice of the determination of such petition if no appeal is taken All taxes penalties and interest resulting from any estimated assessment made by the department shall be due and payable within thirty (30) days after the expiration of the time within which a return may be made in such cases if no return is made and thirty (30) days after notice of the assessment made on the basis of such return is given or sent as heretofore provided if such return is made and the tax assessed on the basis thereof

The fourteenth section of the bill was read as follows:

Section 14 The tax imposed by this act shall bear interest at the rate of twelve per centum per annum from the date such tax is due and payable until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid Any balance finally found due by the department as a result of a reassessment shall bear interest at the rate of twelve per centum per annum from the time such amount was originally due and payable until paid

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 14, page 10, line 21 by striking out after the word "from" and before the word "until" the following "[the date such tax is due and payable]" and inserting in lieu thereof the following: "thirty days after such tax is assessed"; also page 10 by striking out lines 22 to 28, inclusive; also page 11, by striking out lines 1 and 2 and inserting in lieu thereof the following: "Provided That any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such tax was originally due and payable until paid"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifteenth, sixteenth and seventeenth sections of the bill were read as follows and agreed to:

Section 15 (a) All taxes imposed under this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the person against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where such person's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 16 (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any donor or donee as the case may be in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such person is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

Section 17 (a) Any person required to pay tax by this act who shall fail neglect or refuse to make the return and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records and papers pertaining to gifts taxable under this act or who shall make any incomplete false or fraudulent return or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount or value of gifts taxable under this act or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars ($5,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both

(b) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

The eighteenth section of the bill was read as follows:

Section 18 Except as otherwise provided by the Constitution all taxes interest and penalties that shall be received recovered paid or collected under the provisions of this act before June first one thousand nine hundred and thirty-six shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes interest and penalties paid into the treasury on and after June first one thousand nine hundred and thirty-six shall be credited to the General Fund

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 18, page 13, line 22 by striking out after the word "the" and before the word "on" the word: "[treasury]" and inserting in lieu thereof the words: "State Treasury"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The nineteenth and twentieth sections of the bill were read as follows and agreed to:

Section 19 If any sentence section clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 This act shall become effective immediately upon its final enactment and shall remain in force until the first day of June one thousand nine hundred and thirty-seven

The title of the bill was read as follows and agreed to:

An Act to provide revenue by imposing a State excise tax upon certain gifts as herein defined made within this Commonwealth or of property situated therein providing for the collection and lien of the tax and the disposition of the revenue derived therefrom imposing certain costs on counties conferring powers and imposing duties upon certain persons associations partnerships corporations and State departments making an appropriation and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 990 (House Bill No. 1631), the bill just read, be recommitted to the Committee on Finance.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1169 (House Bill No. 1473), entitled:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of nonresidents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

The first section of the bill was read as follows and agreed to.

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that this act shall be known and may be cited as the "Individual Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Dividend" Any distribution made by a corporation or association subject or not subject to the payment of a tax on capital stock under the laws of the Commonwealth out of its net earnings or profits to its stockholders or members whether in cash or in other property or in stock other than stock dividends as hereinafter defined

"Fiduciary" A guardian committee trustee executor administrator receiver conservator or any person whether individual or corporate acting in any fiduciary capacity for any person estate or trust

"Individual" A natural person

"Paid" For the purposes of the deductions under this act means "paid or accrued" or "paid or incurred" and the words "paid or accrued" "paid or incurred" and "incurred" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Person" Every natural person fiduciary association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Received" For the purpose of the computation of the net income under this act means "received or accrued" and the words "received or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this act

"Resident" As applied to an individual means any person domiciled in the Commonwealth of Pennsylvania and any person who maintains a permanent place of abode within this Commonwealth

"Stock dividends" New stock for surplus or profits capitalized issued to stockholders in proportion to their previous holdings

"Tax year" The calendar year upon the basis of which the net income of a taxpayer is computed under this act

"Taxpayer" Any individual trust or estate required to pay a tax under the provisions of this act

The singular shall include the plural and the masculine shall include the feminine and neuter

ARTICLE II

IMPOSITION OF TAX

Section 201 Residents and Nonresidents A A tax is hereby imposed upon every resident taxpayer of this Commonwealth which tax shall be levied collected and paid annually with respect to his entire net income as herein defined computed at the following rates after deducting the exemptions provided in this act

(1) Two per centum of the amount of net income not exceeding ten thousand dollars ($10,000.00)

(2) Four per centum of the amount of net income in excess of ten thousand dollars ($10,000.00) but not in excess of fifty thousand dollars ($50,000.00)

(3) Six per centum of the amount of net income in excess of fifty thousand dollars ($50,000.00)

B A like tax is hereby imposed and shall be levied and collected and paid annually at the rates specified in this section upon and with respect to the entire net income as herein defined from all property owned and from every business trade occupation or profession carried on in this Commonwealth by natural persons not residents of this Commonwealth

Section 202 Estates and Trust A The tax imposed by

this act shall apply to estates and trusts which tax shall be levied collected and paid annually upon and with respect to the income of estates or of any kind of property held in trust including

(1) Income received by estates of deceased persons during the period of administration or settlement of the estate

(2) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests

(3) Income held for future distribution under the terms of the will or trust

(5) Income which is to be distributed to the beneficiaries periodically whether or not at regular intervals and the income collected by a guardian of an infant to be held or distributed as the court may direct and

(5) Income of an estate during the period of administration or settlement permitted by subsection C of this section to be deducted from the net income upon which the tax is to be paid by the fiduciary

B The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts whether such income be taxable to the estate or trust or to the beneficiaries thereof The net income of an estate or trust shall be computed in the same manner and on the same basis as provided for individual taxpayers and in cases under paragraphs (four) and (five) of subsection A of this act the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income whether or not distributed before the close of the tax year for which the return is made

C In cases under paragraphs (one) (two) and (three) of subsection A of this section the tax shall be imposed upon the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee heir or other beneficiary In such cass the estate or trust shall be allowed the same personal deductions as are allowed to single persons under section three hundred and eight and in such cases an estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitation as to gross income provided in section three hundred and three subsection C

D In cases under paragraphs (four) and (five) of subsection A of this section if the distribution of income is in the discretion of the fiduciary either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled the tax shall be imposed upon the estate or trust in the manner provided in subsection C of this section but without the deduction of any amounts of income paid or credited to any such beneficiary In all other cases under paragraphs (four) and (five) of subsection A of this section the tax shall not be paid by the fiduciary but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not of the net income of the estate or trust for the tax year In such cases the net income of a beneficiary not a resident derived through such estate or trust shall be subject to tax only to the extent to which individuals other than residents are liable by reason of the limitations as to gross income provided in section three hundred and three subsection C

E A trust created by an employer as a part of a stock bonus pension or profit-sharing plan for the exclusive benefit of some or all of his employes to which contributions are made by such employer or employes or both for the purpose of distributing to such employes the earnings and principal of the fund accumulated by the trust in accordance with such plan shall not be taxable under this section but any amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him

F Where any part of the income of a trust other than a testamentary trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary such part of the income of the trust shall be included in computing the net income of the grantor

Section 203 Partnerships Individuals carrying on business in partnerships shall be liable for income tax only in their individual capacity There shall be included in computing the net income of each partner his distributive share whether distributed or not of the net income of the partnership for the tax year Taxpayers who are members of partnerships may be required by the department to make a return stating the gross receipts and net gains or profits of the partnership for any tax year The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals and the personal deductions provided for in section three hundred and eight shall be allowed only to the individual partners

Section 204 Initial Tax Levy The tax imposed by this Article shall first be levied collected and paid in the year one thousand nine hundred thirty-six upon and with respect to taxable net income for the calendar year one thousand nine hundred thirty-five

ARTICLE III

COMPUTATION OF TAX

Section 301 Net Income The term "net income" means the gross income of a taxpayer less the deductions allowed by this article

Section 302 Manner of Computing Net Income The net income shall be computed in accordance with the method of accounting regularly employed in keeping the books of the taxpayer but if no such method of accounting has been so employed or if the method employed does not clearly reflect the income the computation shall be made upon such basis and in such manner as in the opinion of the department does clearly reflect the income

Section 303 Gross Income A The term "gross income" includes gains profits and income derived from salaries wages or compensation for personal service of whatever kind and in whatever form paid or from professions vocation trades businesses commerce or sales or dealings in property whether real or personal growing out of the ownership or use of or interest in such property also from interest rent dividends securities or the transaction of any business carried on for gain or profit and all other income derived from any source whatever including income derived through estate sor trusts by the beneficiaries thereof whether as distributed or as distributable shares. The amount of all such items shall be included in the gross income for the tax year in which received by the taxpayer

B The term "gross income" does not include the following items

(1) Amounts received under a life insurance contract paid by reason of the death of the insured whether in a single sum or in installments but if such amounts are held by the insurer under an agreement to pay interest thereon the interest payments shall be included in gross income

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance endowment or annuity contract either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract

(3) The value of property acquired by gift bequest devise or descent but the income from such property shall be included in gross income

(4) Interest upon the obligations of the United States or its possessions or the obligations of the Commonwealth of Pennsylvania or of any municipal corporation or political subdivision thereof

(5) Any amount received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness or through the war risk insurance act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States

(6) Salaries wages and other compensation received from the United States by officials or employes thereof in-

cluding persons in the military or naval forces of the United States

(7) Income received by any officer of a religious denomination or by any institution or trust for moral or mental improvement religious bible tract charitable benevolent fraternal missionary hospital infirmary educational scientific literary library patriotic historical or cemetery purposes or for the enforcement of laws relating to children or animals or for two or more of such purposes if such income be used exclusively for carrying out one or more of such purposes but nothing herein shall be construed to exempt the fees stipends personal earnings or other private income of such officer or trustees

(8) Stock dividends when received by a shareholder but if before or after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income Provided That any stock dividend shall be considered in computing gain profit or income upon the sale exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend

(9) The principal and income paid by a building and loan association to a member thereof upon the maturity of his or her shares or upon the withdrawal of such member from the association

(10) Any amount received by any person whatever under any law of this Commonwealth the United States or any other state providing for any pension bonus or compensation whatsoever for or in respect to services in the military or naval forces of the United States in any war in which the United States has been engaged

C In the case of taxpayers other than residents gross income includes only the gross income from sources within the State but shall not include annuities interest on bank deposits interest on bonds notes or other interest-bearing obligations or dividends from corporations except to the extent to which the same shall be a part of income from any business trade profession or occupation carried on in this State subject to taxation under this act

D In the case of taxpayers who regularly sell or otherwise dispose of personal property on the installment plan gross income includes in any tax year only such portion of the total profit realized or to be realized when the payment is completed as the installment payments received in that year bears to the total of all installment payments

E In the case of a casual sale or other casual disposition of personal property or of a sale or other disposition of real property if in either case the payment in cash or property are not completed during the tax year when the sale or disposition was made the income may be returned on the basis and in the manner above described in subsection D of this section for installment sales Evidences of indebtedness of the purchaser or amounts secured by the property sold or disposed of shall not be construed to be payments but in such cases the income shall be returned on the above basis in the tax year when such indebtedness or the amounts secured or any part thereof is paid to the vendor

Section 304 Ascertainment of Gain and Loss A For the purpose of ascertaining any gain included in gross income as herein defined derived or any deductible loss sustained for the sale or other disposition of property real personal or mixed the basis shall be in case of property acquired on or after January first one thousand nine hundred thirty-five the cost thereof or the inventory value if the inventory is made in accordance with this article

B In case of property acquired prior to January first one thousand nine hundred thirty-five and disposed of thereafter

(1) No profit shall be deemed to have been derived if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five exceeds the value realized

(2) No loss shall be deemed to have been sustained if either the cost or the fair market price or value on January first one thousand nine hundred thirty-five is less than the value realized

(3) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are less than the value realized the basis for computing profit shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is higher

(4) Where both the cost and the fair market price or value on January first one thousand nine hundred thirty-five are in excess of the value realized the basis for computing loss shall be the cost or the fair market price or value on January first one thousand nine hundred thirty-five whichever is lower

Section 305 Exchange of Property Upon the sale or exchange of property in transactions the gain or profit from which is included in gross income as herein defined the entire amount of the gain or loss determined under section three hundred four of this act shall be recognized except as hereinafter provided in this section

(A) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale nor stocks bonds notes choses in action certificates of trust or beneficial interest or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment or if common stock in a corporation is exchanged solely for common stock in the same corporation or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation

(B) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are in pursuance of the plan of reorganization exchanged solely for stock or securties in such corporation or in another corporation a party to the reorganization

(C) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control of the corporations but in the case of an exchange by two or more persons this subsection shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange

(D) If property (as a result of its destruction in whole or in part theft or seizure or an exercise of the power of requisition or condemnation or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted or into money which is forthwith in good faith under regulations prescribed by the department expended in the acquisition of other property similar or related in service or use to the property so converted or in the acquisition of control of a corporation owning such other property or in the establishment of a replacement fund no gain or loss shall be recognized If any part of the money is not so expended the gain if any shall be so recognized but in an amount not in excess of the money which is not so expended

(E) If there is distributed in pursuance of a plan of reorganization to a shareholder in a corporation a party to the reorganization stock or securities in such corporation or in another corporation a party to the reorganization without the surrender by such shareholder of stock or securities in such a corporation no gain to the distributee from the receipt of such stock or securities shall be recognized

(F) If an exchange would be within the provisions ob subsection A B or C of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain but also of other property or money then the gain if any to the recipient shall be recognized but in an amount not in excess of the sum of money and the fair market value of such other property

(G) If an exchange would be within the provisions of subsections A B or C of this section if it were not for the fact that the property received in exchange con-

sists not only of property permitted by such subsection to be received without the recognition of gain or loss but also of other property or money then no loss from the exchange shall be recognized

(H) As used in this section the term "reorganization" means (1) a merger or consolidation (including the acquisition by one corporation of at least a majority of the total number of shares of all other classes of stock of another corporation or substantially all the properties of another corporation) or (2) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferror or its stockholders or both are in control of the corporation to which the assets are transferred or (3) recapitalization or (4) a mere change in identity form or place of organization however effected

The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation

As used in this section "control" means the ownership of at least eighty per centum of the voting stock and at least eighty per centum of the total number of shares of all other classes of stock of the corporation

Section 306 Inventory Whenever in the opinion of the department the use of inventories is necessary in order clearly to determine the income of any taxpayer inventories shall be taken by such taxpayer upon such basis as the department may prescribe conforming as nearly as may be to the best accounting practice in trade or business of such taxpayer

Section 307 General Deductions In computing net income there shall be allowed as deductions

A All the ordinary and necessary expenses paid or incurred during the tax year in carrying on any trade or business or in the production of income required to be included in gross income under this article including a reasonable allowance for salaries or other compensation for personal service actually rendered and including rentals or other payments required to be made as a condition to the contniued use or possession for purposes of the trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity

B All interest paid or accrued during the taxable year on indebtedness

C Taxes paid or accrued within the tax year imposed by (1) the authority of the United States or of any of its possessions (2) by the Commonwealth of Pennsylvania (except the net income tax imposed by this act and taxes on liquid fuels) (3) by any city borough town township school district or poor district of this Commonwealth (except those assessed as local benefits tending in increase the value of the property assessed) or (4) by the authority of any other state county or territory Provided That taxes on personal property paid by the taxpayer to any county or city and county of this Commonwealth for which he has not received and is not entitled to receive a refund from the debtor and taxes paid to this Commonwealth and refunded by the taxpayer or withheld from moneys due the taxpayer shall not be allowed as deductions under this clause

D Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in trade or business

E Losses sustained during the tax year and not compensated for by insurance or otherwise if incurred in any transaction entered into for profit though not connected with the trade or business No deduction shall be allowed under this clause for any loss claimed to have been sustained in any sale or other disposition of shares of stock or security where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or disposition If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property then only a proportionate part of the loss shall be disallowed

F Losses sustained during the tax year of property not connected with the trade or business (but in case of a taxpayer other than a resident only of real property or tangible personal property having an actual situs within the State) if arising from fires storms shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise

G Debts ascertained to be worthless and charged off within the tax year and when satisfied that a debt is recoverable only in part the department may allow such debt to be charged off in part In case of a debt existing on January first one thousand nine hundred thirty-five no more than its fair market value on that date shall be deducted A worthless debt arising since January first one thousand nine hundred thirty-five from unpaid wages salary rent or any similar item of taxable income is not an allowable deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this act

H A reasonable allowance for the exhaustion wear and tear of property the income from which is required to be included in gross income under this article used in the trade or business including a reasonable allowance for obsolescence In case of property held by one person for life with remainder to another person the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust or in the absence of such provisions on the basis of the trust income allocable to each

I In the case of mines oil and gas wells other natural deposits and timber a reasonable allowance for depletion and for depreciation or improvement according to the peculiar conditions in each case such reasonable allowance in all cases to be made under rules and regulations to be made by the department The department may apportion such deductions equitably between the lessor and lessee

J In the case of a taxpayer other than a resident of the State the deduction allowed in this section shall be allowed only if and to the extent that they are connected with income arising from sources within the State and taxable under this act to a nonresident taxpayer and the the proper apportionment and allocation of the deductions with respect to sources of income within and without the State shall be determined under rules and regulations to be prescribed by the department

Section 308 Deductions for Living Expenses The following fixed sums and no others shall also be allowed to all taxpayers in computing net income as personal deductions on account of living expenses

A In the case of a single person a personal exemption of one thousand dollars ($1,000.00) or in the case of the head of a family or a married person living with husband or wife a personal deduction of two thousand five hundred dollars ($2,500.00) A husband and wife living together shall receive but one personal deduction If such husband and wife make separate returns the personal deduction may be taken by either or divided between them

B Four hundred dollars ($400.00) for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective

C If the status of the taxpayer in so far as it affects the deductions allowed by this section changes during his tax year such deduction shall be apportioned under rules and regulations prescribed by the department in accordance with the number of months before and after such change For the purposes of this subsection a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month

Section 309 Items Not Deductible In computing net income no deduction shall in any case be allowed in respect of

A Personal living or family expenses except as otherwise herein expressly provided

B Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate

C Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made or

D Premiums paid on any life insurance policy covering the life of any officer or employe or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy

Section 310 Credits for Other Taxes In any case in which a taxpayer during the tax year shall have become liable to pay and has paid to any county or city and county a tax on any bond note mortgage judgment interest-bearing account deposit or any loan or evidence of indebtedness or on any corporate stock or other personal property for which he has not received and is not entitled to receive refund of such tax from the debtor and in any case in which the taxpayer shall have been required to refund to a corporate debtor or in which a corporate debtor has deducted from moneys becoming due from such debtor to the taxpayer during the tax year on account of or by reason of any tax levied by the Commonwealth on any corporate loan or evidence of indebtedness of any kind the taxpayer shall be entitled to a credit against any amount of income tax payable by him under this act in such year equal to the amount of tax so paid by him to a county or a city and county or refunded by him or deducted from moneys due to him on account of tax imposed by the Commonwealth on corporate lonas or evidences of indebtedness of any kind

Section 311 Credit for Taxes in Case of Taxpayers other than Residents of the Commonwealth Whenever a taxpayer other than a resident of the Commonwealth has become liable to income tax to the State county or city where he resides upon his net income for the tax year derived from sources within this Commonwealth and subject to taxation under this act the department shall credit the amount of income tax payable by him under this act with such proportion of the tax so payable by him to the State county or city where he resides as the income subject to taxation under this act bears to his entire income upon which the tax so payable to such other State county or city was imposed Provided That such credit shall be allowed only if the laws of said State county or city (1) grant a substantially similar credit to residents of this Commonwealth subject to income tax under such laws or (2) impose a tax upon the personal incomes of its residents derived from sources in this Commonwealth and exempt from taxation the personal income of residents of this Commonwealth No credit shall be allowed against the amount of the tax on any income payable under this act which is exempt from taxation under the laws of such other State county or city

Section 312 Certain Gifts not Taxable In case any taxtaxpayer in any tax year shall give or contribute and has given or contributed in each of the ten preceding calendar years ninety per centum or more of his net income in each year to any corporation or trust or community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation such net income so given or contributed shall not be subject to any tax under the provisions of this act

ARTICLE IV
RETURNS AND PAYMENT

Section 401 Taxpayers' Returns Time and Place of Filing Payment A Every taxpayer having a net income for the tax year of one thousand dollars or over if single or if married and not living with husband or wife or of two thousand five hundred dollars ($2,500.00) or over if married and living with husband or wife or a gross income for the tax year of five thousand dollars or over regardless of the amount of his net income shall make under oath or affirmation a return as hereinafter provided stating specifically the items of his gross income and the deductions and credits allowed by this act For the purposes of this section any taxpayer other than a married person shall be deemed to be a single person If a husband and wife living together have an aggregate net income of two thousand five hundred dollars ($2,500,000) or over or an aggregate gross income for such year of five thousand dollars ($5,000.00) or over each shall make such a return or the income of each shall be included in a single joint return in which case the tax shall be computed on the aggregate income If the taxpayer is unable to make his own return the return shall be made by a duly authorized agent or by the guardian or other person charged with the case of the person or property of such taxpayer A taxpayer other than a resident shall not be entitled to the deductions authorized by section three hundred and seven unless he shall make under oath or affirmation a complete return of his gross income both within and without the State

B Returns shall be in such form and shall contain such information as the department may from time to time prescribe and shall be filed with the department at its main office or at any branch office which it may establish on or before the fifteenth day of April in the year one thousand nine hundred thirty-six and in each and every year thereafter for the preceding calendar year The department is authorized to prepare and furnish such return forms but the failure of any taxpayer to receive or procure a return form shall not excuse him from making a return

C The department may upon application made to it in such form as it may prescribe on or prior to the last day for filing any report and upon proper cause shown grant a reasonable extension of time for the filing of any return within which time such return may be filed without penalty except as herein provided and shall keep a record of every such extension and the reason therefor Except in the case of taxpayers who are abroad no such extension shall be granted for more than six months

D Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making any return or report required by this act for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

E Each taxpayer shall or in cases where an agent guardian committee fiduciary or other persons makes the return for the taxpayer then such agent guardian fiduciary committee or person shall at the time of filing the return pay to the department the amount of tax payable under this act as the same shall appear from a calculation made on the face of the return If the time for filing the return shall have been extended by the department the taxpayer shall pay in addition interest thereon at the rate of six per centum per annum from the time when the return was originally required to be filed to the time of payment

Section 402 Returns in Cases of Changed Residence If a taxpayer during the tax year changes his status from that of resident to that of nonresident or from that of nonresident to that of resident he shall file two returns one as a resident covering the fraction of the year during which he was a resident and one as a taxpayer other than a resident covering the fraction of the year during which he was a nonresident In case two returns for one year are filed as aforesaid the taxes due thereon shall not be less than would be payable if the total net income shown by the two returns were included in a single return If the aggregate of the taxpayer's net income from all sources during the fraction of the year in which he was a resident and his net income from sources within the State during the fraction of the year in which he was a nonresident shall be less than one thousand dollars ($1,-

000.00) in the case of a taxpayer who is single or married and not living with husband or wife or under two thousand five hundred dollars ($2,500.00) in the case of a taxpayer who is married and living with husband or wife no return shall be required under this section unless the aggregate of the taxpayer's gross income from all sources during the fraction of the year in which he was a resident plus the aggregate of his gross income from sources within the State during the fraction of the year in which he was a nonresident is five thousand dollars ($5,000.00) or over in which event returns shall be required

Section 403 Partnership Returns Every partnership shall make a return for each tax year stating specifically the items of its gross income and the deductions allowed by this act and shall include in the return the names and addresses of the persons who would be entitled to share in the net income if distributed and the amount of the distributive share of each person The return shall be sworn to or affirmed by any one of the partners

Section 404 Fiduciary Returns Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath or affirmation a return for the individual estate or trust for whom he acts as follows

A If he acts for an individual whose entire income from whatever source derived is in his charge and the net income of such individual is one thousand dollars ($1,000.00) or over if single or if married and not living with husband or wife or two thousand five hundred dollars ($2,500.00) or over if married and living with husband or wife or whose gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of his net income

B If he acts (a) for an estate of a deceased person during the period of administration or settlement whether or not the income of such estate during such period of administration or settlement is properly paid or credited to any legatee heir or other beneficiary (b) for an estate or trust the income of which is accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests or (c) for an estate or trust the income of which is held for future distribution or is distributable in the discretion of the fiduciary under the terms of the will or trust and the net income of such estate or trust is one thousand dollars ($1,000.00) or over or the gross income for the tax year is five thousand dollars ($5,000.00) or over regardless of the amount of the net income

C If he acts (a) for an estate or trust the income of which is to be distributed to the beneficiaries periodically or (b) as the guardian of an infant whose income is to be held or distributed as the court may direct and any beneficiary of such estate or trust or such infant receives or is entitled to a distributive share of the income of one thousand dollars ($1,000.00) or more The return made by a fiduciary shall state specifically the items of the gross income and the deductions exemptions and credits allowed by this act Under such regulations as the department may prescribe a return made by one of two or more joint fiduciaries shall be sufficient compliance with the above requirement

D The fiduciary shall make oath of affirmation that he has sufficient knowledge of the affairs of the individual estate or trust for whom or which he acts to enable him to make the return and that the same is to the best of his knowledge and belief true and correct Fiduciaries required to make returns under this act shall be subject to all the provisions of this act which apply to taxpayers

ARTICLE V

PROCEDURE

Section 501 Department of Revenue to Administer The Department of Revenue shall administer and enforce the tax herein imposed for which purpose it may divide the State into districts in each of which a branch office of the department may be maintained

Section 502 Examination of Returns Assessment of Tax Refunds A As soon as practicable after the return is filed the department shall examine it and assess the tax

B If the amount of tax as assessed shall be greater than the amount theretofore paid the additional assessment shall be paid by the taxpayer to the department within ten days after a notice of the amount of such additional tax as assessed shall be mailed to the taxpayer by the department In such case if the return is made in good faith and the understatement of the amount in the return is made in good faith there shall be no interest or penalty because of such understatement provided the deficiency be paid within ten days after notice of the amount is mailed to the taxpayer If payment is not made within ten days there shall be added to the amount of the deficiency five per centum thereof and in addition interest at the rate of one per centum per month for each month or fraction thereof from the date of such notice to the date of payment If the understatement is false or fraudulent with intent to evade the tax the tax on the additional income discovered to be taxable and assessed by the department shall be double and an additional one per centum shall be added to the amount so due for each month or fraction of a month from the date the tax was originally due to the date of payment

C If the amount of tax as assessed by the department shall be less than the amount paid by the taxpayer the excess shall be refunded upon written application by the department with the approval of the Board of Finance and Revenue out of the moneys in the State School Fund to the credit of the school district income tax account.

As much of the moneys from time to time standing to the credit of the school district income tax account of the State School Fund as may be necessary is hereby appropriated to the department for the purpose of making refunds as herein authorized Estimates of the amounts to be expended from this account for refunds from time to time by the department shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the department for the expenditure of moneys hereunder in excess of the estimates approved by the Governor

Section 503 Estimated Assessments A If any individual or fiduciary believed by the department to be liable for a tax under the provisions of this act shall have failed to file a return in accordance with and within the time prescribed by the provisions of this act or any extension thereof granted by the department if the department should deem it more conducive to the public interest because of the supposed smallness of the tax or for any other reason not to proceed to compel the exhibition of such individual's or fiduciary's accounts it may make an estimated assessment of the probable amount of the tax owing by such individual or fiduciary but in every such case it shall add to every such estimated assessment a penalty of fifty per centum to include any losses which might otherwise accrue to the Commonwealth from such neglect or refusal to file a return or statement and the department shall proceed to recover money so due the Commonwealth as in other cases if not paid when due as hereinafter provided

B The amount thus determined together with penalties and interest at the rate of one per centum per month or fractional part thereof shall be due and payable ten days after notice of such settlement shall be mailed by the department

Section 504 Assessments Made at any Time within Five Years An additional assessment or estimated assessment as heretofore provided may be made by the department at any time within five (5) years after any net income of any taxpayer should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and nothwithstanding the department shall have made previous additional or estimated assessments against such taxpayer In any such case no credit shall be given for any penalty formerly assessed and paid

Section 505 Petition for Reassessment Appeal A Any taxpayer against whom any estimated or additional assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the de-

partment prior to the time the amount becomes due and payable to wit within ten (10) days after notice of such estimated or additional assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings in each county as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the estimated or additional assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

B If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the proper county at any time within thirty (30) days after notice of such action or refusal is given to him by the department If any resident shall fail to give due notice of an intention to petition for a reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be aid every appeal to the court of common pleas under this section shall specify all the objections to the asessment and any objection not specified in the appeal shall not be considered by the court

Section 506 Enforcement Rules and Regulations Inquisitorial Powers of the Department A The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

B The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any taxpayer or supposed taxpayer in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by this act Every such taxpayer or supposed taxpayer is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by The Fiscal Code relating to inquisitorial powers of fiscal officers

C Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act shall be confidential except for official purposes and except in accordance with proper judicial order or as otherwise provided by law and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) and costs of prosecution or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

Notwithstanding the provisions of subsection C of this section the department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing an income tax upon the incomes of individuals or the authorized representative of either such officer to inspect the income tax returns of any individuals or may furnish to such officer or his authorized representatives an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return or disclosed by the report of any investigation of the income or return of income of any individual but such permission shall be granted or such information furnished to such officer or his representative only if the statutes of the United States or of such other state as the case may be grant substantially similar privileges to the proper officer of this State charged with the administration of the personal income tax law thereof

Section 507 Information at the source Every person in whatever capacity acting including lessees or mortgagors of real or personal property fiduciaries employers and all officers and employes of the Commonwealth or of any municipal corporation or political subdivision of the Commonwealth having the control receipt custody disposal or payment of interest (other than interest coupons payable to bearer) rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income amounting to one thousand dollars ($1,000.00) or over shall on or before the fifteenth day of April make a return under oath or affirmation to the department containing complete information concerning the amount of all such interest rent salaries wages premiums annuities compensations remunerations emoluments or other fixed or determinable annual or periodical gains profits and income of any individual partnership or fiduciary under such regulations and in such form and manner and to such extent as may be prescribed by the department The return shall be in such form as the department shall prescribe and shall contain a statement that the individual officer or employe of the Commonwealth political subdivision thereof or corporation or member or partner of the association making the return verifies the information contained in the return Upon conviction of making a false statement in such return the person making the same shall be subject to the penalties provided by the laws of the Commonwealth for perjury

Every person who fails refuses or neglects to file a return in accordance with the provisions of this section shall be liable to a penalty of not more than five hundred dollars to be imposed assessed and collected in the same manner as is provided in this act with regard to taxes

Section 508 Lien of Taxes A All taxes imposed by this act together with all penalties and interest shall be considered a public account after being assessed in the manner prescribed in this act and as such shall be a lien upon the franchises and property both real and personal of the taxpayer against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

B The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section 509 Collection of Unpaid Taxes Whenever the taxes penalties or interest imposed by this act are not paid and no petition for reassessment thereof has been filed or if such taxes interest and penalties are not paid after all appeals have finally been disposed of the department shall call upon the Department of Justice to collect the same in like manner as is provided by law for the collection of other Commonwealth taxes

ARTICLE VI

VIOLATIONS

Section 601 Violations Penalties Any person who shall fail neglect or refuse to make any report required by this act or any taxpayer who shall refuse to pay the tax penalties and interest imposed by this act or any person who shall refuse to permit the department or any agent appointed by it in writing to examine his or her books records and papers or who shall knowingly make any incomplete false or fraudulent report or who shall attempt to do anything whatever to avoid the full disclosure of the amount of net income to avoid the payment of the whole or any part of the tax shall be guilty of a misdemeanor and shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or undergo imprisonment not exceeding three (3) years or both in the discretion of the court

Such fine shall be in addition to any penalty imposed by any other section or subsection of this act

Section 602 Costs Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

ARTICLE VII

DISPOSITION AND USE OF TAX

Section 701 Unemployment Relief All taxes interest and penalties received recovered paid or collected under the provisions of this act that are payable during the year one thousand nine hundred and thirty-six shall be paid by the department into the General Fund of the State Treasury A sufficient amount thereof shall be reserved for the payment of refunds as provided in this act Two per centum of the balance shall be added and credited to the current biennial maintenance appropriation of the Department of Revenue and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available All of the balance after such credit has been deducted shall be available for unemployment relief purposes and for such purposes is hereby appropriated

Section 702 School District Income Tax Account Created All taxes interest and penalties received recovered paid or collected under the provisions of this act that are payable at any time subsequent to the year one thousand nine hundred and thirty-six shall be paid by the department into the State School Fund of the State Treasury and shall be credited to a ledger account to be known as the school district income tax account

Section 703 Payments to School Districts On the first day of August one thousand nine hundred thirty-seven and annually thereafter the amount then standing to the credit of the school district income tax account less two per centum of such amount and any other sum as shall be reserved for the payment of refunds as provided in this act shall be paid by the Superintendent of Public Instruction as state aid to the respective school districts of the Commonwealth which are qualified to receive the same under the provisions of this article for the purpose of reducing the respective tax assessments and levies of such districts against real estate within such districts Payments to each school district shall be based upon the proportion the population of the particular school district bears to the aggregate population of all the school districts For the purpose of this section the population of the school districts shall be ascertained by reference from time to time to the last preceding decennial United States census

Section 704 Requirements to be Met by School Districts to receive State-aid Except as hereinafter provided in this article no school district shall be entitled to receive or shall be paid State-aid under the provisions of this article unless the board of education or board of school directors of the school district shall for the fiscal year of such school district commencing on the first day of January one thousand nine hundred and thirty-seven or on the first Monday of July one thousand nine hundred and thirty-seven as the case may be and for each fiscal year thereafter reduce the amount of its budget to be raised by means of taxes on real estate per estimated pupil and correspondingly its tax rate as compared with the amount of tax revenue raised from real estate per pupil during the fiscal year one thousand nine hundred and thirty-two or one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three as the case may be by an amount equal to the State-aid per estimated pupil to be received from revenues collected under the provisions of this act and payable to the school district during said fiscal year Provided That no school district shall reduce its tax levy on real estate for any fiscal year below that required to pay the interest and sinking fund charges on the funded debt of the school district

In order to enable taxing authorities of school districts to effect such reduction of taxes on real estate the Superintendent of Public Instruction shall certify annually to each school district at or before the time provided by law for the levying of school taxes estimates of the amount of State-aid each district will receive under this act during the school year for which it is about to levy taxes Such estimates shall be based on information furnished from time to time by the Department of Revenue

Section 705 Reports by School Districts The Superintendent of Public Instruction shall have power to require from time to time such reports and information from school districts as he shall deem necessary for the proper distribution of State-aid under the provisions of this article It shall be the duty of every school district to furnish such reports and information as the Superintendent of Public Instruction shall require and any school district failing to do so shall not be qualified to receive State-aid under this article until such reports or information is furnished to the Superintendent

Section 706 Board Created to Determine Disputes If any question shall arise under this article whether a school district in accordance with the spirit and intent of this act has either affected a reduction of taxes on real estate or has failed to do so only because of the reasonable requirements of its educational program such question shall be certified by the Superintendent of Public Instruction to and shall be decided by a board consisting of the Attorney General the Superintendent of Public Instruction and the Secretary of Revenue Two members of the board shall constitute a quorum With the approval of the Governor in writing any member of the board may authorize a deputy to serve in his stead The action of the board on any question certified to it under this section shall be final

Section 707 Cost of Collection Two per centum of the amount to be distributed to school districts each year under the provisions of this article shall be transferred on or before the first day of August of each year from the school district income tax account in the State School Fund to the General Fund of the State Treasury upon requisition of the Superintendent of Public Instruction and shall be added and credited to the current biennial maintenance appropriation of the Department of Revenue and shall be available and is hereby appropriated for the same purposes for which such current biennial appropriation is available

Section 708 Appropriation The moneys from time to time in the State School Fund to the credit of the school district income tax account except those that are refunded as provided in this act are hereby appropriated to the Department of Public Instruction for the purposes specified in this article

ARTICLE VIII

MISCELLANEOUS

Section 801 Saving Clause Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for State or local purposes

Section 802 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act it is hereby declared as the legislative intent that this

act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 803 Effective Date This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 201, page 4, line 11 by striking out the bold-faced bracket before the figure "(1)"; also page 4, line 21 by striking out after the word "of" and before the word "thousand" the word: "[seventy-five]" and inserting in lieu thereof the word: "twenty-five;" also page 4, line 21 by striking out at the end of the line after the word "dollars" the figure: "[($75,000.00)]" and inserting in lieu thereof the figure: "($25,000.00)"; also page 4, line 22 by striking out at the beginning of the line before the word "of" the syllable: "[cess]" and inserting in lieu thereof the following: "but not in excess;" along page 4, line 28 by striking out the bold-faced bracket after the figure "($100,000.00);" also page 5, line 1 by striking out the bold-faced bracket before the figure "(7)"; also page 5, line 2 by striking out the bold-faced bracket after the figure "($100,000.00)"; also amend page 5 by striking out lines 3 to 9 inclusive; also amend page 40 by striking out lines 18 to 29, inclusive: also amend page 41 by striking out lines 1 to 3, inclusive; also amend section 702, page 41, line 4 by striking out the bold-faced brackets before and after the figure "701;" amend section 702, page 41, line 4 by striking out after the figure "[701]" and before the word "School" the figure "[702]"; also page 41, line 7 by striking out at the end of the line after the word "act" the following: "[that are payable at any time subsequent to the year]"; also page 41, line 8 by striking out at the beginning of the line before the word "shall" the following: "[one thousand nine hundred and thirty-six]"; also amend section 703, page 41, line 12 by striking out the bold-faced brackets before and after the figure "702;" also page 41, line 12 by striking out after "[702]" and before the word "Payments" the figure "[703]"; also page 41, line 13 by striking out the bold-faced brackets before and after the word "thirty-six;" also page 41, line 13 by striking out at the end of the line after the word "[thirty-six]" the word "[thirty-seven]"; also amend section 704, page 42, line 3 by striking out the bold-faced brackets before and after the figure "703;" also page 42, line 3 by striking out after the figure "[703]" and before the word "Requirements" the figure "[704]"; also page 42, line 11 by striking out after the word "and" and before the word "or" the word "[thirty-seven]" and inserting in lieu thereof the word "thirty-six"; also page 42, line 13 by striking out at the beginning of the line before the word "as" the word "[thirty-seven]" and inserting in lieu thereof the word "thirty-six"; also page 42, line 19 by striking out the bold-faced brackets before and after the word "thirty-five," also page 42, line 19 by striking out after the word "[thirty-five]" and before the word "or" the word "[thirty-two]"; also page 42, line 20 by striking out the bold-faced brackets before and after the word "thirty-four;" also page 42, line 20 by striking out after the word "[thirty-four]" and before the word "one" the word "[thirty-two]"; also page 42, line 21 by striking out the bold-faced brackets before and after the word "thirty-five;" also page 42, line 21 by striking out after the word "[thirty-five]" and before the word "as" the word "[thirty-three]"; also page 43, line 11 by striking out the bold-faced brackets before and after the figure "704;" also page 43, line 11 by striking out after the figure "[704]" and before the word "Reports" the figure "[705]"; also amend section 706, page 43, line 22 by striking out the bold-faced brackets before and after the figure "705;" also page 43, line 22 by striking out after the figure "[705]" and before the word "Board" the figure "[706]"; also amend section 707, page 44, line 8 by striking out the bold-faced brackets before and after the figure "706;" also page 44, line 8 by striking out after the figure "[706]" and before the word "Cost" the figure "[707]"; also amend section 708, page 44, line 20 by striking out the bold-faced brackets before and after the figure "707;" also page 44, line 20 by striking out after the figure "[707]" and befor the word "Appropriation" the figure "[708]"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act imposing a graduated income tax for unemployment relief and school purposes on residents of Pennsylvania including fiduciaries and on income of non-residents derived from property or business in Pennsylvania defining taxable income and requiring filing of returns thereof providing for the assessment collection and lien of said tax and for the disposition of proceeds thereof providing for administration and enforcement of the act by the Department of Revenue conferring powers and imposing duties on certain persons partnerships associations corporations school districts State officers employes and departments imposing penalties and appropriating the revenues derived from said tax

On the question,

Will the Senate agree to the title?

Mr. HUFFMAN. Mr. President, I move to amend page 1, line 1 of the title by striking out at the end of the line after the word "for" the following: "[unemployment relief and]"

Mr. FREY. Mr. president, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 1169 (House Bill No. 1473), the bill just read, be recommitted to the Committee on Finance.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-

eration of Senate Bill No. 1216 (House Bill No. 2242), entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1346, entitled:

An Act to amend section one of the act approved the day of May one thousand nine hundred and thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class' by changing the date on which the installment payments provided therein shall commence

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the day of May one thousand nine hundred thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning [June] August first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

On the question,

Will the Senate agree to the section?

Mr. SALUS. Mr. President, I move to amend section 1, page 1, line 4, by inserting after the word "the" and before the word "day" the word: "sixteenth;" also page 1, line 5, by inserting after the word "thirty-five" and before the word "(Pamphlet" the words: "(Act number seventy-five)"

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend section one of the act approved the day of May one thousand nine hundred and thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the installment payments provided therein shall commence

On the question,

Will the Senate agree to the title?

Mr. SALUS. Mr. President, I move to amend page 1, line 1 of the title, by inserting after the word "the" and before the word "day" the word: "sixteenth;" also line 2 of the title, by inserting after the word "thirty-five" and before the word "(Pamphlet" the words: "(Act number seventy-five)"

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1382, as follows:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That the sum of one hundred and fifty thousand dollars ($150,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the use of the School of Mineral Industries for the following purposes

For extension instructions of mineral industries workers the sum of thirty thousand dollars ($30,000)

For the purchase of the necessary equipment for resident instruction and study in mineral industries the sum of twenty thousand dollars ($20,000)

For the support of research and investigation of long pull basic problems affecting the mineral industries the sum of fifty thousand dollars ($50,000)

For the purpose of matching moneys contributed by industry to the School of Mineral Industry for research investigation and instruction the sum of fifty thousand dollars ($50,000) Provided That no more shall be expended from this item than may be required to match an equal sum contributed by one or more industries for research investigation and instruction

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEE

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Public Health re-reported as committed, Senate Bill No. 928 (House Bill No. 1082), entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Banking reported as committed, Senate Bill No. 684 (House Bill No. 1246), entitled:

An Act to amend section two hundred and four of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations, with fiduciary powers, and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts" as amended; further regulating the establishment and maintenance of certain branch offices or agencies.

Also from the Committee on Constitutional Changes reported as committed, Senate Bill No. 1042 (House Bill No. 153), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

ALLEGHENY COUNTY

Miss Mildred A. Guyer, Wilkinsburg.

INDIANA COUNTY

Miss A. Lucile Baum, Indiana.

LUZERNE COUNTY

Miss Mina E. Klinger, Wilkes-Barre.

PHILADELPHIA COUNTY

Miss Anna McCrea, 1518 Walnut St., Philadelphia.

SCHUYLKILL COUNTY

Miss Virginia C. Haverty, St. Clair.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following:

William E. Fasnacht, of Chambersburg, Franklin County, as Justice of the Peace in the Township of Hamilton, Franklin County, until the first Monday in January, 1936.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

George Shebaugh, of Goldsboro, Wayne County, as Justice of the Peace in the Township of Lehigh, Wayne County, vice M. E. Smith, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Coyne,	Law,	Reed,	Thompson,
Ealy,	Mallery,	(Washington)	(Westmoreland)
Frey,	McClure,	Rice,	Trainer,
Gelder,	McCreesh,	Roberts,	Woodward,
Graff,	McGinnis,	Rodgers,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

Mr. TRAINER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER from the Committee on Public Health reported as amended, Senate Bill No. 1331 (House Bill No. 1962), entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5., 2.1, 2.2, 2.3, 2.4, 70.1, 70.2 and 73 to the act, approved the seventh day of June one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Banking reported as amended, Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Also from the Committee on Judiciary General reported as amended, Senate Bill No. 1313 (House Bill No. 2512), entitled:

An Act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

Mr. REED (Dauphin) Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry re-reported as amended, Senate Bill No. 759 (House Bill No. 371), entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024) entitled "An act to protect the public health and welfare by regulating the employment of females in certain esablishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor.

Mr. SONES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Banking reported as committed, Senate Bill No. 884, entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

Mr. BAUMER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER from the Committee on Banking reported as committed, Senate Bill No. 1030, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking, and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations or persons affiliated or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of certain private banks.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 458, entitled:

An Act permitting the playing of polo on Sunday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 558 (House Bill No. 933), entitled:

An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1271) entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny".

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 679 (House Bill No. 955), entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 684 (House Bill No. 1246), entitled:

An Act to amend section two hundred and four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended further regulating the establishment and maintenance of certain branch offices or agencies

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 884, entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 935, entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 960, entitled:

An Act providing for the abatement and execution of penalties and interest on delinquent taxes in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 987 (House Bill No. 1613), entitled:

An Act to further amend clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing persons employed by the Senate and House of Representatives to become members of said retirement system and opening the system further for original members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1030, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, co[illegible]rations acting as fiduciaries and building and loan [illegible]ations; providing for the payment of the epenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of private banks.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1040, entitled:

An Act to control and regulate the dispensing of alcoholic beverages at retail under licenses as defined dividing the Commonwealth into Retail Licensing Districts creating District Retail Licensing Boards defining their powers and duties and providing for employes of such boards and fixing salaries authorizing and restricting certain classes of licenses for the dispensing of alcoholic beverages and the issuing transferring revoking and suspending of such licenses and fixing certain license fees for different classes of such licenses and providing for the payment thereof prohibiting certain practices in dispensing liquors certain interests therein and connections therewith by licensees and others providing for the submission to the electors of certain municipalities and counties of the question whether certain classes of such licenses shall or shall not be granted for such municipalities making disposition of license fees and other monies and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1042 (House Bill No. 153), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1056, entitled:

An Act relating to tennis on Sunday in cases where an admission is charged; permitting tennis on Sunday for which an admission is charged during certain hours, and providing for the licensing of exhibitions of tennis where an admission charge is made.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1080 (House Bill No. 1976), entitled:

An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1101 (House Bill No. 2129), entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1299, entitled:

An Act making an appropriation to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1305, entitled:

An Act to further amend subsection twenty of, and to add subsections twenty-five and twenty-six to, section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching a supervisory staffs of junior high schools, subject to the reduction of taxes on real property by school districts; and imposing duties on school districts.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1313 (House Bill No. 2512), entitled:

An Act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1317, entitled:

An Act requiring authorities in charge of State, State aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1331 (House Bill No. 1962), entitled:

An Act to amend Sections 1 and 2 as amended Sections 70 and 71 to repeal Section 69 of and to add Sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (P. L. 630) entitled "An act providing for the examination licensure and registration of

persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1380, entitled:

An Act relinguishing the title of the Commonwealth in certain real estate, in Sewickley Township, Westmoreland County, late of Carrie E. S. Blackburn, deceased, in favor of her residuary devisees and/or heirs-at-law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1381, entitled:

An Act to amend section one of the act approved the nineteenth day of March, one thousand nine hundred and thirty-five (Act No. 1), entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six; validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act, and preserving the lien of all taxes on lands to be sold at such sales," providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court, the action shall be ratified, confirmed and made valid; preserving tax liens in such cases; and providing for the fixing of dates for tax sales in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1384, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1386, entitled:

An Act to amend section one thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," establishing a board for the determination and payment of minor damages caused by the National Guard.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1387, entitled:

An Act authorizing the publication of legal and official advertising and notices in newspapers of general circulation published on Sunday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. EALY. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:13 P. M. until Wednesday, May 22, 1935, at 11 o'clock A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, May 21, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Daniel C. Pope, Pastor of Wesley Union A. M. E. Zion Church, Harrisburg, offered the following prayer:

O God, Our Father in Heaven, we thank Thee for this day and for the opportunities that it brings to us for rendering service under our fellow man, and to our state, to our nation, and to the world.

We realize that we cannot do anything of ourselves, therefore we ask Thy leadership, the leadership of Thy spirit in the things that shall be attempted here for the good of the people throughout this great Commonwealth.

We pray not only for the men that are here gathered in these halls, but for all such gatherings throughout the states of this Union and for those who are gathered together in the House of Congress in the capital of our Nation.

We pray for him whom we have elected to lead the ship of state and to preside over the destinies of our nation.

We pray our Father in heaven that Thou would'st in

some way lead us out of the chaos in which we find ourselves now, that Thy people again may rejoice throughout the length and breadth of this country.

We ask this in the name of Jesus Christ, Our Lord and Master. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. HETRICK the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. JOHN A. SMITH. HOUSE BILL No. 2875.

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

Referred to the Committee on Agriculture.

By Mr. CLIFF S. PATTERSON. HOUSE BILL No. 2876.

An Act to further amend section one of the act approved the second day of May, one thousand eight hundred ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by increasing the rate of the mercantile license tax for a limited period of time, and appropriating the revenues derived from the additional tax for unemployment relief.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1232 (HOUSE BILL No. 2871).

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (P. L. 603) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases.

Referred to the Committee on Judiciary General.

SENATE BILL No. 234. (HOUSE BILL No. 2872).

An Act to amend paragraph (a) of section twenty-three of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred thirty-seven) entitled "An act relating to the jurisdiction powers and procedure of the several orphans' courts in proceedings for the partition and valuation of real estate and for the sale of real estate for the purpose of distribution and the fees costs and expenses therein" as amended providing that the orphans' court may order the sale of real estate of a decedent upon petition of a majority of the parties in interest

Referred to the Committee on Judiciary General.

SENATE BILL No. 1005. (HOUSE BILL No. 2873).

An Act to amend the penal clause of section nine hundred and three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribing fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by providing that the amount of the fine for overloading of commercial vehicles shall be discretionary within certain limits.

Referred to the Committee on Highways.

SENATE BILL No. 1041. (HOUSE BILL No. 2874).

An Act to amend section one of the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 509) entitled "An act relating to petitions for laying out certain public roads and to reports of viewers thereon" extending said act to the laying out of public roads for the benefit of property owners on vacated highways.

Referred to the Committee on Judiciary General.

SENATE BILL No. 26. (HOUSE BILL No. 2877).

A Joint Resolution proposing an amendment to section article eighteen of the Constitution of the Commonwealh of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 106. (HOUSE BILL No. 2878).

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 167. (HOUSE BILL No. 2879).

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) en-

titled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs

Referred to the Committee on State Government.

SENATE BILL No. 484. (HOUSE BILL No. 2880).

An Act to amend section seven of the act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (P. L. 549), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchases, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," as amended; further regulating the construction of voting machines.

Referred to the Committee on Elections.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. OMINSKY. RESOLUTION No. 154.

In the House of Representatives, May 20, 1935.

Whereas, The Fairmount Park Commission of the City of Philadelphia has grown in scope and control in supervising a tract of land which was developed from a nucleus of five acres acquired in the year 1812, to the proportion wherein it now has the control and supervision of over 6500 acres of park and park areas, as well as the many buildings and improvements thereon, and

Whereas, The said Commission may in its discretion dispose, distribute, or revise the aforesaid acres of land and all that is upon it, and

Whereas, The said Commission receives from the taxpayers of the City of Philadelphia, and other public sources a large sum or money to disburse as it deems proper in the running of its affairs, and further

Whereas, It is alleged that the said Commission is czaristic in its attitude and considers itself a law unto itself, and

Whereas, This attitude was recently demonstrated when the aforesaid Park Commission "pickled" House Resolution Serial No. 191, Legislative Journal, Page 2817, which Resolution was unanimously adopted by this House on the 29th day of April and transmitted to the Park Commission by the Chief Clerk on the 30th day of April, said Resolution having advised the Park Commission that this House was in favor of placing the Park Guards who are under the Commission's supervision, on an equal basis with the Policemen and Firemen with regards to rest periods and vacation, and

Whereas, It is desirable that legislation be enacted properly to provide for the supervision, auditing, and control of the said Board, so that the said Commission may heed the voice of the people, and not the voice of a select few, therefore, be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a Committee of Five members of the House of Representatives, whose duty it shall be to make an investigation of the books, records, management, and operation of the Park Board, also known as the Fairmount Park Commission of the City of Philadelphia, to the extent that may be necessary to effectuate the purposes of this Resolution, and for the information of the House of Representatives, and

Resolved, That the Committee shall make a report to the House of Representatives as early as possible, either at this session, if feasible, or at the next special session of general session of the House of Representatives, and be it further

Resolved, That the said Committee through its Chairman or through a majority of its members, shall have power to issue subpoenas under the hand and seal of its Chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters which are properly inquired into by the Committee, and to produce such books, papers, records, and documents as the Committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of the subpoenas issued out of the Courts of this Commonwealth. Moreover, each member of said Committee shall have power to administer oaths and affirmations to witnesses appearing before the Committ. Any person who shall wilfully neglect or refuse to testify before said Committee, or to produce any books, papers, records, or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Cities.

By Mr. JOHN A. SMITH. RESOLUTION No. 155.

In the House of Representatives, May 20, 1935.

Whereas, Acting under violent protest the House of Representatives passed a measure increasing the tax on gasoline two cents, and

Whereas, Such violent protest was stimulated by refiners and distributors on the pretense that the traffic would bear no such increase, that bootlegging would increase, that thousands of men would be deprived of work because of the decreased consumption of gasoline and because the unemployed and demoralized worker would no longer be able to use his car for transportation, and

Whereas, The $50,000,000 deficit of the Pinchot Administration has so depleted the fiscal resources of the state as to require through further dilatory sidestepping the complete exhaustion of the State treasury with insufficient funds to meet the fiscal obligations of the State to schools and hospitals, and

Whereas, The General Assembly has repeatedly borrowed from special funds to meet the exigencies of relief demands in lieu of regular and specific revenue to meet these relief obligations until work on highways for which gasoline tax is intended has been curtailed to a mere skeleton of maintenance and construction with an impending deficit for the present calendar year of nearly $8,000,000, and

Whereas, By agreement the Governor and the Senate have decided with the concurrence of the House on a one cent additional tax on gasoline, and

Whereas, With closed policy so declared the refiners by common agreement have immediately absorbed the additional cent originally intended for the unemployed by a one cent increase in the retail price of gasoline thus grabbing $11,000,000 from the poor, the needy and the laborer who uses his car to get to work, and

Whereas, Many Members of the House of Representatives have preserved the many tokens of protest and contempt inspired by these refiners, distributed through their agents and showered by unthinking constituents upon our heads with the declaration that the motorist can stand no further burden. Therefore be it

Resolved, That every member of the House of Representatives, now in possession of petitions, protests and denunciations (sundry and varied) now present same to the desk of the Chief Clerk of the House of Representatives for redistribution to said refiners and agents.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

SUNDAY MOTION PICTURES

A communication from the Order of the Sons of Italy of America.

A communication from Societa' di M. S. Romae Provincia.

A communication from the Sharon Chamber of Commerce.

Petitions from representative of Boy Scouts.
Wissinoming Improvement Association
Wissinoming Athletic Association
Business men of Wissinoming

Petition from residents of Erie County, urging passage of House Bill No. 1073.

Referred to the Committee on Law and Order.

Petitions from residents of Beaver County

Communications from residents of Philadelphia, protesting passage of House Bill No. 1073.

Referred to the Committee on Law and Order.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 88.

An Act providing for the organization under certain conditions of two colored battalions of infantry and making an appropriation therefor

HOUSE BILL No. 493.

An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant

HOUSE BILL No. 676.

An Act to amend sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (P. L. 91) entitled "An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas" extending the provisions of said act to forest protection roads and fire lanes on private property.

HOUSE BILL No. 902.

An Act making a deficiency appropriation to the Department of Military Affairs

HOUSE BILL No. 1209.

An Act prohibiting collection agencies as herein defined from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties

HOUSE BILL No. 2175.

An act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (P. L. 322) entitled "An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how any by whom the costs in such cases shall be paid" providing penalties for catching or killing bullfrogs tadpoles or terrapin out of season.

HOUSE BILL No. 1281.

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and offices fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto clause (k) providing for the leasing or sale of gas and oil under lands of the Pennsylvania Training School at Morganza

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

Mr. Holstrom asked and obtained leave of absence for Mr. ZAPPALA.

REPORTS FROM COMMITTEES

Mr. SIMON from the Committee on Highways, reported as committed, House Bill No. 2629, entitled:

An Act to amend section one thousand one hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue; the Department

of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended empowering the Secretary of Highways to direct the direction in which traffic shall proceed upon highways.

Mr. McCREARY from the Committee on Highways, reported as committed, House Bill No. 1056, entitled:

An Act to further amend section three of the act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (P. L. 360), entitled "An act conferring on the Department of Highways power to enter upon private property, and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision; and providing penalty for interference with such drains or ditches; and providing for the payment of damages."

Mr. HOMER S. BROWN from the Committee on Judiciary General, reported as amended, House Bill No. 2325, entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to preside in the courts of common pleas and quarter sessions of such county.

Mr. HOMER S. BROWN from the Committee on Appropriations, reported as amended, House Bill No. 812, entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands, the payment of labor, and the purchase of supplies, materials and equipment, to enlarge and improve the Military Reservation at Indiantown Gap, and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

Mr. OMINSKY from the Committee on Judiciary General, reported as committed, House Bill No. 2731, entitled:

An Act placing burden or proof upon the owners of motor vehicles when sued for damages for the death or injury or persons or injury to property caused by the operation of such motor vehicles while being operated by others.

Mr. EROE from the Committee on Highways, reported as amended, House Bill No. 2583, entitled:

An Act to amend sections 102, 203, as amended; section 209; sections 402, 410, 411, as amended; sections 505, 602; section 716, as amended; section 717; sections 719, 722, 801, 802, as amended; to add sections 802.1, 802.2, 802.3, 802.4; to amend sections 803, 804, 807, 808, 811, 812; sections 813, 823, as amended; section 824; sections 902, 905, as amended; section 906; sections 1002, 1010, as amended; section 1017; section 1020, as amended; section 1023; sections 1026, 1027, 1103, 1105, as amended; section 1108; sections 1110, 1201, 209, 1212, as amended; and section 1218 of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. nine hundred five), entitled, "For the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by further regulating the registration of vehicles, their operation on the highways, and the licensing of operators; changing and imposing certain fees and penalties and the procedure for enforcement; affecting the powers, duties and rights of political subdivisions of the Commonwealth and their officers, including magistrates and peace officers, and the Secretary of Revenue.

Mr. ACHTERMAN from the Committee on Judiciary General, reported as committed, House Bill No. 2245, entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record, proceedings and eviednce produced against the person committed or detained before the committing judge, officer, magistrate or grand jury and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Mr. DILLEY from the Committee on Judiciary General, reported as committed, House Bill No. 2213, entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses in certain criminal cases.

Mr. JOHN J. BAKER from the Committee on Appropriations, reported as committed, House Bill No. 1943, entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Mr. WOOD from the Committee on Appropriations, reported as amended, House Bill No. 2173, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Mr. FRANK E. SNYDER from the Committee on Agriculture, reported as committed, House Bill No. 2529, entitled:

An Act to amend the act, approved the tenth day of March, one thousand nine hundred twenty-seven (P. L. 27), entitled "An act relating to the protection of agriculture and horticulture from plant pests, and amending, revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties, and repealing present laws," by providing for arrest on view, and clarifying the procedure to enforce the act.

Mr. TURNER from the Committee on Judiciary General reported as committed House Bill No. 1786, entitled:

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-

law in any county of the State of Pennsylvania, unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by defining and prohibiting certain acts related to the practice of the law by persons, partnerships, associations, and corporations not duly and regularly admitted to practice law, and defining the practice of law and defining those who may engage in the practice of law, and providing for penalties.

Mr. WOODSIDE from the Committee on Judiciary General reported as committed, House Bill No. 2754, entitled:

An Act providing that there shall be no liability on the owner of real estate to a mortgagee for taxes assessed thereon after such mortgagee takes possession of the rents, issues and profits of such real estate.

Mr. DILLEY from the Committee on Judiciary General reported as committed, House Bill No. 2627, entitled:

An Act to amend section two of the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," providing that retired judges may preside in the trial of cases.

Mr. HOOPES from the Committee on Judiciary General reported as committed, House Bill No. 1505 (Senate Bill No. 453), entitled:

An Act to repeal the act approved the fifth day of April one thousand eight hundred and sixty-two (P. L. 270) entitled "An act relating to the commencement of actions in Chester County"

Mr. STEWART from the Committee on Cities reported as committed, House Bill No. 2830 (Senate Bill No. 1039), entitled:

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records.

Mr. BARBER from the Committee on Judiciary General reported as amended, House Bill No. 1494 (Senate Bill No. 307), entitled:

An Act providing for the payment of costs of prosecution in all cases where fines or forfeited bail is payable to the Commonwealth and imposing duties on the fiscal officers of the Commonwealth.

Mr. VANSICKLE from the Committee on Cities reported as amended House Bill No. 2692, entitled:

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a Board of Magistrates; providing for their qualifications; providing for a chief magistrate; prescribing their powers and duties; providing for supervision of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia; providing for clerks and stenographers; continuing a central administrative office and establishing the office of Bill Commissioner; imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; providing for penalties for violation of this Act; and repealing certain prior acts.

Mr. FURMAN from the Committee on Highways reported as amended, House Bill No. 1837, entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State Highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routs.

Mr. FURMAN from the Committee on Highways reported as amended, House Bill No. 2048, entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies: providing the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, by adding new routes.

QUESTION OF PERSONAL PRIVILEGE

Mr. SCHROCK. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. SCHROCK. Mr. Speaker, on House Bill No. 2680, page 3680 of the Journal of May 15, I am recorded as voting "no". I voted "aye" and wish to have the record so corrected.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

QUESTION OF PERSONAL PRIVILEGE

Mr. WEISS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WEISS. Mr. Speaker and members of the House, last Tuesday, following the vote on the Moomaw-Moran Bill, I was recorded in several newspapers as voting against this bill. Also yesterday there appeared an article in a newspaper which stated as follows: "Weiss is scored for Vote on Bills."

There were also some thirty thousand or forty thousand mimiographed copies sent out by the Taxpayer's Forum of Pennsylvania to all real estate agencies, taxpayers leagues, quoting me as voting against this bill, which is incorrect.

I was down with Mr. Gallagher and found the recorded vote on this bill. I was recorded as voting against the Woodside amendments, but I say now that I am for this bill.

To add insult to inquiry they recorded me in these pamphlets as being a Republican.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 965.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 965, Printer's No. 147, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. DECKER. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1633.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1633, Printer's No. 432, for further consideration.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL LAID UPON THE TABLE

Mr. LONGAKER. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

STATEMENT BY MR. WELLIVER

Mr. WELLIVER asked and obtained consent to make the following statement.

Mr. Speaker and members of the House, one of my great friends from Delaware County came to call on me today, and ex-Speaker of the House, my friend, Dick Baldwin.

STATEMENT BY MR. FINNERTY

Mr. FINNERTY asked and obtained consent to make the following statement:

Mr. Speaker and members of the House, the statement I desire to make today is very serious and concerns every member of this House.

On January 1 we were all sworn together, to me it was a great thrill, and to many others. It was an event that I shall never forget, but since that time we have had many crisies in this House, and I have listened and I have learned from the more experienced, and I might add brilliant, members of this House, both from the Democratic and the Republican side of the House; but since we have assembled here, and going through this House, many members have had sleepless nights and headaches when they were put on the well known "spot." I believe however, today we are on the threshhold of the greatest crisis that we have had in this session, and the crisis that I refer to is this afternoon's baseball game.

Mr. Thomas Rodgers, the proprietor and the owner of the Senate Hotel, has authorized me to offer to the player this afternoon, the one who will make the first legitimate home run, a reward. Mr. Rodgers will give that gentleman a case of good beer, but in order to decide what was a legitimate home run and what was a phoney home run Mr. Rodgers suggested that we leave to the Speaker of the House to decide, but I said that the Speaker has so many delicate and intricate questions to decide, and he lost so much energy in keeping the space in back of the rail clear that we decided to appoint three referees, and the three referees who can decide this big question will be the three representatives from the eighteenth district of Philadelphia, the Reverend Shepard, Mr. Ominsky, and John J. Finnerty.

In case Mr. Ominsky, who is one of the players is concerned in the play Mr. Jack Sheridan will take his place to decide this question. If there is no legitimate home run made in the game, then this case of beer will be given to the umpire to give to the member who is the most in need of a cooling drink.

The SPEAKER. What the Speaker fails to understand is what a member or members of the House would do with a case of beer. There is not a single member of this House who would in the least touch any intoxicating liquor.

HON. RICHARD J. BALDWIN INTRODUCED

Mr. TURNER. Mr. Speaker and members of the House, I have spotted among the visitors in the House today a man who spent a great many years on the floor of this House and who sat in the seat immediately in front of the one I occupy. He was known from one end of this State to the other, and he was one of the real war horses of this House. He is and he was a great constitutional authority. He served as the Speaker of this House and later served as a Senator representing the County of Delaware. Mr. Speaker, I would like to present to you and to the members of the House the Honorable Richard J. Baldwin of Delaware County.

The SPEAKER. The Chair will ask the gentleman from Delaware, Mr. Turner, to escort the Honorable Mr. Baldwin to the rostrum.

Members of the House, it affords me a great deal of pleasure to present to this body one of our former

Speakers, and a Speaker under whom the Chair himself has served. The Honorable Richard J. Baldwin of Delaware County.

REMARKS OF HONORABLE RICHARD J. BALDWIN

Mr. BALDWIN. The Speaker calls my attention to the microphone. If I attempted to address you through the microphone, it would have been like the old colored preacher who asked one of his members to say a few words.

The member said, "The trouble with me is that when I get up my mind sits down, and I don't have anything to say."

If I do not go to the microphone I think you can probably understand what I have to say, for on a number of occasions I addressed the members of this House from seat No. 1—down here where my colleagues, not my present colleagues, but the gentlemen from Delaware County now sit—memorable seat No. 1 that the old veteran from Delaware County, Dick Baldwin, once occupied.

I realize in this House you have many men or many members who are serving their first terms. I also served a first term. When I came to this House in eighteen hundred and ninety-five the first session in which I served, I thought I knew about everything that was necessary for a legislator to know. After I had been here about eighteen years, the book that I didn't know kept getting larger and larger.

Now, the problem of government is a great task; it is a great problem to be able to grasp because in this wonderful country of the United States and the great state of Pennsylvania there are so many interests that are intertwined and have certain relations to each other that to be a capable member of the Legislature and to be a Speaker of the House is a recognition of one of the ablest men you have in the state of Pennsylvania.

I thank you of course for the opportunity of speaking these few words to you. Were I to attempt to explain to you the problems that you have to meet, you wouldn't get away from here this afternoon in time to see the baseball game.

I thank you very much indeed for the opportunity to address you.

The SPEAKER. The Chair takes this occasion to thank the gentleman from Delaware, Mr. Baldwin, both on behalf of himself as Speaker and on behalf of the members of the House for the kindly remarks which he has given to us.

RESOLUTIONS

STATE LOTTERY

Mr. SOWERS offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 21, 1935.

Providing for a method to advise the House of Representatives as to public sentiment on the question of financing Government functions by a State Lottery.

Whereas, taxation has become extremely burdensome and new sources of taxation are almost impossible to find, and

Whereas, taxation on real estate for school and general purposes has become intolerable, and

Whereas, unusual methods must be used to raise the money needed to finance the ever increasing functions of Government, such as Blind Pensions, Rehabilitation, Mothers' Assistance, Old Age Assistance, Disability Assistance, Funeral Assistance, Unemployment Assistance, etc., and

Whereas, the expense of maintaing the aforesaid Governmental functions should have a broad base, and

Whereas, it is the duty of all of the recipients of the bounties of all such Governmental functions to participate in the burden of their maintainance according to their best ability, and

Whereas, one of the unusual but profitable methods of raising money to finance Governmental activities is that of a State Lottery,

Whereas, the use of this method seems to be controversial by reason of the aggressiveness of what is generally supposed to be a small minority of the people, and

Whereas, the assembled Representatives of the people are in doubt as to the opinion of the public generally, and it is only right and proper that they should be advised as to the true sentiment of the people of the Commonwealth of Pennsylvania.

Now therefore be it resolved, by the House of Representatives duly assembled that the Chairman of the Ways and Means Committee appoint a sub-committee of five members of that Committee to conduct an advisory election in twenty-five of the Representative election districts of the State, which districts are to be chosen by lot, by the said Chairman, by means of mailing a postal card and a reply card to the duly qualified electors of said Districts appearing upon the registry or poll books of said Districts for the November election of 1934, and authorizing such sub-committee to adopt a method for the mailing and the counting and tabulating of the return cards, and reporting results to the House as soon as possible, and an item for the expense of conducting such advisory election shall be included in the general appropriation bill.

Mr. SOWERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections?

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

RECONSIDERATION OF HOUSE BILL NO 932

Mr. O'KEEFE. Mr. Speaker, I move that the vote by which House Bill No. 932, Printer's No. 383, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

was defeated on final passage on Wednesday, May 15, 1935, be reconsidered.

Mr. CORDIER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, vote on the final passage of the bill?

Mr. O'KEEFE. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Lackawanna vote on the final passage of this bill?

Mr. CORDIER. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker, I want to thank the gentleman from Allegheny and the gentleman from Lackawanna for their courtesy in making possible a reconsideration of this measure. I don't want the House

under any misapprehension, or as the result of inattention to reconsider this bill and place it on the calendar only later to defeat it.

Unless it is the intention of the House to pass this measure, I have no desire that it be reconsidered, but I do hope that it is the intention of the House to reconsider and pass this measure.

I asked for a reconsideration because I believe the members of the House were under a misapprehension, feeling that this bill was an invention of my own, something for which I was primarily responsible.

I want to call the attention of the majority members to the fact that this bill represents the traditional Democratic view and is a measure to which the Democratic party in times past has given its approval.

The bill provides simply for option in the matter of operating third class cities under the city manager plan. It is an optional measure. If the measure is bad and the people do not like it, they don't have to take it. We have had the view of option urged upon this floor repeatedly. We have discussed measures which the members have refused to support, but have been told that if we will insert an optional clause in the measure, that those opposed to the bill will support it.

I say that the Democratic party in times past through its leadership on this floor has supported this bill and the more intelligent portion of the minority group has heretofore supported it, so I ask that this measure, because it is an optional measure, because it is a measure that leads forward in the matter of municipal government, and because it is Democratic, be reconsidered and passed.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. ANDREWS and Mr. SCHWAB and were as follows:

YEAS—126

Achterman,	Dilley,	Male,	Schrock,
Allen,	Downey, G. E.,	McCreary,	Schwab,
Altenburg,	Duffort,	McDevitt,	Shaw
Andrews,	Eroe,	McKinney,	Shepard,
Arnold,	Falkenstein,	Melchiorre,	Shugarts,
Baine,	Ferko,	Mentzer,	Siegel,
Baker, J. J.,	Fitch,	Merrell,	Simon,
Baker, F. T.,	Flanagan,	Moomaw,	Simpson,
Boose,	Flinchbaugh,	Mooney,	Sinwell,
Boyd, R.,	Furman,	Moran,	Snyder, J. L.,
Boyer,	Gates,	Moul,	Sowers,
Brancato,	Gerard,	Muir,	Stevens,
Brennan,	Gillette,	Nagel,	Stewart,
Brown, H. S.,	Haberlen,	O'Keefe,	Stockham,
Brown, J. E.,	Hagerty,	Ominsky,	Stone,
Brownfield,	Haluska,	O'Neill,	Stott,
Brumbaugh,	Hamilton, F. P.,	Panton,	Sumney,
Cannon,	Harkins,	Parks,	Tahl,
Caputo,	Harmuth,	Patterson, C.,	Tumelty,
Carr,	Hart,	Patterson, J. W.,	VanSickle,
Carson,	Hartman,	Pearson,	Walker,
Castor,	Hermansen,	Pfaff,	Wall,
Chervenak,	Hetrick,	Piole,	Wasserman,
Coakley,	Hindman,	Powers,	Weidemann,
Cohen,	Hirsch,	Reising,	Weiss,
Coleman,	Jackson,	Reynolds,	Welliver,
Condon,	Kelder,	Robinson,	Welsh,
Cordier,	Kelso,	Ruffennach,	Westrick,
Davies,	Kilroy,	Ruth,	White,
Decker,	LaRue,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Sarig,
Diehl,	Lovett,		

NAYS—22

Barnhardt,	Kinney,	Rinn,	Winner,
Downey, J. J.,	Linderman,	Shreiner,	Wood,
Habbyshaw,	McDermott,	Spangler,	Woodside,
Hefferon,	Munley,	Surface,	Yeakel,
Holstrom,	Perry,	Wickersham,	Yourishin,
Hoopes,	Phillips		

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. BARBER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for and one hundred and twelve members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2779 (Senate Bill No. 547), entitled·

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2807 (Senate Bill No. 804), entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases and imposing duties upon clerks of the courts

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2397, entitled:

An Act to protect the public health defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses and regulating the inspection maintenance and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises defining and regulating the manufacture sale and offering for sale of confectionery products conferring powers on the Department of Agriculture and providing penalties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2185, entitled:

An Act authorizing discounts for prompt payment of county city borough town township school district and poor district taxes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

TIME EXTENDED ON BILL

Mr. HOLSTROM. Mr. Speaker, I move that the time on House Bill No. 2065, Printer's No. 983, entitled:

An Act providing for liens in favor of the Commonwealth and every charitable association, corporation, or other institution maintaining a hospital in this Commonwealth supported in whole or in part by public or privtate charity, and furnishing therein care, treatment and maintenance to persons injured in accidents, upon the rights of action, claims or demands of such injured persons against other persons, corporations, partnerships and other unincorporated associations whatsoever, for damages on account of the negligence causing the injuries, and upon the proceeds of the settlement of any such claims and discharge of such liens; and imposing duties upon or demands; providing for the entry, recording, release prothonotaries.

on page 5 of today's calendar, bills on second reading, be extended for two weeks.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2591 as follows:

An Act requiring water gas and electric companies with exclusive franchise to serve all persons copartnerships associations and corporations within the municipality or township and providing for enforcement by the Public Service Commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every water gas and electric company now or hereafter enjoying an exclusive franchise within the limits of any city borough town or township shall furnish their respective services to every person copartnership association and corporation anywhere within such limits who requests the same subject to the same rules regulations and rates as apply elsewhere within the limits of such municipality or township The cost of such service shall be included in the general operating expenses of such company and shall not be used as a reason for refusing any such service

Section 2 The Public Service Commission shall enforce the provisions of this act by orders which shall be enforced in the same way as orders are enforced under the provisions of the act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) known as "The Public Service Company Law"

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2662, as follows:

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred and thirty-five and thirty-seven fiscal biennium

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That each and every appropriation heretofore made to any State-aided hospital home college university school or other State-aided institution for the biennium ending the thirty-first day of May one thousand nine hundred thirty-five and which on the effective date of this act remains unexpended in part because of insufficient revenues in the General Fund of the State Treasury shall not abate or lapse on the thirty-first day of May one thousand nine hundred thirty-five but shall continue and be available for payment to such hospitals homes colleges universities school or other State-aided institution during the two fiscal years beginning on the first day of June one thousand nine hundred thirty-five and shall be chargeable against the State revenues for such fiscal period

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2684, entitled:

An Act providing for the registration regulation and control of lobbyists and lobbying of for by or on behalf of any person partnership association or corporation imposing duties on employes of lobbyists on the Secretary of the Commonwealth and lobbyists and providing, penalties

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purposes of this act the term "person" shall include an individual partnership association or corporation The singular shall include the plural and the masculine shall include the feminine and the neuter

The second section was read as follows:

Section 2 Every person (hereinafter designated as an employer who or which employs or agrees to employ or retain any person to promote or oppose in any manner directly or indirectly the passage by the General Assembly of any legislation or to promote or oppose executive approval of such legislation or to act in any manner in connection with any legislation shall within one week after the date of such employment or agreement therefor furnish a signed statement to the Secretary of the Commonwealth containing in addition to such information as the secretary may require the following information

(1) The full name and business address of the employer and in addition in the case of a partnership the name and address of each partner and in the case of a corporation the names and addresses of each of its officers

(2) The full name and place of residence or business address and business or occupation or profession as the case may be of each person so employed and in addition in the case of a partnership the name and address of each partner and in the case of a corporation the names and addresses of each of its officers

(3) The date of the employment or agreement therefor and the length of time that the employment is to continue if such time can be determined

(4) The compensation paid or to be paid to such person for his services If the compensation for such services is included in an employment by annual salary then the employer shall specify the total amount of such compensation and the amount thereof apportioned for such legislative services

(5) The legislation pending or that may legally come before the General Assembly or either branch thereof or before any committee thereof with respect to which such person is employed

(6) Whether the person employed is to act as a legislative counsel or legislative agent as hereinafter defined

When any change modification or addition to such employment or the subject matter of the employment is made the employer shall within one week of such change modification or addition furnish in similar manner full information regarding same to the Secretary of the Commonwealth

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, line 14, by inserting after the word "be" the following: "and the unmounted photograph not exceeding three inches square"

Amend sec. 2, page 2, line 17, by inserting after the word "officers" the following: "In case a partnership or corporation is so employed, the unmounted photograph of the person or persons who are actually engaged or to be engaged in promoting or opposing legislation shall be furnished."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 The Secretary of the Commonwealth shall prepare and keep two legislative dockets One of such dockets shall be known as "legislative counsel docket" and the other as "legislative agents docket" In the legislative counsel docket shall be entered the above information pertaining to persons employed by any employer to appear at any hearing before the General Assembly or either branch thereof or any committee thereof for the purpose of making an argument or examining witnesses including the names of all lawyers representing any such employer who act or advise in relation to legislation Such persons for the purposes of this act shall be designated as legislative counsel In the legislative agents docket shall be entered the above information pertaining to persons employed by employers as agents for promoting or opposing any legislation by any other means than those set forth above especially by personal interview with members of the General Assembly or by personal communications with the members of the General Assembly or the Governor and persons ordinarily employed for other purposes who render or will render any service in promoting or opposing or attempting to promote or oppose any legislation Such persons for the purposes of this act shall be designated as legislative agents

Such information entered in the above dockets shall be appropriately indexed so as to show all employers and employes the compensation paid or to be paid for such employment and the subject matter of such employment

The dockets required by this section shall be open to inspection by any citizen of the Commonwealth on demand at any time during the regular business hours of the Secretary of the Commonwealth Upon the termination of each such employment the employer shall notify the Secretary of the Commonwealth who shall cause such fact to be entered in the proper docket opposite the name of the person previously employed The Secretary of the Commonwealth shall similarly note all changes modifications or additions to any employment or subject matter of employment within the purview of this act

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments was read by the Clerk as follows:

Amend sec. 3, page 3, line 16, by inserting after the word "persons" the following: "and the photographs of the proper persons"

Amend sec. 3, page 3, line 24, by inserting after the word "persons" the following: "and the photographs of the proper persons"

On the question,

Will the House agree to the amendments?

On the question,

Will the House agree to the section as amended?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 4, by inserting between lines 9 and 10 the following: "The Chief Clerk of the House shall prepare and keep two executive dockets; one such docket shall be known as the "'Seeking Favors from the Departments Docket," and the other "Executive Legislative Docket." The Governor shall provide a desk in his waiting room at which a Representative, appointed by the Chief Clerk of the House, shall sit as custodian for the two aforementioned dockets. Every person seeking to interview the Governor to ask favors from Departments, shall enter his name, occupation, party affiliation, and such other data as the Chief Clerk shall deem necessary to acquaint the Legislature fully as to demands made upon the Governor for favors. Immediately such person shall have completed his interview with the Governor, the Governor or his Secretary shall note in the docket the promise made by the Governor.

In the Executive Legislative Docket shall be entered the foregoing information by any applicant seeking to secure the influence of the Executive for or against legislation, together with the legislation desired. The Governor or his Scretary shall have entered in said docket his consent or refusal to assist in securing the passage or rejection of the legislative request."

On the question,

Will the House agree to the amendments?

Mr. KINNEY. Mr. Speaker, I object to the amendment offered by the gentleman from Delaware Mr. Turner.

Mr. TURNER. Mr. Speaker and members of the House, the bill before us pertains to the registration of lobbyists, but as I read the bill it pertains only to those lobbyists who come into the legislative halls.

If I recall the newspaper reports correctly, and as I remember the inaugural address of the Governor, this bill was inspired by the Executive. It was not inspired by the Legislative branch. As I recall the Constitution of Pennsylvania, there are three branches of the government, the Executive, the Legislative and the Judicial, and it seems to me that if the lobbyists and friends and others who come here upon legislative matters pertaining to the representatives of the House and of the Senate, if they are to be registered, and if information is to be given, as this bill provides, as to why they came here, how much salary they get, and what they had for breakfast on the day they got here, and so forth, then there seems to be no reasons why the Legislature in its turn should not know something about those who visit the Governor's office and who interview the Governor and who ask for favors in the departments or for legislation. We have provided, therefore, in these amendments that there will be a desk placed in the office of the Chief Executive, and that the Chief Clerk shall appoint a representative to sit there. He will have two dockets, just as is provided for in this bill. In these dockets will be entered the names of those asking favors, what favors they want, and then afterwards, there may be inserted what favors were granted or if they were refused. If it is fair and if it is proper that those people who come around the legislative halls should have all this information given to them upon things pertaining to legislation and pertaining to us, then it seems to me that we in turn should know something about what is going on over in the Executive Department.

I ask the members of the House to vote in favor of the amendment.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Every person retained or employed for compensation to act as legislative counsel or agent by any employer shall before rendering any service in promoting or opposing directly or indirectly any legislation make written application to the Secretary of the Commonwealth for an identification certificate as hereinafter provided Such application shall be made on a form furnished by the Secretary of the Commonwealth and shall set forth information similar to that required of employers by section two of this act The Secretary of the Commonwealth shall issue to the applicant upon the payment of a fee of two dollars an identification certificate if the employer has filed the information required by section two of this act and if the applicant is not disqualified under this act from acting as legislative counsel or agent Such certificate shall show the name of the applicant the name of the employer the particular legislative matter in respect to which the applicant is employed the duration of the employment or retainer the period for which the certificate is valid and whether the applicant is a legislative counsel or agent Certificates issued to the legislative counsel shall be readily distinguishable from certificates issued to legislative agents Such certificates shall be valid until the legislative dockets open at the time of their issuance are closed as hereafter provided It shall be the duty of every legislative counsel or agent upon demand to exhibit his identification certificate at any time to any member of the General Assembly.

It shall also be the duty of every such person so retained or employed or agreed to be retained or employed upon arriving in Harrisburg in pursuance of such retainer employment or promise of employment to register forthwith the Secretary of the Commonwealth his name the particular legislation he is interested in the date of his arrival and the probable length of time he will be present in Harrisburg on his legislative mission which information the Secretary of the Commonwealth shall forthwith certify to both branches of the General Assembly

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 4, page 4, line 26, by inserting after the word "certificate" the following: "and license plates"

Amend Sec. 4, page 5, line 3, by inserting after the word "certificate" the following: "and license tags as hereinafter provided"

Amend Sec. 4, page 5, by inserting between lines 19 and 20 the following: "The Secretary of the Commonwealth shall issue to each legislative counsel and agent license plates which shall at all times be worn fore and aft, and at night or when worn in dark places, they shall be illuminated. All license plates issued to Members of the Cabinet, or representatives of the Executive Department, shall be green in color; those to corporations blue; Public Charities Association white; Labor red; Chamber of Commerce, scotch plaid; Manufacturers Association black; and to Ordinary Pests, yellow. It shall be unlawful to make any discrimination or to show any preference in issuing numbers."

On the question,

Will the House agree to the amendments?

Mr. KINNEY. Mr. Speaker, I object to the amendments offered by the gentleman from Delaware.

Mr. TURNER. Mr. Speaker and members of the House, while you may, many of you, object to the knowledge being broadcast as to who visits the Executive Department and what the requests be and the answers thereto, if you will read this bill carefully, you will find that there are a great many penalties and you can get into trouble very easily. This scheme that I have devised here will provide for license plates, and they must be worn fore and aft at all times. They must be illuminated so that you can see them at night, because there are dangers, as you will see in this bill, of some one approaching you and you not recognizing him as a lobbyist. How are we to tell, because there are many people, the people who sit on the side lines, you can't tell whether they are lobbyists; they might think they are, but I consider that they are just friends.

These license plates are different in color so we can distinguish them. For instance, the Representative, Mr. Flynn, when he sees the black license plate, he doesn't get scared at all; that is the manufacturer's association. You take the Public Charities Association. That is a pure white. Now, Herman Tahl would recognize that right away.

There is a Scotch plaid in there. Of course, there is a significance in the color. For instance, the blue for corporations, everybody knows that every corporation is blue at this time with this Democratic administration, and, therefore, the color should be blue.

And the green, there is a significance in that. Green is for the members of the cabinet, representing the Executive Department.

I didn't want to give a red license plate to the labor people, because I have a lot of friends along the laboring men, but I was afraid that Darlington Hoopes would object if I didn't amend it and make it red. Therefore, I made it red.

Now, I say, there is a significance in this, that the Chamber of Commerce, as I said, is Scotch plaid. They have been on so many sides, on so many questions in the Legislature that Scotch plaid was the only thing that I could think of that would distinguish them easily.

If you will read the bill carefully, you will find this is a wise suggestion. While the gentleman from Erie, Mr. Kinney, may not want it in this bill, it may be a little troublesome for some people to wear license plates, particularly on the floor of this House, getting down in these seats too low, if they sit down so low in these chairs to make them uncomfortable. In this light scheme if the gentleman from Philadelphia, in his bill requires the illumination of front license plates, I think if they could be illuminated by some invention easily, then when you got in the dark halls of the Capitol or in the dark corners of the cellar, and you were found talking to some of your fellow Democrats, the Governor or Davy Lawrence would know right away to whom you were talking and get you straightened out by the next caucus on Monday night, so there is a very practical use in these plates. I trust the members of the House will go along with this amendment.

Mr. RUTH. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. RUTH. Mr. Speaker, I would like to ask the gentleman from Delaware, Mr. Turner, whether he would tell this House if he is interested in the manufacture of license plates.

Mr. TURNER. Mr. Speaker, under ordinary circumstances I would refuse to answer that question, because I think it attacks the integrity of a member of this House. As I understand it, all license plates are manufactured in the penitentiary, and I seem to have been at large for quite some time.

Mr. DENT. Mr. Speaker and members of the House, I would like to make the suggestion that if the amendments pass, the gentleman from Delaware be given blank license plates to cover up the substance of the talk that he has just given.

Mr. BURKE. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. BURKE. Mr. Speaker, is not the gentleman a little inconsistent when he urges the use of blue plates for corporations, when from the very beginning of the session, he maintained that corporations are in the red?

Mr. TURNER. Mr. Speaker, I see no inconsistency in that. I am not speaking of balances. I am speaking of the atmosphere that surrounds all the corporations, caused to a great extent, I think, by the multiplicity of bills that apparently were taken from the Digest of Laws, and which bills have been introduced here by the gentleman from Philadelphia, Mr. Burke.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fifth section was read as follows:

Section 5 (a) It shall be unlawful and a violation of this act for any person to act in any manner as legislative counsel or agent for or on behalf of any employer in respect to any legislation unless he is the holder of a proper identification certificate as required by this act

(b) It shall be unlawful and a violation of this act for any person to employ directly or indirectly any person to act as a legislative counsel or agent in respect to any legislation unless the name of the person so employed and the information required by this act is duly entered upon the proper legislative docket

(c) It shall be unlawful and a violation of this act for a legislative counsel to act as a legislative agent or for a legislative agent to act as a legislative counsel unless the name of the person so acting is duly entered upon both legislative dockets and such person is a holder of the proper identification certificates as required by this act

(d) It shall be unlawful and a violation of this act for any person to employ or retain or agree to employ or retain any person as a legislative counsel or agent or for any person to act as a legislative counsel or agent for or on behalf of any such person for a compensation dependent in any manner upon the passage or defeat or any proposed legislation or upon any other contingencies connected with the action of the General Assembly or either branch thereof or of any committee thereof

(e) It shall be unlawful and a violation of this act for any legislative agent to render any service as such agent or to approach any member of the General Assembly directly or indirectly outside the City of Harrisburg It shall be the duty of any member of either branch of the General Assembly to report promptly to the Secretary of the Commonwealth each and every instance in which he is approached by a legislative agent outside of Harrisburg whereupon it shall be the duty of the Secretary of the Commonwealth to strike the name of such agent from the legislative agents docket

(f) It shall be unlawful and a violation of this act for any legislative counsel or agent to go upon the floor of either branch of the General Assembly reserved for the members thereof while in session except upon the invitation of such branch of the General Assembly

(g) It shall be unlawful and a violation of this act for any public officer appointee agent or employe in the service of the Commonwealth to act as a legislative counsel or agent

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 5, page 7, by inserting between lines 13 and 14 the following: "In order that no lobbyist or Member of the Legislature may unwittingly violate this provision of the act, the Secretary of the Commonwealth shall supply each lobbyist with a whistle of distinctive note which he shall toot in order that the Members of the General Assembly may be warned of his close proximity and thus avoid contamination."

Amend Sec. 5, page 7, line 24, by inserting after the word "Commonwealth" the following: "except members of the Governor's cabinet and members of the Legislature."

Amend Sec. 5, page 7, by inserting between the lines 25 and 26 the following: "(h) It shall be unlawful and a violation of this act for any counsel, agent, or person to appear in public without license plates of the proper color, and duly wired for illumination at night when in service in dark corners."

On the question,

Will the House agree to the amendments?

Mr. KINNEY. Mr. Speaker, I object to the amendments.

Mr. TURNER. Mr. Speaker and members of the House, as important was this question of license plates, and I warned you men that if this bill passes and you get into trouble because lobbyists do not wear license plates, don't blame me. I have sounded warnings before and you wouldn't heed them and you got into trouble. This time you are going to get into real trouble. This bill provides: "It shall be unlawful and a violation of this act for any legislative agent to render any service as such agent or to approach any member of the General Assembly directly or indirectly outside the City of Harrisburg."

Now, you might be on the streets of Philadelphia or on the streets of Pittsburgh or some place else, you might be walking along perfectly innocent, and a lobbyist might be coming along, who may be on a business errand innocently, going some place else, and he would be approaching you directly, and you would be approaching him directly. He might see you and turn down a side street; you might see him and turn down a side street; you would be approaching each other indirectly, and yet you both would be violating this act. Now, the only way I thought to avoid this, because you might not see the license plate and there might be a crowd of people present, it seems to me, is to have the Secretary of the Commonwealth supply a whistle of a distinctive nature that had a little different note from any other whistle, so that the lobbyist would toot it as he came down the street, and as he tooted it you could just into the nearest cellar or a nearby doorway or a pair of swinging doors. If then anybody approached you, you could honestly say, "well, I was just buying a drink of beer." That would be your story and you would stick to it.

This is vitally important. The other, you might get away with, because you might happen to know the lobbyist, but this "directly" or "indirectly" is much more stringent and as a result you might be fined and put in prison. Therefore, I do not see any other way out of this difficulty than to have the whistle, as I have suggested. I therefore, ask the House to go along with these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The sixth, seventh, eighth, ninth sections and the title were separately read and agreed to as follows:

Section 6 The legislative dockets shall be closed biennially upon the adjournment of the General Assembly and the dockets for the ensuing two years shall then be opened The Secretary of the Commonwealth may adopt such rules and regulations as he shall deem necessary for the keeping of such legislative dockets

Section 7 Within thirty days after the adjournment of the General Assembly every person appearing upon the legislative dockets of the previous two years as having employed any legislative counsel or agent shall render to the Secretary of the Commonwealth a full complete and detailed statement under oath or affirmation by the person making the same or if a copartnership by the partners thereof or if a corporation by both president and treasurer of all expenses paid or incurred by such person in connection with such employment of legislative counsel or agents or in connection with promoting or opposing in any manner directly or indirectly the passage by the General Assembly of any legislation within the terms of this act

Every legislative counsel or agent within thirty days after the adjournment of the General Assembly shall file with the Secretary of the Commonwealth an itemized statement under oath or affirmation showing in detail all moneys received from or promised by any person directly or indirectly in connection with a legislation pending at the last previous session with the names of the payers and the amount paid by each and the nature of such legislation

Such reports shall be made in such form as shall be prescribed and approved by the Secretary of the Commonwealth and shall be open to public inspection

Section 8 The Secretary of the Commonwealth is hereby charged with the enforcement of the provisions of this act and he is hereby authorized and it shall be his duty to make such investigations as he shall deem necessary to effect such enforcement

Section 9 Any employer who or which shall violate any provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall for each offense be subject to a fine of not less than two thousand dollars nor more than five thousand dollars in the discretion of the court Any person who shall act as legislative counsel or agent contrary to the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment for not more than six months or both in the discretion of the court and shall also be disqualified thereafter from acting as a legislative counsel or agent

It shall be the duty of the Attorney General or any district attorney upon information to bring prosecutions for violations of this act

An Act providing for the registration regulation and control of lobbyists and lobbying of for by or on behalf of any person partnership association or corporation imposing duties on employers of lobbyists on the Secretary of the Commonwealth and lobbyists and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2679, as follows:

An Act to provide for the payment of the expenses of maintenance and instruction of children committed to Houses of Refuge which are not exclusively under the control of the Commonwealth jointly by the Commonwealth and by the counties from which they may be sent and providing a method for determining the amount due and collecting the same from the said counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever a child shall be or heretofore shall have been committed to any House of Refuge which is not exclusively under the control of this Commonwealth and shall become or shall have become an inmate thereof the expense of maintaining and instructing such child in excess of such appropriation as may be made by the Commonwealth shall be borne by the county from which such child shall have been received and the amount appropriated shall have been received and the amount appropriated by the Commonwealth for maintenance to such House of Refuge shall be paid to it in equal quarterly amounts during each year of the biennium covered by the appropria-

tion The method of collecting the amounts due by the several counties from which children have been sent shall be by orders drawn by the Treasurer of any such House of Refuge on the Treasurers of said counties who shall accept and pay the same Provided That the said orders shall be presented quarterly on the first days of April July October and January in each and every year or as soon thereafter as may be convenient And provided also That the Treasurer of such House of Refuge on or before the second Monday of the preceding month shall transmit by the public mail to the commissioners of such of the counties as may have become indebted for the maintenance and instruction of inmates in such House of Refuge an account of the expenses of maintaining and instructing them during the three previous calendar months which account shall be signed by the Treasurer and sworn or affirmed to by him and attested by the Superintendent of such House of Refuge in which each of said inmates may be living It shall be the duty of the said commissioners immediately upon receipt of said accounts to give notice to the treasurers of their respective counties of the amount of said accounts with instructions to collect and retain money for the payment of said orders when presented For the purpose of fixing the amount to be charged for the maintenance and instruction of each inmate the per capita cost of maintaining and conducting such House of Refuge for the three months' period covered by the order shall be taken as the rate to be charged and one-eighth of the appropriation made by the Commonwealth for maintenance for that biennium shall be applied in diminution of the cost of maintenance for said three months' period and the remainder of such per capita cost shall be charged to the respective counties for each child from such counties

Section 2 The act approved the twenty-seventh day of March one thousand nine hundred three (P. L. 83) entitled "An act to provide for the payment of the expenses of the maintenance and instruction of children committed to Houses of Refuge which are not exclusively under State control jointly by the State and by the counties from which they may be sent and providing a method for determining the amount due and collecting the same from said counties" as amended is hereby repealed

Section 3 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and conation of House Bill No. 2852, as follows:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Speaker of the House of Representatives shall appoint four members of the House and the President Pro Tempore shall appoint three members of the Senate who together shall constitute a continuing joint legislative committee to be known as the Joint State Government Committee and whose duty it shall be to make studies for the use of the legislative branch of government seeking to improve the administrative organization of the State Government to eliminate waste and overlapping functions to institute economies to suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis to gather budget information for the use of the General Assembly and to make such other studies and gather such other information as may be deemed useful to the General Assembly Said committee shall organize by the selection of a chairman and secretary and shall have power to employ such clerical assistance as may be deemed necessary Said committee shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged

Section 2 Said committee shall have power to sit during the interim between legislative sessions and shall from time to time report to the General Assembly such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly

Section 3 Any vacancies occurring in the membership of said committee shall be filled by appointments by the Speaker or President Pro Tempore of members of the House or Senate as the case may be to take the place of those persons whose membership in the House or Senate may be ceased

Section 4 Biennially an item of appropriation shall be inserted in the General Appropriation Bill to pay the expenses of the members of the committee constituted by his act and for clerical hire and incidental expenses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and conation of House Bill No. 2002, entitled:

An Act fixing a uniform rate telephone companies may charge for listings in telephone directories

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no telephone company shall charge any person firm or corporation more than twenty-five cents per month for a listing of the individual or company name address and telephone number in the telephone directory published by or for such telephone company The provisions of this act shall include the listings in the classified directory contained in such publications except when the listings contained therein shall be of larger or blacker type than the ones for which the charge of twenty-five cents is made

The second section was read and agreed to as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

The third section was read and agreed to as follows:

Section 3 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act fixing a uniform rate telephone companies may charge for listings in telephone directories

On the question,

Will the House agree to the title?

Mr. BURKE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title of Act, Page 1, line 1, by striking out after the word "a", the word "uniform", and inserting in lieu thereof the word "maximum"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 314, as follows:

An Act to amend routes fifty-eight One hundred thirty-nine and One hundred sixty-eight of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That routes fifty-eight one hundred thirty-nine and one hundred sixty-eight of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishments of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for the work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended are hereby further amended to read as follows

Route fifty-eight From Bellefonte to Lock Haven Commencing in Bellefonte and running by way of Zion Hublersburg and Nittany to a point on the dividing line between Centre and Clinton Counties thence by way of Mill Hall and over High Street in Flemington Borough thence through Allison Township to a point on the boundary line of the city of Lock Haven Clinton County and by spur to Loganton Provided however that the present route over Bressler and Frederick Streets in Flemington Borough and Allison Township shall be maintained by the Department of Highways until the relocation provided for by this Act shall have been improved and opened to traffic

Route one hundred and thirty-nine From Harrisburg to Lebanon Commencing at a point on the boundary line of the city of Harrisburg [and] thence to Boyd Station thence running [by way of] on the southerly side of the Reading Railroad to Hummelstown thence to a point on the dividing line between Dauphin and Lebanon Counties thence by way of Palmyra and Annville to a point on the boundary line of the city of Lebanon Lebanon County also by spur from a point near Boyd Station to a point on the Harrisburg City line at Paxton Street

Route one hundred and sixty-eight from Stroudsburg to Scranton Commencing in Stroudsburg and running by way of Bartonville Tannersville Swiftwater Mount Pocono and Tobyhanna thence to a point on the dividing line between Monroe and Wayne Counties by way of the Drinker Turnpike to a point on the dividing line between Wayne and Lackawanna Counties thence by way of Moscow Elmhurst and Green Ridge Street in the Borough of Dunmore to a point on the boundary line of the city of Scranton Lackawanna County

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1911 as follows:

An Act permitting licensing regulating and controlling horse racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commmonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a State racing commission is hereby created as a departmental administrative commission in the Department of Agriculture which shall have all the powers and perform all the duties generally vested in and imposed upon departmental administrative boards and commissions by the administrative Code

The commission shall consist of three persons to be appointed by the Governor for terms of four years each The first appointees to said commission shall be appointed for two three and four year terms respectively and thereafter appointments at the expiration of the respective terms shall be for four years Vacancies in said commission shall be filled for the unexpired term Each commissioner appointed shall be a qualified elector of Pennsylvania and at least thirty years of age Not more than two commissioners shall be members of the same political party The Governor shall designate the chairman of the commission

No person shall be eligible to the office of commissioner or hold any position under the commission who holds any official relation to any person association or corporation engaged in or conducting racing within the State or who holds stocks or bonds therein or has any pecuniary interest therein The members of the commission shall appoint and fix the salary of a secretary whose duty it shall be to keep a full and faithful record of its proceedings preserve all books documents and papers entrusted to his care and perform such other duties as the commission may prescribe The salary of the members of the commission shall be four thousand dollars ($4,000) per annum except the chairman whose salary shall be four thousand eight hundred dollars ($4,800) The salary of the secretary and all the inspectors clerks and other employes who shall be appointed in the manner provided by the Administrative Code for the appointment of employes of departmental administrative boards and commissions and the rental of offices and other expenses except the salaries of the commissioners shall not exceed fifty thousand dollars ($50,000) per annum The commission shall meet at such times and places within the State as it may determine

Section 2 No person association or corporation shall hold or conduct any meeting within this Commonwealth where at horse racing with wagering on the results thereof shall be permitted unless such person association or corporation has first been licensed so to do by the State Racing Commission

Any person association or corporation desiring to conduct racing with wagering on the results thereof within this Commonwealth during any calendar year shall apply to the State Racing Commission for a license so to do The application for a license shall be filed with the commission on or before the day fixed by the commission and shall specify the days in which it is desired to conduct racing The application shall be in such form and contain such other information as the commission may require The State Racing Commission shall as early as practical each year award all dates for such racing The dates so awarded shall not exceed one hundred days in the aggregate at all running horse race meetings not including running races at State or county fairs and hunt clubs which have regularly held running horse races during the past five years The dates so awarded shall not exceed fifty days in the aggregate at all harness horse race meetings not including horness horse races at State or county fairs

The award of dates made by the commission shall be final The commission shall have power to reject any application for a license for any cause it deems sufficient and its action shall be final The commission may vary the dates for racing requested by any person association or corporation The commission may subsequent to its award of dates for the year award other dates not conflicting with those already awarded if the dates so awarded do not exceed the aggregate number of days or the number of days for any one track or licensee provided for by this section

No one person association or corporation shall conduct more than two meetings with an aggregate of thirty days in any one year nor shall more than thirty days of racing be allowed on any one track nor shall any State or county fair or exhibition for the encouragement or extension of agriculture or hunt club be allowed to have more than six days of running horse races in any one year or on more than any one track

Section 3 The State Racing Commission shall not issue a license for any running horse races to be held on a track less than one mile in circumference except at State or county fairs and hunt clubs which have regularly held running horse races during the past five years nor shall running races except at State or county fairs and hunt meetings be permitted for a purse stake or award of less than seven hundred dollars ($700)

Section 4 It is hereby declared since the purpose of this act is the encouragement of agriculture and the breeding of horses in this Commonwealth that five per centum (5%) of the first money of every purse won by an animal bred in this Commonwealth shall be paid to the breeder of such animal

Section 5 Before any license shall be issued to any person association or corporation authorizing it to hold and conduct meetings at which races upon the results of which there shall be wagering shall be permitted the commission shall require the applicant to pay to the State Treasurer through the Department of Revenue a license fee of one thousand dollars ($1,000) for each day of any running horse race meeting and two hundred dollars ($200) for each day of any harness horse race meeting providing however that meetings held by a State or county fair or any exhibition for the encouragement or extension of agriculture or hunt club shall pay fifty dollars ($50) for each day they hold races

Such person association or corporation shall also before the licensee is issued file with the Department of Revenue a bond to the Commonwealth with corporate surety conditioned for the payment of the taxes imposed by this act and for the faithful compliance with the provisions of this act and the rules regulations and conditions of the commission The amount of such bond shall be fixed by the Department of Revenue

If by reason of any cause beyond the control of the licensee it shall become impossible for such licensee to hold or conduct racing upon any rate for which a license was issued by the commission the licensee shall after approval by the commission be entitled to receive a credit on the taxes payable under the provisions of this act for the amount of license fee paid for such day when no racing was conducted

Section 6 A State tax of ten per centum (10%) on the gross receipts derived from admissions by each person association or corporation licensed to conduct racing less any Federal taxes except in the case of State or county fairs and exhibitions conducted by incorporated agricultural associations and societies which shall be exempt from the tax on admissions and a State tax of three per centum (3%) of the total amount bet or wagered on such races through the use of pari-mutuel machines or other devices is hereby imposed

The person association or corporation licensed to conduct racing shall be liable to pay such taxes Each licensee shall within ten days after the conclusion of any meeting at which racing was conducted make report to the Department of Revenue on forms supplied by that Depart-

ment showing the daily gross receipts from admissions less Federal taxes and the daily total amount bet on such races and such other information as the Department may require and shall at the same time pay to the State Treasurer through the Department of Revenue the taxes imposed by this act

The said taxes imposed by this act shall be settled resettled and otherwise imposed and adjusted by the Department of Revenue in the same manner and subject to the same penalties interest and right of resettlement review appeal and refund as provided by law in the case of taxes on gross receipts In case of the default in the payment of such taxes interest or penalties in whole or in part recovery may be had for the amount due the Commonwealth on the bond filed with the Department

Section 7 The State Racing Commission shall have power to prescribe rules regulations and conditions under which all horse races upon the results of which there shall be wagering shall be conducted It may make rules and regulations governing restricting or regulating betting on such races and may fix or regulate the rate of charge by the licensee for admission or for the performance of any service or the sale of any article on the premises of the licensee All contracts and agreements for the payment of money and all salaries fees and compensation paid by any licensee and all proposed extensions additions or improvements to the buildings stables improvements or tracks upon property owned or leased by such licensee shall be subject to the approval of the commission

No salary fee or compensation paid by any person association or corporation organized for the purpose of conducting races upon the results of which there shall be wagering to any one person shall exceed the sum of five thousand dollars ($5,000) per annum and no association or corporation organized for the purpose of conducting the said races shall be allowed to pay a dividend exceeding six per centum (6%) on the capital investment of said association or corporation All net revenue of a licensee remaining shall be set aside and employed by the licensee toward the maintenance of purses stakes and rewards and for the maintenance and improvement of the track and buildings of the licensee

Section 8 The commission shall also have power to require that the books and financial or other statements of any licensee shall be kept in such manner as it may require The commission and its agents or the Department of Revenue and its agents may at all times visit and investigate the offices tracks and business of each licensee and may place employes experts and accountants at tracks for the purpose of ascertaining that the commission's rules regulations and conditions are being complied with and to ascertain the amount paid in admissions and bet or wagered on pari-mutuel machines or other devices in order that the full amount of taxes may be received by the Commonwealth and that no excessive percentages are retained by any licensee

Section 9 The commission shall have power to suspend or revoke the license issued to any person association or corporation for any period whatever and for any reason it deems sufficient In any such case the license fee paid of the Commonwealth shall be forfeited by the licensee

Section 10 Betting or wagering upon the results of horse races conducted under the provisions of this act when done within the grounds where and on the day when a horse race is so lawfully conducted is hereby declared lawful if such betting or wagering is done through the use and by means of machines commonly known as pari-mutuel machines or other devices approved by the commission and in accordance with the rules and regulations and conditions adopted by the commission It shall be lawful for any person association or corporation licensed to conduct racing to operate such pari-mutuel machines or other devices and to retain for its own use such amount only of the receipts as may be fixed by the rules and regulations of the commission provided however that in no event shall the licensee retain a sum exceeding five per centum (5%) of the total amount bet or wagered and the odd cents exceeding a sum equal to the next lowest multiple of ten (10) The amount so deducted shall be in addition to the State tax of three per centum (3%) of the total amount bet or wagered payable to the Commonwealth

Section 11 No person under the age of sixteen years shall be permitted to attend any horse races upon the results of which there shall be wagering unless accompanied by his or her parent or guardian No minor under sixteen years of age shall be employed in about or in connection with any establishment or at any such race track No minor shall knowingly be permitted by any licensee or his or its employes to bet or wager on the result of horse races

Section 12 Any person association or corporation conducting any meeting or aiding or betting in the conduct of any meet at which the racing of horses shall be permitted for any stake prize purse or award except in accordance with the license duly issued and unsuspended or unrevoked as provided in this act or who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than five hundred dollars ($500) or more than ten thousand dollars ($10,000) for each day of such unauthorized meeting or to suffer imprisonment not exceeding two (2) years or both

Section 13 Nothing contained in this act shall be construed to affect or apply to State or county fair and exhibitions conducted by incorporated agricultural associations and societies and hunt clubs where no betting or wagering on races is permitted

Section 14 Licenses shall not be granted under this act for the holding or conducting of any horse racing meeting within any county unless a majority of electors of the State and of the county voting on the question of granting such licenses when said question was last submitted to them as hereinafter provided have voted in the affirmative

The Secretary of the Commonwealth shall if proper petitions have been filed cause to be placed on the official ballot to be used in the several counties of the State at any municipal or general election the following questions

(A)	Shall the pari-mutuel system of betting on licensed horse races be permitted in this State?	Yes	
		No	

(B)	Shall the pari-mutuel system of betting on licensed horse races be permitted in this County?	Yes	
		No	

Upon petition of five per centum (5%) of the registered voters of the State filed with the Secretary of the Commonwealth not less than sixty (60) days prior to any general or municipal election the Secretary of the Commonwealth shall also cause said questions to be placed on the official ballot to be used in the several counties of the State at said election provided that said questions shall not be submitted to the voters of the State oftener than once in four years

If a majority of the votes cast in the State as a whole in answer to question (A) are in the affirmative such vote shall be taken to have authorized the licensing of horse races in this Commonwealth at which the pari-mutuel systeem of betting shall be permitted but if the majority of the electors of the State as a whole voting on such question vote affirmatively to question (A) and a majority of the electors in any county voting on such question vote in the negative as to question (B) then licensed horse racing shall not be authorized in such county If a majority of the electors of the State as a whole voting on the question vote negatively to question (A) then licensed horse racing shall not be authorized in any county of this State

Section 15 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 16 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Agriculture to be available for expenditure for the fiscal biennium beginning June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven for the payment of the salaries and expenses of the State Racing Commission and the salaries and expenses of the secretary inspectors clerks and other employees appointed under the provisions of this act

Section 17 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2655, as follows:

An Act providing for the creation of public "Authorities" in boroughs authorizing such "Authorities" to enter into agreements with the Government of the United States particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof and with others defining and providing for the organization and dissolution of such "Authorities" conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions upon which such "Authorities" may exercise their powers endowing such "Authorities" with the right of eminent domain and with the power to finance projects by the issuance and sale of bonds authorizing such "Authorities" to make and receive appropriations repealing certain acts and parts of acts inconsistent herewith and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

ARTICLE I

Section 101. In each borough of this Commonwealth there is hereby created a body corporate and politic to be known as the "Authority" of said borough (hereafter in this act called the "Authority") provided however that such "Authority" shall not become operative nor transact any business until and unless the authorities of the borough in which it is created shall by proper ordinnce declae its creation and appoint and designate the members hereof as in this act herein prescribed Such "Authority" shall constitute a public body corporate and politic of said county for the public purposes herein set forth and shall exercise an essential governmental function in effectuating such purposes and to that end said "Authority" shall be enlowed with and is hereby granted the following powers to wit

(a) To construct maintain and operate electric light and power systems waterworks and systems and sewer systems and sewer treatment works and improvements of any thereof and additions thereto and to charge and collect fees rentals and charges in connection with such projects additions or improvements and any or all parts thereof the proceeds therefrom to be used for the purpose of maintaining and operating the same and of repaying to the United States Government and to others any and all moneys and interest thereon which may have been borrowed therefrom in connection with the purposes for which said "Authority" was created as same may be due and payable

(b) To enter into any contract or contracts with any street railway company telegraph company telephone company or other corporation or person or persons desiring to make use of any of the projects constructed or maintained pursuant to the purposes for which said "Authority" has been created and under the provisions of this act for the concurrent use of such portion of any of said projects as shall not substantially impair or restrict the public use and enjoyment thereof upon such rates terms and conditions as shall be agreed upon or to charge tolls or rentals for such special use provided however that such rates terms and conditions shall in no instance be less than the rates terms and conditions paid and met for like rights service and privileges within said borough

(c) To continue as a body corporate and politic for the time specified in this act

(d) To sue and be sued complain and defend in its own name

(e) To have a corporate seal which may be altered at pleasure and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced

(f) To purchase take receive lease as lessee take by gift devise or bequest or otherwise acquire and to own hold use and otherwise deal with any real or personal property or any interest therein situated in the county in which said "Authority" is created and set up which may be appropriate to enable it to accomplish fully and properly its purpose or purposes

(g) To sell and convey lease as lessor and otherwise dispose of all or any part of its property and assets

(h) To borrow money for any or all of the purposes for which it is organized to issue its promissory notes bonds or other forms of certificates of indebtedness with interest as evidence thereof and to secure any of its obligations by mortgage pledge or deed of trust of or on any of its property franchises and income

(i) To enter into any obligation necessary for the transaction of its ordinary affairs

(j) To have and exercise all of the powers and means necessary or essential to effect the purpose or purposes for which the "Authority" is organized

(k) To have and exercise the right and power of eminent domain for the acquisition of real property (the title thereto so acquired being title in fee simple) necessary for and in connection with the business of the "Authority" and for the purposes for which it was created but not to assess levy or collect any taxes of any kind or nature or for any purpose whatsoever specifically to borrow from the Government of the United States or others funds for the construction maintenance and operation of the projects for which said "Authority" shall have been created and to issue its negotiable bonds or other obligations secured by mortgage and trust deed given therefor and to provide for the rights of the holders thereof

(l) To elect a chairman vice-chairman secretary and treasurer and to adopt suitable by-laws for the management of its affairs The secretary and treasurer need not be member or members of the "Authority"

(m) To appoint and designate such officers agents and employes as it may require for the performance of its duties and fix and determine their qualifications duties and compensation

(n) To make rules and regulations for the management and regulations of its affairs

(o) To enter upon any lands waters and premises within or adjoining the borough in which said "Authority" is created and set up for the purpose of making surveys soundings and examinations

(p) To determine the exact location system and character of and all other matters in connection with any and all improvements or facilities which it may be auhorized to own construct establish effectuate operate or control

(q) To exercise such other powers not inconsistent with the Constiution of this Commonwealth or of the United States which may be reasonably necessary or incidental to the effectuation of its authorized purposes or

to the exercise of any of the foregoing powers except the power to levy taxes or assessments and generally to exercise in connection with its property and affairs and in connection with property within its control any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs

(r) To dissolve and wind up the "Authority" and specifically when as and if all indebtedness to the United States and all other proper and lawful indebtedness of the "Authority" shall have been fully paid it shall be the duty of the "Authority" through appropriate action of its officers and members to convey and transfer in fee simple free and clear of all debts liens encumbrances and obligations whatsoever to the borough in which said "Authority" shall have been created and set up all of the projects improvements structures and operations constructed erected acquired or maintained by said "Authority" during the period of its corporate existance and any and all moneys contracts bills and notes receivable leases franchises and all other property whether real or personal of the "Authority" to render to said borough by its proper officers full and complete account of all the transactions and business of the "Authority" and to dissolve and wind up its affairs and thereafter cease entirely to exist

ARTICLE II

Section 201 Whenever the proper authorities of any borough shall desire to form an "Authority" under this act they shall adopt an ordinance signifying their intention so to do

Section 202 The authorities of such borough shall cause a notice of the resolution to be published at least one time in the legal periodical of the county in which the "Authority" is to be formed and at least one time in one newspaper of general circulation published in the county The said notice shall contain a brief statement of the substance of the ordinance making reference to this act and shall state that on a day certain not less than three days after publication of the said notice articles of incorporation of the proposed "Authority" will be filed with the Secretary of the Commonwealth

Section 203 On or before the day fixed for the notice above provided for the borough shall file with the Secretary of the Commonwealth articles of incorporation together with proof of the advertisement required by the preceding section If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the notices required by the preceding section endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Secretary of the Commonwealth shall constitute the charter of the "Authority"

Section 204 The articles of incorporation shall be executed by each incorporating borough by its council and burgess and shall be acknowledged on behalf of each borough by the members of council

Section 205 The articles of incorporation shall set forth

(a) The name of the "Authority"

(b) A statement that an "Authority" is formed under this act

(c) The name of the incorporating borough together with the names and addresses of its council and burgess and the chief clerk of the borough

Section 206 Upon the issuance of the certificates of incorporation by the Secretary of the Commonwealth the "Authority's" existence shall begin The certificate of incorporation shall be conclusive evidence of the fact that the "Authority" shall be incorporated but proceedings may be instituted by the Commonwealth to dissolve wind up and terminate an "Authority" which should not have been formed under this act or which had been formed without a substantial compliance with the conditions prescribed by this act as precedent to incorporation

ARTICLE III

Section 301 The "Authority" shall consist of three members all of whom shall be citizens of this Commonwealth and of the borough in which said "Authority" is created and set up and who shall be designated and appointed by the borough council All members shall continue to hold office until their respective successors are appointed and qualified

Section 302 The members shall have entire charge of the "Authority's" property and affairs and shall for the purpose of doing business constitute a board but no action of the board shall be binding unless a majority of the members of the "Authority" shall vote in favor thereof

Section 303 The salary or compensation of the officers and members of the "Authority" shall be fixed and determined by the council of the borough in which said "Authority" is created and set up but none of such salries or compensation shall be increased or diminished during the term for which the officer or member receiving the same shall have been appointed

Section 304 Vacancies in the office of president vice-president secretary or treasurer caused other than by expiration of term shall be filled by election by the members of the "Authority" Vacancies in the membership of the "Authority" shall be filled by appointment by the council of the borough in which said "Authority" is created and set up

ARTICLE IV

Section 401 If for any of its authorized purposes the "Authority" shall find it necessary or convenient to acquire any real property in or adjoining the borough in which said "Authority" is created and set up whether for immediate or future use the "Authority" may find and determine that such property whether a fee simple absolute or a lesser interest is required for public use and upon such determination may have and may exercise the right and power of eminent domain to acquire the same However no property now or hereafter vested in or held by any county city borough township political subdivision or other municipality shall be taken by the "Authority" without the consent of such political subdivision or municipality unless expressly authorized by this act and neither shall any property of a public service company be taken except such property as can now be taken by the boroughs under existing laws

If the "Authority" is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in or adjoining the borough in which said "Authority" is created and set up for any reason whatsoever then the "Authority" may acquire such real property in the manner provided for the acquisition of such property by boroughs in the exercise of the right of eminent domain

The power of the "Authority" to acquire real property by condemnation or the exercise of the power of eminent domain in or adjoining the borough in which said "Authority" is created and set up shall be a continuing power and no exercise thereof shall be deemed to exhaust it

The "Authority" and its duly authorized agents and employes may enter upon any land in the county in which said "Authority" is created and set up for the purpose of making such surveys maps or other examinations thereof as it may deem necessary or convenient for its authorized purposes

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease land grant or convey to the "Authority" upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the "Authority" including real property already devoted to public use

The term "real property" as used in this act includes lands structures waters franchises and interests in land including lands under water and riparian rights and any and all things and rights usually included within the said term and includes not only fees simple absolute but also any and all lesser interests such as easements rights of way uses leases interests such as easements rights of way uses leases licenses and all other incorporated hereditaments and every estate interest or right legal or equitable including terms of years and liens thereon by way of judgments mortgages or otherwise and also claims for damage to real estate

Section 402 All contracts shall be let and purchases made by the "Authority" in the manner now provided by law relating to contracts and purchases by authorities of boroughs

ARTICLE V

Section 501 Notwithstanding any provisions of this act the "Authority" shall have no power to pledge the credit of the Commonwealth of Pennsylvania or the credit of any county city borough township or other municipality of said Commonwealth or to create any debt of said Commonwealth or of such municipality county city borough or township and the bonds and debts of said "Authority" shall be a lien upon and payable solely from the assets and revenues of said "Authority"

Section 502 The "Authority" within sixty days after the first day of January each year shall cause a complete audit of its affairs to be made by a firm or certified public accountants approved by the council of the borough in which said "Authority" is created and set up and shall furnish a copy thereof to the said county commissioners the Federal Emergency Administration of Public Works and if desired to the trustee under any mortgage or deed of trust given to secure any bonds issued by the "Authority"

Section 503 Before entering upon the duties of office the treasurer of the "Authority" shall furnish a bond with at least one corporate surety or three individual sureties in an amount not less than one hundred per centum of the estimated amount of the largest sum which will probably be in the treasurer's hand at one time during the succeeding year Such bonds shall be conditioned for the safekeeping of the moneys of the "Authority" and faithful performance of the treasurer's duties

In lieu of furnishing surety bond as above provided the treasurer may pledge with any bank trust company or bank and trust company in Pennsylvania which may be agreed upon securities to guarantee safe-keeping of the funds of the "Authority" and faithful performance of his or its duties The securities so pledged shall have a market value of not less than one hundred twenty per centum of the estimated amount of the largest sum which will probably be in the hands of the treasurer at one time during the succeeding year The "Authority" shall have the right to require the pledging of additional securities if and when the securities already pledged shall become depreciated below said value All securities so pledged shall be accompanied by proper assignments or powers of attorney for their transfer

ARTICLE VI

Section 601 The "Authority" is hereby authorized to make and enforce such rules and regulations and to establish levy and collect (or to authorize by contract franchise lease or otherwise the establishment levying and collection of) such rents rates fees and other charges in connection with any properties which it may construct erect acquire own operate or control as it may deem necessary proper desirable and reasonable which said rents rates fees and other charges shall be at least sufficient to meet the expenses thereof including the cost of maintenance and operation thereof and interest and sinking fund or amortization charges and the "Authority" is hereby authorized and empowered to pledge such rates rents fees and other revenues or any part thereof either presently received or to be received in the future or both as security for the repayment with interest and taxes if any of any moneys borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any other obligation assumed by it in connection with such loans or advances

ARTICLE VII

Section 701 The Commonwealth of Pennsylvania and all municipalities and political subdivisions thereof so long as any bonds or other securities or obligations of the "Authority" remain outstanding and unpaid and unless and until adequate provision is made by law for the protection of those advancing money upon obligations shall not diminish or impair the power of the "Authority" to own operate or control its properties and facilities or to establish levy and collect rents rates fees and other charges in connection with such properties or facilities

ARTICLE VIII

Section 801 The effectuation of its authorized purposes by the "Authority" is and will be in all respects for the benefits of the people of the Commonwealth of Pennsylvania for the increase of their commerce and prosperity and for the improvement of their health and living conditions and since the "Authority" will be performing essential governmental functions in effectuating said purposes the "Authority" shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes and the bonds or other securities or obligations issued by the "Authority" their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation within the Commonwealth of Pennsylvania

ARTICLE IX

Section 901 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 902 All acts or parts of acts inconsistent herewith are hereby repealed

Section 903 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2756, entitled:

An Act exempting dental fixtures and equipment leased loaned hired or conditionally sold from levy or sale on execution or distress for rent

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter all dental fixtures and equipment loaned to or leased or hired by any person or persons residing within this Commonwealth or any corporation or corporations doing business therein or conditionally sold to any such person persons corporation or corporations under a contract of sale reserving title in the vendor until paid for shall be exempt from levy and sale on execution or distress for rent so long as the title thereto remains in the owner lessor or conditional vendor Provided That such owner lessor or conditional vendor of such dental fixtures and equipment or the person or persons leasing or hiring the same or to whom they have been delivered under a contract of conditional sale shall give notice to the landlord or his agent within ten days after such fixtures and equipment and the appurtenances thereto are placed upon the demised premises that the same are loaned leased hired or sold under reservation of title

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk:

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 4, by inserting after the word "equipment" the following: "adressograph machines and multigraph machine attachments and accessories"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act exempting dental fixtures and equipment leased loaned hired or conditionally sold from levy or sale on execution or distress for rent

On the question,

Will the House agree to the title?

Mr. HOOPES. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "equipment" the following: "addressograph machines and multigraph machine attachments and accessories"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2524, as follows:

An Act to amend section one thousand two hundred three of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing for the right of arrests on view by certain peace officers for summary offenses in certain cases and regulating procedure with respect thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred three of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justice of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 1203 Arrests on View or With Warrant

(a) Peace officers when in uniform and displaying a badge or other sign of authority may arrest upon view any person violating any of the provisions of this act where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person and such peace officers shall forthwith make and file with the magistrate before whom the arrested person is taken an information setting forth by section and subsection [in detail] the offense and at once furnish a copy thereof to the person arrested

(b) [If the defendant is unable to give bail as provided in this act for a hearing or for his appearance at court the magistrate shall accept as bail any article of sufficient value or if the defendant is the owner thereof shall hold in custody the vehicle found in his possession and the court or magistrate after the trial of the defendant or when bail according to law has been given shall make such order as to the disposition of such vehicle or other articles accepted as bail as shall seem just and proper] Peace officers other than constables and deputy sheriffs when in uniform and displaying a badge or other sign of authority may arrest upon view any person violating any summary offense provision of this act The arresting officer shall thereupon either

1 Take the name and address and operator's plate number of such person and registration number of the motor vehicle involved and shall forthwith either at the place of the arrest or at a police headquarters or station house within the municipality afford such person the right to sign a promise to appear before a magistrate where the alleged violation occurred at any special time within ten (10) days of the said arrest and shall furnish for such person a printed form in substantially the following language

I the undersigned hereby promise to appear before (name of magistrate before whom such appearance is to occur if known office address of such magistrate or location of court) in (name of municipality) on (date) at (hour) for hearing on complaint against me alleging a summary offense or offenses under the Vehicle Code as follows (specify charge by section and subsection num-

bers of the Vehicle Code) and I fully understand that failure to appear at the said time and place or if hearing be continued that failure to appear at the said time and place constitutes a misdemeanor punishable by law '

A copy of said promise to appear shall forthwith be given to the accused by the arresting peace officer Upon the signing of the promise to appear the accused shall forthwith be released from custody Such written promise to appear shall be valid and effective to cause the release of the dfendant for any continued hearing until the final disposition of the charge shall have been made by the magistrate Failure to appear at the said time and place shall be presumed to constitute a wilful refusal to appear subject to rebuttal by the accused Any person who shall wilfully violate this promise to appear given in accordance with this provision shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one hundred ($100) dollars or undergo imprisonment for not more than ten (10) days or both in the discretion of the court or

2 Take the arrested person forthwith before a magistrae of the municipality in which the offense is alleged to have been committed Such magistrate or court of proper authority shall thereupon require the arresting officer to file with him an information setting forth the provision or provisions of the act alleged to be violated citing the same by section and subsection on a form furnished by the said magistrate and shall at once furnish a copy thereof to the person arrested The defendant shall thereupon have the right to elect whether to be given an immediate hearing or give bail as provided in subsection (c) of this section for a hearing at any specified time within ten (10) days of the said arrest Provided That no defendant shall be detained in the exercise of the right of arrest conferred by this provision for a period of excess of two (2) hours after the said arrest for the purpose of such hearing or for any reason other than sentence regularly imposed or failure to enter security for appearance in accordance with this act In any case where the accused has not at the end of such period obtained a hearing or been given the opportunity of entering bail as provided herein the officer having the accused in custody shall promptly afford the accused the opportunity of signing a promise to appear as provided in section 1203 (b) 1 of this act and shall upon its execution release the accused from custody And further provided That the defendant shall have the right to waive such hearing in accordance with the provisions of this act or

3 Take the arrested person to the headquarters of any regularly constituted police department in the municipality and in cities to a station house and shall forthwith prepare and sign a memorandum and file same with the officer for the time being in charge of such headquarters or station house or with the desk sergeant if there be a desk sergeant on duty setting forth the name of the accused and the provision or provisions of the act citing same by section or subsection which is alleged to have been violated and the accused shall have the right to an immediate release except in cases where the offense is designated as a felony or misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person upon depositing a sum of money with such officer equal to the amount of the maximum fine or fines and costs applicable to the offense or offenses charged or upon entering bail before a magistrate as provided under subsection (c) of this section Such memorandum shall designate the time and place for appearance for hearing the name of the magistrate before whom such appearance is to occur the sum of money deposited if any and the officer who shall have received such deposit shall prior to the date so fixed for such appearance place such deposit in the hands of the magistrate at the time of filing such memorandum The arresting officer shall give to the accused a signed copy of the memorandum If the accused appears for a hearing at the time so designated such deposit shall thereupon be refunded to him by the magistrate prior to hearing but if he fails to appear such non-appearance shall constitute a presumptive plea of guilty subject to rebuttal by an appeal within five (5) days thereafter as provided in this act in other cases of summary conviction and such deposit shall be regarded as a fine or fines and costs paid pursuant to such a plea and shall be reported and returned according to the provisions of this act Nothing herein contained shall be construed as in any way affecting the right of the accused to waive a hearing or to give bail as provided in this section for a hearing at any specified time within ten (10) days of the said arrest provided that a plea of guilty has not previously been entered under the provisions of this subsection Nothing herein contained shall be construed as authorizing any peace officer to accept monies as deposit or otherwise from any motorist upon the public highways or at any place other than at a regularly constituted police headquarters or station house Any such officer who shall accept such deposit other than in a regularly constituted police headquarters or station house and any peace officer or magistrate who shall wilfully refuse to carry out any of the duties imposed by this section or subsection shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than three hundred ($300) dollars and costs of prosecution or imprisonment for not more than two (2) months or both at the discretion of the court

The term "municipality" as used herein shall be construed to mean any city borough incorporated town or township within this Commonwealth

(c) If the defendant is unable to give bail [as provided in this act] in the usual legal form for a hearing or continued hearing or for his appearance at court the magistrate shall accept as bail any article of sufficient value or if the defendant is the owner thereof and tenders the same shall hold in custody the vehicle found in his possession and the court or magistrate after the trial of the defendant or when bail [according to law has been] in the usual legal form is given shall make such order as to the disposition of such vehicle or other articles accepted as bail as shall seem just and proper Bail in any equal to double the amount of the fine and costs which might be imposed for the offense or offenses charged

Section 2 · The provisions of this act shall become effective ninety (90) days after approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2469 as follows:

An Act to authorize cities other than those of the first class to construct or acquire waterworks subways underground railways or street railways and the appurtenances thereof and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenues thereof secured solely by liens upon the respective properties and imposing no municipal liability providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof and the nature and extent of such lien providing for the payment of such bonds and the rights of the holders thereof and repealing acts and parts of acts in conflict therewith

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Cities Authorized to Construct or Acquire Waterworks Subways and Railways Pursuant to Section fifteen Article nine of the Constitution of this Commonwealth the council of any city other than a city of the first class may authorize the appropriate officials or agencies thereof to construct or acquire waterworks subways underground railways or street railways and the appurtenances thereof and to finance the construction or acquisition of such waterworks subways underground railways or street railways and appurtenances thereof from the proceeds of the sale of bonds secured only by liens thereon

payable from the revenues thereof and imposing no municipal liability As used in this act the term "undertaking" shall mean any such waterworks subway underground railway or street railway and appurtenances thereof and the term "city" shall mean any city of the Commonwealth other than a city of the first class

Section 2 Additional Powers of Cities In addition to the powers which it may now have any city shall have power under this act (a) to construct acquire by gift purchase or the exercise of the right of eminent domain in the manner now or hereafter prescribed by law any undertaking within or without the city or partially within or partially without the city and to acquire by gift purchase or the exercise of the right of eminent domain in the manner now or hereafter prescribed by law lands or rights in land or water rights in connection therewith (b) to operate and maintain any undertaking and furnish the services facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such city (c) to issue its bonds to finance in whole or in part the cost of the acquisition purchase or construction of any undertaking (d) to prescribe and collect rates fees and charges for the services facilities and commodities furnished by such undertaking and (e) to fix the extent of the lien of such bonds upon the undertaking for which such bonds are issued by pledging to the punctual payment of such bonds and the interest thereon an amount of the revenues of such undertaking or of any part of such undertaking sufficient to pay such bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor The council of the city in determining the cost of acquiring purchasing or constructing an undertaking may include all costs and estimated costs of the issuance of such bonds all engineering inspection fiscal and legal expenses and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this act

Section 3 Authorization of Undertaking Form and Terms of Bonds The acquisition purchase or construction or any undertaking may be authorized under this act and bonds may be authorized to be issued under this act by ordinance or ordinances of the council of the city which may be adopted at the same meeting at which they are introduced by a majority of all the members of the council then in office and shall take effect immediately upon adoption Such bonds shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually may be in one or more series may bear such date or dates may mature at such times or times not exceeding forty years from their respective dates may be payable in such medium of payment at such place or places may carry such registration privileges may be subject to such terms of redemption may be executed in such manner may contain such terms covenants and conditions and may be in such form either coupon or registered as such resolution or subsequent resolutions may provide Such bonds shall be sold at not less than par Such bonds may be sold at private sale to the United States of America or any agency instrumentality or corporation thereof Unless sold to the United States of America or any agency instrumentality or corporation thereof such bonds shall be sold at public sale to the highest bidder in the manner prescribed by existing statutes governing the sale of other bonds of cities Pending the preparation of the definitive bonds interim receipts or certificates in such form and with such provisions as the council may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this act Such bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law of this Commonwealth

Section 4 Covenants in Ordinance Authorizing Issuance of Bonds Any ordinance or ordinances authorizing the issuance of bonds under this act may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of such bonds may be applied and the use and disposition thereof (b) the use and disposition of the revenue of the undertaking for which such bonds are to be issued including the creation and maintenance of reserves (c) the transfer from the general funds of the city to the account or accounts of the undertaking of a sum or sums of money for furnishing such city or any of its departments boards or agencies with the services facilities and commodities of such undertaking (d) the issuance of other or additional bonds which are a charge or encumbrance on the revenue of such undertaking (e) the operation and maintenance of such undertaking (f) the insurance to be carried thereon and the use and disposition of insurance moneys (g) books of account and the inspection and audit thereof and (h) the terms and conditions upon which the holders of such bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the court of common pleas of the county in which the city is located which court shall have jurisdiction in such proceedings and which receiver may enter and take posession of such undertaking operate and maintain the same prescribe rates fees or charges and collect receive and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do The provisions of this Act and any such ordinance or ordinances shall be a contract with the holder or holders of such bonds and the duties of the city and of its council and officers under this act and any such ordinance or ordinances shall be enforceable by any bondholder by mandamus or other appropriate suit action or proceeding in any court of competent jurisdiction

Section 5 Validity of Bonds Such bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the city issuing the same The validity of such bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition purchase or construction of the undertaking for which the bonds are issued The ordinance authorizing such bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act which recital shall be conclusive evidence of their validity and of the regularity of their issuance

Section 6 Bonds Not a Municipal Liability No holder or holders of any bonds issued under this Act shall ever have the right to compel any exercise of the taxing power of the city to pay such bonds or the interest thereon Each bond issued under this Act shall recite in substances that such bond including interest thereon is payable from the revenue pledged to the payment thereof and constitutes a lien on the undertaking for acquisition purchase or construction of which the bond was issued and that the bond does not constitute a municipal liability of the city

Section 7 Undertakings to be Self-Supporting The council of a city issuing bonds pursuant to this Act shall prescribe and collect reasonable rates fees or charges for the services facilities and commodities of such undertaking and shall revise such rates fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting The rates fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged charged or otherwise encumbered including reserves therefor and (b) to provide for all expenses of operation and maintenance of such undertaking including reserves therefor

Section 8 Undertaking and Bonds Exempt from Taxation So long as a city shall own any undertaking the property and revenue of such undertaking shall be exempt from all state county and municipal taxation Bonds and the income therefrom issued pursuant to this Act shall be exempt from all state county and municipal taxation except inheritance transfer and estate taxes

Section 9 Regulation The Public Service Commission of this Commonwealth shall have no jurisdiction over any city in the management and control of any undertaking under this Act including the regulation of rates fees and charges

Section 10 Separability of Provisions If any provisions of this Act or the application of such provision to any person body or circumstances shall be held invalid the remainder of this Act or the application of such provisions to persons bodies or circumstances other than those as to which it is held invalid shall not be affected thereby

Section 11 Acts Repealed The following parts of acts are hereby repealed

Sections one and two of the act approved the fifth day of June one thousand nine hundred and fifteen (Pamphlet Laws eight hundred forty-six) entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities" in so far as it relates to cities

Sections three hundred five hundred twenty-two and three thousand five hundred twenty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to third class cities and revising amending and consolidating the laws relating thereto"

Section 12 Time of Taking Effect This Act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1980, as follows:

An Act to repeal the act approved the twenty-second day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of April one thousand nine hundred and fifteen (Pamphlet Laws one hundred seventy-two) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2410, as follows:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities

ARTICLE I

ADOPTION OF CITY CHARTERS

CITIES EMPOWERED TO ADOPT CHARTERS

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city may frame and adopt a charter for its own government in the following manner

Section 2 Initiation of Proceeding to Adopt Charter The city council or other legislative authority of said city by a two-thirds vote of its members may or upon petition signed by qualified electors equal in number to at least twenty per centum of the total number of electors registered at the preceding general or municipal election shall forthwith provide by ordinance for the submission to the qualified electors of the city of the question "Shall a commission be chosen to frame a charter for the city of ....." But in no case shall more than twenty-five thousand signatures be required on any such petition

Such ordinance shall require that the question be submitted to the qualified electors at the next general or municipal election occurring at least sixty days after the enactment of the ordinance

A copy of said ordinance certified by the secretary or clerk of the legislative authority of the city shall be filed with the county commissioners and with the Secretary of the Commonwealth

Section 3 Nominations of Candidates for Commission At the same election a charter commission shall be elected Candidates for the commission shall be nominated by nomination papers filed with the county commissioners at least twenty-eight days before the election The nomination papers of each candidate shall set forth his name profession business or occupation if any and his place of residence with street and number if any and shall be signed by qualified electors equal in number to not less than two per centum of the total number of qualified electors of the city as shown by the last preceding personal registration of the electors of the city but in no case shall less than one hundred nor more than one thousand signatures be required for the nomination of any one candidate Each elector signing a nomination paper shall add to his signature his occupation and residence giving street and number if any and shall also add the date of signing No elector shall sign nomination papers for more than ten candidates Nomination papers may be on one or more sheets but each sheet shall have appended to it the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth (a) that the affiant is a qualified elector of the city (b) his residence with street and number if any (c) that the signers signed will full knowledge of the contents of the nomination paper (d) that their respective residences are correctly stated therein (e) that they all reside in the city (f) that each signed on the date set opposite his name and (g) that to the best of affiant's knowledge and belief the signers are qualified electors of the city Blank forms of nomination papers shall be prepared by the secretary or clerk of the city council or other legislative authority of the city in form prescribed by the Secretary of the Commonwealth and copies of such nomination papers shall be furnished by him to candidates upon application

Section 4 Proceedings to Set Aside Nomination Papers Application to set aside any nomination paper may be made by petition filed in the court of common pleas of the county within five days after the last day for the filing of nomination papers with the county commissioners and such petitions shall specifically set forth the matters objected to Upon the presentation of any such petition the court shall make an order fixing a time for hearing which shall be not later than ten days after the last day for filing nomination papers with the county commissioners The court shall also specify the time and the manner of notice that shall be given to the candidates named in the nomination paper sought to be set aside

No nomination paper shall be set aside except for

(a) Material error or defects apparent upon the face

thereof or on the face of the appended or accompanying affidavit or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of sufficient number of genuine signatures of persons qualified with respect to age residence and citizenship to be electors

If the matters objected to are such as are specified in in subdivision (a) of this section the court upon hearing the case may in its discretion permit amendments within such time and upon such terms as to the payment of costs as the court may specify

In case the petition to set aside a nomination paper is dismissed the petitioner shall pay the whole of the costs of the proceedings including all witness fees

Section 5 Form of Question Arrangement of Names of Candidates The county commissioners shall cause the question hereinbefore provided for and the names of the candidates for the charter commission to be printed upon the ballots or ballot labels to be used at the election in the form and manner provided by the laws governing general and municipal elections The names of the candidates shall be printed on the ballots or ballot labels without any party designation The position of the names of the candidates upon the ballots or ballot labels shall be determined by the drawing of lots at a time and place fixed by the county commissioners

Section 6 Number of Candidates to be Voted for Membership of Commission Tie Votes Each qualified elector shall be entitled to vote for ten candidates only and the fifteen candidates receiving the highest respective vote shall be declared elected and shall constitute the charter commission In case of a tie vote between two or more candidates the person to be entitled to membership on the commission shall be selected by the casting of lots before the prothonotary of the county at a time and place to be fixed by him

Section 7 Vacancies Vacancies in the membership of the commission caused by death resignation removal from the city or otherwise shall be filled by the remaining members of the commission

Section 8 Effect of Negative and Majority Votes Organization of Commission If a majority of the qualified electors voting on the question "Shall a commission be chosen to frame a charter for the city of ....." shall vote in the negative then no further proceedings shall be had and all proceedings theretofore had shall be of no effect If a majority of the qualified electors so voting shall vote in the affirmative then the mayor or other chief executive of the city shall fix a time and place and call a meeting of the members of the charter commission within thirty days after said election and at such meeting the commission shall organize and proceed to frame a chartre for the government of such city No member of the commission shall receive any compensation for his or her services on said commission All meetings of the commission shall be open to the public except when the commission may desire an executive session

Section 9 Framing of Proposed Charter and Ballot Questions Signing Filing and Distribution of Official Draft Separate and Alternative Provisions The charter commission thereupon shall proceed to frame a charter for the government of the city for submission as one proposal or as one main proposal and separate proposals for severable or alternative provisions

The commission shall prepare an official draft setting forth the text of the proposal or proposals submitted by it for vote of the qualified electors together with the form of the question or qeustions to be printed on the ballot or ballot labels The commission shall endeavor to frame each separate proposal and ballot question so as to avoid any conflicts among provisions which may be adopted by a vote of the qualified electors and so as to show on the ballots or ballot labels when a proposition must fail with another proposition Should two or more propositions adopted by vote of the qualified electors be found to conflict the proposition receiving the largest number of votes shall control as to all matters in conflict

The official draft shall be signed by at least a majority of the members of the commission Not later than nine months after the election of the commission the commission shall file this draft with the secretary or clerk of the city council or other legislative authority of the city and he shall cause it to be recorded at length in the minutes and also transmit a correct copy of the question or questions to be placed on the ballots or ballot labels to the county commissioners or other authority charged with the preparation of the ballots or voting machines upon which the questions are to be placed at least thirty days before the election at which the questions are to be submitted

The commission shall cause the official draft of its proposal and ballot questions to be printed in pamphlet form and in such number as the commission shall determine Said pamphlets shall be deposited with the secretary or clerk of the city council or other legislative authority of the city at least seventy days before the election hereinafter provided for and shall by him be distributed to qualified electors of the city upon application The commission shall make such further provisions as it may deem necessary for giving to the qualified electors of the city information concerning its proposals

Section 10 Submission of Proposed Charter The charter so framed shall be submitted for approval to the qualified electors of the city at the general or municipal election next succeeding the one at which the commission was elected

Section 11 Effect of Charter on Existing Laws Such proposal or proposals as are approved by a majority of the qualified electors voting thereon subject to the exceptions provided herein shall become the organic law of the city at such time as may be fixed therein and all courts shall take judicial notice thereof So far as the same is consistent with the grant of powers and the limitations restrictions and regulations hereinafter prescribed it shall supersede any existing charter and all acts or parts of acts affecting the organization government and powers of such city which are in conflict therewith All existing acts or parts of acts and ordinances affecting the organization government and powers of the city not in conflict with the organic law so adopted shall remain in full force No contract existing at the time of the adoption of a charter by a city under the provisions of this act shall be affected thereby but such contract shall have the same force and effect and be of the same validity as if such charter had not been adopted

Section 12 Recording and Filing of Charter Printing in Pamphlet Laws The secretary or clerk of the city council or other legislative authority of the city shall forthwith cause the said charter as approved by the qualified electors to be recorded in the ordinance book of the city and in the office of the recorder of deeds of the proper county or counties in a book to be provided and kept for that purpose He shall also file a certified copy thereof in the office of the Secretary of the Commonwealth and the text thereof shall be published as an appendix to the pamphlet laws subsequently published

Section 13 Conduct of Elections Returns Certificates of Election All elections provided for in this act shall be conducted by the election officers for such city in accordance with the laws governing general and municipal elections The election officers shall count the votes cast and make return thereof to he prothonotary of the county The result of any such election shall be computed in the same manner and by the same return board as is provided by law for the computation of other returns at any such election Certificates of the result of any such election shall be filed by the prothonotary with the city council or other legislative authority of the city and with the Secretary of the Commonwealth and certificates of election shall be given by the prothonotary to the candidates elected to any charter commission

Section 14 Notice of Elections At least thirty days' notice of each election herein provided for shall be given by proclamation of the mayor or other chief executive of the city A copy of such proclamation shall be posted in each daily newspaper of the city once a week for four consecutive weeks prior to the election

Section 15 Expenses Paid by City The expenses of the charter commission including the cost of publishing

and distributing the commission's proposal or proposals and all other expenses incurred in connection with any proceedings hereinbefore provided for when not otherwise provided for by law shall be paid from the city treasury and the city council or other appropriating authority of the city shall provide therefor

ARTICLE II

NEW CHARTERS AMENDMENTS

Section 20 Initiation Proceedings Any charter adopted under the provisions of this act may be amended or replaced by a new charter through the medium of a commission in the same manner as is hereinbefore provided for the adoption of a charter Amendments to any charter adopted under the provisions of this act may also be proposed by a two-thirds vote of the city council or other legislative authority of the city or by a petition filed with the city council or other legislative authority of the city setting forth the proposed amendment or amendments and signed by qualified electors equal in number to not less than twenty per centum of the total number of qualified electors registered in the city at the preceding general or municipal election but in no case shall more than twenty-five thousand signatures be required

Section 21 Qualified Electors to Vote on Amendments All amendments proposed by the council or other legislative authority of the city or by petition of qualified electors shall be submitted to he qualified electors of the city for adoption at the next general or municipal election occurring at least ninety days afer such proposal by the city council or other legislative authority or the filing of a petition by qualified electors

Section 22 Question to Be Submitteed to Qualified Electors Whenever it is proposed to create a commission for the purpose of drafting a new charter or amendments to an existing charter adopted under the provisions of electors shall be "Shall a commission be chosen to frame (a new charter for) (amendments to the charter of) the city of ....."

Whenever amendments are proposed by the city council or other legislative authority of the city or by petition of qualified electors the question to be submitted to the qualified electors of the city shall be framed by the city council or other legislative authority

Ballot questions must be so framed that a qualified elector may vote for or against any amendment without voting for or against all amendments submitted

Section 23 Elections on New Charters and Amendments Publication Except as in this article otherwise provided all proceedings for the holding of elections to vote on the adoption of a new charter or amendments to an existing charter shall be as hereinbefore provided for elections on the question of the adoption of a charter Amendments proposed by the city council or other legislative authority of the city or by petition of qualified electors shall be published and distributed in the manner provided for the publication and distribution of the proposal or proposals of the charter commission

Section 24 Limitations on the Adoption of New Charters and Amendments No question for the election of a commission to frame a new charter or to frame amendments to a charter adopted under the provisions of this act shall be submitted to the qualified electors oftener than once in every four years Amendments proposed by the city council or other legislative authority of the city or by petition of qualified electors may be submitted at any general or municipal election

Section 25 Effect of New Charters and Amendments All new charters or amendments to existing charters when duly adopted filed and recorded as hereinbefore provided in th case of the adoption of a charter shall become the organic law or part thereof of the city and shall take effect at the time specified therein

ARTICLE III

GENERAL GRANT OF POWERS LIMITATIONS

Section 30 General Grant of Power and Authority Subject to the limitations hereinafter prescribed each city taking advantage of this act and framing and adopting or amending its own charter thereunder shall have and may exercise all powers and authority of local self government and shall have complete powers of legislation and administration in municipal affairs The charter of any city adopted in accordance with this act may provide for any form or system of municipal government and for the exercise of any and all powers thereof not inconsistent with the Constitution of the United States or of this Commonwealth to the full extent that the general assembly may legislate in reference thereto as to cities or cities of any class and with like effect and the city may enact ordinances rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the city by the charter it adopts or by this or any other law Ordinances rules and regulations adopted under the authority of this act or under the provisions of the charters adopted hereunder shall be enforceable by the imposition of fines forfeitures and penalties not exceeding three hundred dollars and by imprisonment for a period not exceeding ninety days

Section 31 Limitations Nothing contained in the foregoing grant of powers and authority shall authorize any city to adopt provisions in any charter contrary to any provisions of law which are

1 Applicable to a class or classes of cities on the following subjects

(a) Limiting rates and fixing subjects of taxation

(b) Providing for the assessment of real or personal property and persons for taxation purposes

(c) Providing for the filing and collection of municipal and tax claims or liens and for the sale of real or personal property in satisfaction thereof

(d) Providing the procedure for the condemnation of property for public purposes

(e) Providing for the assessment of damages and benefits for property taken injured or destroyed

(f) Providing methods for the incurring or increasing of indebtedness

(g) Providing for the annexation or exclusion or detachment of territory

(h) Regulating public schools or

(i) Providing for the personal registration of electors

2 Applicable in every part of the Commonwealth or

3 Applicable to all the cities of the Commonwealth

But any such charter may prescribe the manner in which elective city officers may be nominated and elected nor

Shall any city exercise any powers or authority beyond the city exercise any powers or authority beyond the city limits except such as are conferred by Act of the General Assembly

Section 32 Subsequent Legislation No act of the General Assembly applicable to a class or classes of cities which is enacted after the adoption of a charter by any city under the provisions of this act shall be held to apply to such city unless expressly so provided therein or unless it relates to one of the subjects mentioned in Subsection one of Section thirty-one of his Act

ARTICLE IV

GENERAL PROVISIONS

Section 40 Validation of Charter Proceedings No charter or any amendment to an existing charter when adopted by a majority vote of the qualified electors of any city voting at any general or municipal election shall be declared invalid or be set aside on account of any defect error or omission in the proceedings for the adoption of any such charter or amendment and all such proceedings after such adoption shall be and are hereby validated

Section 41 Construction of Act The provisions of this act are declared to be severable and if any of its provisions are declared unconstitutional such decision shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 42 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2487, as follows:

An Act Amending Sections Eight Ten Sixteen and Seventeen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highways Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by providing for the abandonment of sections of State Highway Routes providing an effective date for the condemnation of easements for highway purposes and slopes providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings extending the Commonwealth's obligation to additional bridges providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures requiring occupancy permits for additional types of structures

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the said act as amended is hereby further amended to read as follows

Section 8 [Whenever it shall appear to the Secretary of Highways that any part or portion of a State highway as now or hereafter defined and described is dangerous or inconvenient to the traveling public in its present location either by reason of width grades dangerous turns or other local conditions or that the expense to the Commonwealth in the construction building rebuilding maintenance and repair thereof would be too great or unreasonable and could be materially reduced or lessened by a change of the road or route] The Secretary of Highways is hereby empowered to change alter or establish the width lines location or grades of [such] any State highway or any intersecting road in such manner as in his discretion may seem best in order to correct [said] danger or inconvenience to the traveling public or lessen the cost to the Commonwealth [and] in the construction reconstruction or maintenance thereof After the relocation has been opened to traffic the Secretary of Highways by notice to the local authorities may abandon as a State highway route all or any part of the section of highway between the termini of the relocation Where the [portion of the line or route so abandoned shall be entirely contiguous to the new line or being of a length not exceeding one-half of a mile shall have both termini in the new route whereby such new route supplies and takes the place of the abandoned portion so that in the opinion of the Secretary of Highways the same shall be unnecessary for public use and travel or burdensome or dangerous the Secretary of Highways may at any time by written order declare the portion of the road so abandoned to be vacated and thereafter the same shall be closed to public use and travel and shall no longer be a public road or where the portion of the line or route so abandoned shall have both termini in the new route whereby such] new route in the judgment of the Secretary of Highways supplies and takes the place of any part of such abandoned portion and such part is of a length [in excess] of [one-half mile and] not more than two miles the Secretary of Highways being of the opinion that such part shall be unnecessary for public use and travel or burdensome or dangerous and having due regard for the convenience of access to the new highway by the owners of property abutting on such part may at any time by written order declare such part to be vacated [upon being requested so to do by a petition signed by the owners of property comprising at least three-fourths of the lineal foot frontage which abuts the part to be vacated] and thereafter the part so vacated shall be closed to public use and travel and shall no longer be a public road Provided That the said Secretary of Highways shall first submit a plan of the proposed change and any proposed order of vacation to the Governor and that the same shall be approved by him and filed as a public record in the office of the Department of Highways The approval of such plan or plans by the Governor shall be considered to be the condemnation of an easement for highway purposes from all property within the lines marked as required for right-of-way and the condemnation of an easement of support or protection from all property within the lines marked as required for slopes

The Secretary of Highways shall also have power with the approval of the Governor to establish the ultimate width and lines of any State highway for future construction before or after the construction reconstruction or improvement of the same not however exceeding the maximum width fixed by law for public roads [Whenever the Secretary of Highways shall establish the] The establishment of such ultimate width and lines [of any such State highway] for future construction [he] shall [cause] be by a description and plan [thereof to be made] showing the center line of said highway and the established ultimate width thereof for future construction [and shall attach thereto his] bearing the acknowledgment [.] of the Secretary of Highways Thereupon such description plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county in a separate book kept for such purpose which shall be furnished to the recorder of deeds by the county commissioners at the expense of the county All costs of the recording as herein provided shall be paid by the county

No person shall [hereafter] be entitled [for a period

of two years from the approval of this act] to recover any damages for any buildings or improvements of any kind which shall or may be placed or constructed upon or within the lines of any such State highway after the same shall have been established for future construction and recorded as aforesaid

No person shall be entitled to damages by reason of such establishment of the ultimate width and lines of a State highway for future construction and where the Commonwealth by its proper authorities has improved and constructed or shall hereafter improve and construct such State highway and in so doing has taken or shall take a part only of the lands lying within the lines shown by such plan damagaes shall be allowed for and to the extent of such actual taking only Such taking shall be deemed to occur only when right-of-way plans or construction drawings prepared by the Department of Highways showing thereon the right-of-way required for highway purposes and for slopes shall have been approved by the Secretary of Highways and the Governor and filed as a public record in the office of the Department of Highways

Section 2 Section Ten of the said Act as amended is hereby further amended to read as follows

Section 10 Anything herein contained or any apportionment of the State into highway districts shall not be construed as including or in any manner interfering with the roads streets and highways in any of the cities boroughs or incorporated towns of the Commonwealth Provided That where any road street or highway shall form a part or section of any State highway as now or hereafter established within the limits of any borough or incorporated town the Department of Highways shall improve or reconstruct any section or sections of such road street or highway which have heretofore been maintained or are hereafter established as State highways to be maintained by the Department of Highways to such width as it may deem advisable at the expense of the Commonwealth

The maintenance of any road street or highway which forms a part or section of any State highway as now or hereafter established within the limits of any borough or incorporated town shall be done by the Department of Highways at the expense of the Commonwealth Provided That all improvements reconstruction and maintenance of any road street or highway in boroughs or incorporated towns shall be of such width and type as may be determined by the Secretary of Highways

The Department of Highways shall also construct reconstruct and maintain any bridge over a stream which the borough or incorporated town is obligated to maintain and which bridge is located on or forms a part of a State highway [established prior to the twenty-second day of June one thousand nine hundred thirty-one] within the limits of any borough or incorporated town Provided That nothing herein contained shall authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing on any highway within the limits of a borough or incorporated town and no such assessment shall hereafter be made under any act of Assembly heretofore enacted And provided further That nothing in this act shall be construed as placing on the Commonwealth the payment of any costs of construction or reconstruction of any such bridges in boroughs or incorporated towns for the construction or reconstruction of which a contract has been let prior to the effective date of this act and the Department of Highways shall not assume the obligation for the construction reconstruction or maintenance thereof until such contract has been performed

No opening shall be made in the surface of any improved highway which is maintained by the Department of Highways under the authority of this act within the limits of any borough or incorporated town until and unless a permit has been obtained for such opening either from the municipal authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the municipality Where a permit is not obtained from the Department of Highways as above provided the borough or incorporated town shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25) dollars and in addition thereto the cost of prosecution and surface restoration costs and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 3 That Section Sixteen of said act as amended by Act of Assembly approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws two hundred nine) is hereby further amended to read as follows

Section 16 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway on the plan of the State highways wherein a change of width or of existing lines and location is necessary and damage is likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300.00) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings

may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county [or Commonwealth] shall also provide for the removal of all structures within the lines of the highway as thus established [as may be] unless otherwise provided by agreement between said county and th Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relocation or widening of any highway as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

Section 4 That section seventeen of the said act as amended is hereby further amended to read as follows

Section 17 All State highways under the provisions of this act shall be marked with suitable signs having the words "State Highway" and year-date thereon and signs or distance board giving directions to towns or villages shall be erected at cross or intersecting roads the same to be paid for as part of the cost of the highway The Secretary of Highways may also cause trees to be planted and maintained along said highways the same to be paid for as a part of the cost of the road No railroad or street railway shall hereafter be constructed upon any State highway or State-aid highway nor shall any railroad or street railway crossing nor any gas pipe water pipe electric conduits or other piping be laid upon over under or in nor shall any telephone telegraph or electric light or power poles or [any coal tipples or any] other [obstruction] structures be erected upon over or in any portion of a State highway or State-aid highway nor shall any opening be made therein except under such conditions restrictions and regulations and subject to the payment of such fees for permits for the placing replacing repair and removal of such structures and openings as may be prescribed and required by the Department of Highways such fees not [exceeding] to exceed the reasonable cost of [issuing the permit expense of inspecting the work authorized by such permit upon completion thereof] permit issuance inspection and surface restoration costs The Secretary of Highways shall also have authority to issue permits to any public utility company for the occupancy by the facilities of such company of any bridge under the control or jurisdiction of the Department of Highways Such permits shall be for such length of time and for such fee for the occupancy of said bridge as may be determined by the Secretary of Highways subject to the right of the utility company to appeal to the court of common pleas of the proper county having jurisdiction thereof as to the reasonableness of the fee of the occupancy All fees so collected shall be paid into the State Treasury and shall be credited to the special fund in the State Treasury into which motor vehicle registration and license fees are now paid and all such fees in said fund from time to time are hereby specifically appropriated to the Department of Highways for expenditures for the same purposes and in like manner as that for which the moneys now in said fund may be expended Any person failing to obtain such a permit before doing any work on any highway for which a permit is required by this section shall for every such offense be sentenced upon conviction in a summary proceeding to pay a fine not exceeding one hundred dollars ($100) and costs together with the cost of restoring any highway which shall be paid into the State Treasury and credited to the Motor License Fund as hereinbefore provided The Secretary of Highways is empowered to make reasonable rules and regulations governing the use of all State highways and State-aid highways and any person violating such rules or regulations or who shall by the use of roughlocks dragchains upon wagon wheels or by any other method or device or in any manner wilfully or maliciously destroy injure or damage any such highway in this Commonwealth shall be guilty of a misdemanor and upon arrest and conviction therefor shall pay a fine of not less than ten dollars ($10) nor more than twenty dollars ($20) for each and every offense together with the costs of prosecution which shall be recovered as in similar cases upon complaint of any person before a magistrate or justice of the peace and the fine or fines so recovered shall be paid into the State Treasury

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 315, entitled:

An Act to amend section one of article six of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended by providing for the assessment of a less rate of tax upon buildings than upon land graded over a period of years until the rate upon buildings shall become one-fifth of the rate upon land

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of

Representativs of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article six of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" which was last amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-one (Pamphlet Laws sixty-eight) is hereby further amended to read as follows

ARTICLE VI

Department of Assessors

Section 1 This department shall consist of no less than five (5) members and an additional member for each seventy-five thousand inhabitants over two thousand as shown by the last preceding United States decennial census all of whom shall have been residents of the city or of adjacent territory annexed to the city for at least ten years and shall not be of the same political party The annual salaries of such members shall be fixed by the council Provided That such salaries shall not be less than fifteen hundred ($1,500) dollars per annum for the first two hundred thousand inhabitants of said cities with an additional five hundred ($500) dollars per annum for each additional seventy-five thousand inhabitants according to the last preceding United States decennial census and said members shall from time to time make all valuations for purposes of municipal taxation

They shall classify all real estate in the city in such manner and upon such testimony as may be adduced before them so as to distinguish between the buildings on land and the land exclusive of the buildings and [to] shall certify to the councils of said city the aggregate valuation of [city property subject to taxation] the buildings on land and of the land exclusive of the buildings subject to taxation by said city It shall be the duty of said councils in determining the rate for [each year hereafter] the years one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven to assess a tax upon the building equal to four-tenths of the highest rate of tax required for said years and for the years one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine to assess a tax upon the buildings equal to three-tenths of the highest rate required for said years and for the year one thousand nine hundred and forty and for each year thereafter to asses a tax upon the buildings equal to [five-tenths] two-tenths of the highest rate of tax required to be assessed for each such year respectively so that upon the said classes of real estate of said city there shall in any year be two rates of taxation

They shall triennially make a valuation for all [purpose] purposes of municipal taxation and shall have the power to administer oaths They shall have the power to make a new assessment in any ward or wards they deem necessary in any subsequent year other than triennial years in the manner prescribed by law for the triennial assessment Any property owners shall have the right to be heard by the full board sitting as a board of revision on appeal from any valuation The assessment as aforesaid shall remain the lawful assessment for purposes of city taxation until the next assessment Nothing herein contained shall be construed to repeal the act of July nine one thousand eight hundred and ninety-seven providing for the classification of real estate and other property for purposes of taxation and for the election of assessors and prescribing the duties thereof in cities of the second class except so far as the same may be inconsistent herewith

The councils shall by ordinance make all further needful rules and regulations for the government of this department

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. POWERS. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Shaw.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SHAW. I will, Mr. Speaker.

Mr. POWERS. Mr. Speaker, may I ask what is the purpose in sending this bill back to committee.

Mr. SHAW. The purpose, Mr. Speaker, is for further study. Several members have requested the chairman of our delegation that further study be given to the bill.

Mr. POWERS. Mr. Speaker, this bill was before the House at the last session and is the same bill that was here in 1933. I think they have had a considerable period of time to study the bill. On your desks yesterday you found a pamphlet, and today you had a letter in explanation of the bill. I can see no reason for recommitting this bill.

Mr. SHAW. Mr. Speaker, in reply to the statement of the gentleman from Allegheny, I would say that the membership of the House this session is vastly different from what it was during the Sessions of 1931 and 1933, and we still believe, at least some of us do, that this bill should be given further study.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. POWERS and Mr. MENTZER and were as follows:

YEAS—82

Achterman,	Diehl,	LaRue,	Ruth,
Allen,	Dilley,	Long,	Sarraf,
Altenburg,	Downey, J. J.,	Lovett,	Scanlon,
Aukerman,	Eberharter,	Mason,	Schrock,
Baine,	Eroe,	McElroy,	Schwab,
Baker, F. T.,	Finnerty,	Merrell,	Shaw,
Barber,	Fitch,	Moomaw,	Shepard,
Brancato,	Flanagan,	Mooney,	Shreiner,
Brennan,	Furman,	Moul,	Shugarts,
Brown, H. S.,	Gerard,	Munley,	Smith, J. A.,
Brownfield,	Haluska,	Murrin,	Stank,
Brumbaugh,	Hamilton, F. P.,	Nagel,	Stone,
Burke,	Harkins,	Ominsky,	Sumney,
Caputo,	Harmuth,	Panton,	Tahl,
Carr,	Hart,	Parks,	Turner,
Coakley,	Hetrick,	Patterson, J. W.,	Van Allsburg,
Cochran,	Hirsch,	Pearson,	Weiss,
Cohen,	Holstrom,	Pfaff,	Welsh,
Coleman,	Kelso,	Reising,	Wickersham,
Condon,	Kilroy,	Robinson,	Sarig,
Decker,	Klingler,		

NAYS—77

Atkins,	Gates,	Moore,	Snyder, J. L.,
Baldi,	Gillette,	Moran,	Sowers,
Barnhardt,	Green,	Muir,	Sproul,
Bernhard,	Greenstein,	Nothnagle,	Stevens,
Blumberg,	Haberlen,	Patterson, C.,	Stewart,
Boose,	Hamilton, R. S.,	Perry,	Stott,
Boyd, R.,	Hartman,	Peters,	Surface,
Boyer,	Hermansen,	Phillips,	Tronzo,
Brown, J. E.,	Hoffner,	Piole,	Trout,
Castor,	Horst,	Powers,	Tumelty,
Conner,	Jackson,	Reynolds,	Van Sickle,
Cordier,	Jones,	Root,	Weidemann,
Davies,	Kane,	Ruffennach,	Welliver,
Denning,	Kelder,	Schrope,	Westrick,
Dent,	Kinney,	Shortz,	Winner,
Downey, G. E.,	Male,	Simpson,	Witkin,
Duffort,	McCreary,	Sinwell,	Wood,
Falkenstein,	McKinney,	Sloan,	Yeakel,
Farko,	Mentzer,	Snyder, F. E.,	Zimmerman,
Forrest,			

So the question was determined in the affirmative and the motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1369, as follows:

An Act to amend section one thousand and twenty-five of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the power of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended increasing the penalty for failure to stop and render assistance under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pnnsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and twenty-five of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain nosts upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1025 Duty to Stop in Event of Accident

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident

(b) The driver and owner if present of any vehcile involved in any accident resulting in injury or death to any person or damage to property shall upon request give his name address and the registration number of his vehicles and exhibit his operator's license to the person struck or the driver or occupants of any vehicle involved and shall render to any person injured in such accident reasonable assistance including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person

Penalty Any Person violating any of the provisions of this section when the accident resulted in inquiry to any person or damage to property shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment When the accident resulted in death to any person any one violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than five hundred ($500) dollars and cost of prosecution or undergo imprisonment for not more than six (6) years or suffer both such fine and imprisonment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2413 as follows:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation transmission and distribution of electric energy to carry out the purposes of this act providing for the rights powers and duties of the authority authorizing and regulating the issuance of bonds by the authority and providing for the payment of such bonds and the rights of the holders thereof

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "State Rural Electrification Authority Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Acquire" Construct acquire by purchase lease devise gift or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof by the Commonwealth or other mode of acquisition

"Authority" The corporation created by this act

"Board" The board of directors of the authority

"Bonds" Negotiable bonds interim certificates or receipts notes debentures and all other evidences of indebtedness either issued or the payment thereof assumed by the authority

"Energy" Any and all electric energy no matter how generated or produced

"Federal Agency" The United States of America the President of the United States of America the Federal Emergency Administrator of Public Works and any and all other authorities agencies and instrumentalities of the United States of America heretofore or hereafter created

"Improve" Construct reconstruct improve repair extend enlarge or alter

"Municipality" Any city borough town or township of the Commonwealth

"Person" or "Inhabitants" Natural persons firms associations business trusts partnerships and bodies politic

"Service" The sale or other disposition of energy at the lowest cost consistent with sound economy public advantage and the prudent conduct of the business of the authority

"System" Any plant works system facilities or properties together with all parts thereof and appurtenances thereto used or useful in connection with the generation production transmission or distribtuion of energy

The singular shall include the plural and the masculine the feminine and neuter

Section 3 Pennsylvania Rural Electrification Authority An authority to be known as the Pennsylvania Rural Electrification Authority is hereby created as an agency of the State Said authority shall be a public corporation in perpetuity under its corporate name and shall under that name be a body politic and corporate with power of perpetual succession

Section 4 Board of Directors of Authority The authority shall have a board of directors and the powers of the authority shall be vested in and exercised by a majority of the members of the board then in office

Section 5 Number Appointment Removal and Terms of Directors The board shall consist of three members who shall be appointed by the Governor of the Commonwealth and the first appointment of members of the board shall be made by the Governor within thirty days after the passage of this act The term of office of the members of the board first appointed shall be one two and three years respectively dating from the first day of the month in which the last of such appointments is made and thereafter the term of office of the directors shall be three years Directors shall hold office until their successors are appointed and qualify and shall be eligible for reappointment An appointment to fill a vacancy shall be for the unexpired term The Governor may remove any member of the board within the term for which such member shall have been appointed giving to such member a copy of the charges against him and an opportunity to be heard in his defense

Section 6 Organization of Board Officers Promptly after their appointment the board shall meet to organize At such meeting and at the first meeting in each year thereafter the members shall choose from their number a president and a secretary

Section 7 Compensation of Members of Board The members of the board shall not be entitled to compensation for their services but shall be entitled to reimbursement for all expenses incurred in connection with the performance of their duties

Section 8 Members Not to Hold Other State Office The members of the board shall not hold any public office under the State

Section 9 Powers of Board The board shall have power to do all things necessary or convenient in conducting the business of the authority including but not limited to

(a) The power to adopt and amend by-laws for the management and regulation of its affairs and the business in which it is engaged

(b) To use with the consent of a municipality the agents employes or facilities of such municipality and to provide for payment of the agreed proportion of the cost therefor

(c) To appoint officers agents and employes and to fix their compensation

(d) To inquire into any matter relating to the affairs of the authority to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry to administer oaths to witnesses and to examine witnesses and such books and papers

(e) To appoint an advisory board to assist in the formation of proper policies in respect to the business of the authority

(f) To execute instruments

(g) To delegate to one or more of its members or to its agents and employes such powers and duties as it may deem proper

Section 10 Corporate Purpose of the Authority The corporate purpose of the authority is to encourage and promote the fullest possible use of energy by all of the inhabitants to whom energy is not available or in the opinion of the board is not available at reasonable rates

Section 11 General Grant of Powers The authority is hereby vested with all powers necessary or requisite for the accomplishment of its corporate purpose and capable of being delegated by the Legislature of the Commonwealth and no enumeration of particular powers hereby granted shall be construed to impair any general grant of power herein contained nor to limit any such grant to a power or powers of the same class or classes as those enumerated

Section 12 Grant of Specific Powers Subject only to the Constitution of the Commonwealth the authority shall have power

(1) To sue and be sued

(2) To have a seal and alter the same at pleasure

(3) To render service to the inhabitants of the Commonwealth and by contract or contracts with any person Federal agency or municipality or by its own employes to acquire own operate maintain and improve a system or systems

(4) To acquire hold and dispose of property real and personal tangible and intangible or interests therein in its own name subject to mortgages or other liens or otherwise and to pay therefor in cash or on credit and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine

(5) To cause surveys to be made of areas throughout the Commonwealth for the purpose of determining the economic soundness of the acquisition of a system or systems therein to make plans and estimates of the cost of such system or systems and in connection therewith to enter on any lands waters and premises for the purpose of making such surveys soundings and examinations

(6) To have complete control and supervision of the system or systems and to make such rules and regulations governing the rendering of service thereby as in the judgment of the board may be just and equitable

(7) To fix maintain and collect rates and charges for service

(8) To construct or place any part or parts of a system or systems across in or along any street or public highway over any lands which are now or may hereafter be the property of the Commonwealth or any political subdivision thereof without obtaining any franchise or other permit therefor The authority shall however restore any such street or highway to its former condition or state as near as may be and shall not use the same in a manner to unnecessarily impair its usefulness

(9) To execute all instruments necessary or convenient including but not limited to indentures of trust leases and bonds

(10) To borrow money and issue negotiable bonds and to provide for the rights of the holders thereof

((1) To accept gifts or grants of money or property real or personal and voluntary and uncompensated services from any person Federal agency or municipality

(12) To make any and all contracts necessary or convenient for the full exercise of the powers herein granted including but not limited to (a) contracts with any person Federal agency or municipaliy for the purchase or sale of energy at wholesale and (b) contracts with any person Federal agency or municipality for the management and conduct of the business of the authority or any part thereof

(13) To do any and all acts and things herein authorized or necessary or convenient to carry out the powers expressly given in this act under through or by means of its own officers agents and employes or by contracts with any person Federal agency or municipality

Section 13 Bonds of the Authority The authority shall have power and is hereby authorized from time to time to issue bonds in anticipation of its revenues for any corporate purpose Said bonds may be authorized by resolution or resolutions of the board and may be issued in one or more series may bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-an-

nually be in such denominations be in such form either coupon or registered be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption with or without premium be declared or become due before the maturity date thereof as such resolution or resolutions may provide Said bonds may be issued for money or property (at public or private sale for such price or prices) as the board shall determine provided that the interest cost to maturity of the money or property (at its value as determined by the board the determination of which shall be conclusive) received for any issue of said bonds shall not exceed six per centum per annum payable semi-annually Said bonds may be repurchased by the authority out of any available funds at a price not to exceed the principal amount thereof and accrued interest and all bonds so repurchased shall be cancelled Pending the preparation or execution of definite bonds interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds

Section 14 Validity of Bonds Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceeding relating to the acquisition or improvement of the systems for which said bonds are issued The resolution or resolutions authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this act which recital shall be conclusive evidence or their validity and of the regularity of their issuance

Section 15 Bonds of Authority Not Debts of Commonwealth No holder or holders of any bonds issued under this act shall ever have the right to compel any exercise of taxing power of the Commonwealth or of any political subdivision thereof to pay said bonds or the interest thereon Each bond issued under this act shall recite in substance that said bond including the interest thereon is payable from the revenues pledged to the payment thereof and that said bond does not constitute a debt of the Commonwealth

Section 16 Rates The authority shall not be operated for gain or profit or primarily as a source of revenue to the Commonwealth The authority shall however prescribe and collect reasonable rates fees or charges for the services facilities and commodities made available by it and shall revise such rates fees or charges from time to time whenever necessary so that the authority shall be and always remain self-supporting and shall not require appropriations by the Commonwealth to enable it to carry out its purpose The rates fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged charged or otherwise encumbered including reserves therefor and (b) to provide for all expenses of operation maintenance or improvement of the system or systems acquired by the authority including reserves therefor

Section 17 Agreement of the Commonwealth The Commonwealth does pledge to and agree with the holders of bonds issued by the authority that the State will not limit or alter the rights and powers hereby vested in the authority to fix and collect such rates fees and charges as may be necessary or advisable in order to produce sufficient revenue to meet all expenses of maintenance and operation of its system or systems and to fulfill the terms of any agreements made with the holders of such bonds or in any way impair the rights and remedies of the holders of such bonds until such bonds together with interest thereon and interest on any unpaid installments of interest any all costs and expenses in connection with any suits actions or proceedings by or on behalf of such bondholders are fully paid and discharged

Section 18 Security for Bonds In connection with the issuance of bonds or in order to secure the payment of its bonds the authority incorporated under this act shall have power

(1) To pledge all or any part of its revenues

(2) To invest in a trustee or trustees the right to enforce any covenant made to secure to pay or in relation to its bonds to provide for the powers and duties of such trustee or trustees to limit the liabilities thereof and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any amount or proportion of them may enforce any such covenant

(3) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or which in the absolute discretion of the board tend to make the bonds more marketable notwithstanding that such covenants acts and things may restrict or interfere with the exercise of the powers herein granted it being the intention hereof to give the authority power to do all things in the issuance of bonds and for their security that a private business corporation can do under the general laws of the Commonwealth

Section 19 Rights and Remedies of Bondholders In addition to all other rights and all other remedies any holders of bonds of the authority including a trustee for bondholders shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the authority and the board of the authority including the right to require the authority and such board to fix and collect rates and charges adequate to carry out any agreement as to or pledge of the revenues produced by such rates or charges and to require the authority and such board to crary out any other covenants and agreements with such bondholder and to perform its and their duties under this act

Section 20 Assets to Pass to Commonwealth In the event that the authority shall cease to exist all of its assets remaining after all of its obligations and liabilities have been satisfied or discharged shall pass to and become the property of the Commonwealth

Section 21 Act Complete in Itself This act is complete in itself and shall be controlling The provisions of any other law general special except as provided in this act shall not apply to the authority created by this act

Section 22 Separability If any provision of this act or the application of such provisions to any person body or circumstances shall be held invalid the remainder of this act or the application of such provisions to persons bodies or circumstances other than those as to which it shall have been held invalid shall not be affected thereby

Section 23 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. WITKIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. AUKERMAN. Mr. Speaker and members of the House, this bill is an administration measure, was in the committee on Public Utilities for some time and was reported out favorably, and I can see no reason to have it recommitted for the purpose of further study. I ask the members of the House to vote down the motion.

Mr. WITKIN. Mr. Speaker and members of the House, this bill is one of those authoritative bills. I realize only too well that I am not permitted to discuss the merits of this bill. I do not know whether you members have made a study of any of these authorotative bills. My motion to send this bill back for further study is made just for that purpose. If there were any bills or groups of bills that required careful consideration, bills affecting people in your own community, it is these authoritative bills, and this bill in particular is one of them. If you would refer to the

bold changes that are made in the present existing law with regard to the regulation of Electric companies, being governed by the Public Service Commission,—

POINT OF ORDER

Mr. REISING. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Beaver will state his point of order.

Mr. REISING. Mr. Speaker, the gentleman is not speaking on the motion.

The SPEAKER. The point of order is well taken. The gentleman from Philadelphia will confine himself to the motion.

Mr. WITKIN. Mr. Speaker, the charges are admitted. However, couching my language as carefully as I can, may I simply say this to you: that you ought to give this bill your careful attention, more study than you have given it today, because of the manner in which it affects the people of every community in the Commonwealth of Pennsylvania, and because of the bold and audacious and reckless changes that it makes in the present existing law. I ask the membership of this House, in order that you may study the subject with a little more care, and in the hope that after youhave done so, you will use a little more discretion in voting upon this bills, to vote to send this bill back to committee.

Mr. KANE. Mr. Speaker, in order that there may be no confusion in the minds of the members of this House, I wish to say that I am a member of the Committee on Public Utilities, and I am acquainted with the course of action taken on this particular bill. I am positive that most of the members of that committee do not know the contents of this bill. I wish to assure this House that the bill was not discussed in any detail whatever before that committee, but a motion was made as soon as the bill was brought in that it be reported out, and the motion was carried immediately. I do not believe that the majority of the members of this House are familiar with the contents of this bill. I wish to assure you that this bill has not come before you before after consideration, but in a most impromptu fashion. The motion of the gentleman from Philodelphia, I believe, is sincerely made for the purpose of enabling this bill to be carefully studied before it is passed. I ask all the members of this House who are sincerely interested in passing business legislation which will stand the test of common sense, not to vote on this bill until they understand its contents, and to support this motion to recommit for the honest purpose of further study.

Mr. AUKERMAN. Mr. Speaker and members of the House, this Bill, House Bill No. 2413, was reported from the Committee on Public Utilities two weeks ago in a meeting held that week. Inadvertertently or otherwise, the bill was lost and was not reported on the floor of this House. I think it was purely an attempt to delay the bill When a certified copy was presented last week, the bill was not brought up on the calendar. I do not think we should tolerate any further delay in acting on this matter, and I ask you to vote down this motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it.

Whereupon a division was called for and seventy-one members having voted in the affirmative and seventy-seven members having voted in the negative, the question was determined in the negative and the motion was not agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1991 as follows:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known as The General Appropriation Act of one thousand nine hundred thirty-five

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund in the State Treasury to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and thirty-five and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five

1 EXECUTIVE DEPARTMENT

To the Governor

For the payment of the salary of the Governor the sum of thirty-six thousand dollars ($36,000)

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Governor his Secretary the Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governors' Conference the sum of three hundred thousand dollars ($300,000)

For the payment of the cost of painting a portrait of Governor Gifford Pinchot to be placed in the office of the Governor in the Capitol Building the sum of seven hundred fifty dollars ($750)

To the Lieutenant Governor

For the payment of the salary of the Lieutenant Governor the sum of sixteen thousand dollars ($16,000)

For all necessary expenses including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles for the Lieutenant Governor the sum of four thousand dollars ($4,000)

For the cost of painting a portrait of Lieutenant Governor Edward C Shannon to be placed in the office of the Lieutenant Governor in the Capitol Building the sum of seven hundred fifty dollars ($750)

To the Department of the Auditor General

For the payment of the salary of the Auditor General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages and other compensation of a deputy Auditor General and other employes for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and for the purchase of supplies printing binding patent in-

dices records law books and other book necessary for the proper conduct of the work of the department the sum of one million six hundred fifty thousand dollars ($1,650,000)

For the payment to the State's Fiscal Agent for the custody and safe-keeping of the books and records pertaining to loans of the Commonwealth as provided by law the sum of one thousand dollars ($1,000)

For the payment of fees to county officers for furnishing information to the officers of the Commonwealth as provided by law the sum of four thousand dollars ($4,000)

To the Treasury Department

For the payment of the salary of the State Treasurer the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy State Treasurer and other employes for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented leased office devices and for the purchase of automobiles furniture furnishing and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the Department the sum of eight hundred thousand dollars ($800,000)

For the payment of salaries or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Bord of Finance and Revenue the sum of sixty-five thousand dollars ($65,000)

For the payment of the difference between the interest earned by the moneys in the Agricultural College Land Scrip Fund and in the State College Experimental Farm Fund and the interest guaranteed by the Commonwealth of Pennsylvania to State College the sum of twelve thousand six hundred dollars ($12,600)

For the payment of the expenses of publishing monthly statements of the general sinking fund and other funds of the Commonwealth as required by law the sum of sixty thousand dollars ($60,000)

For refunding the balance due or to become due retired county officers on account of overpayment of any taxes license fees or other moneys collected for and paid to the Commonwealth the sum of one thousand five hundred dollars ($1,500)

For refunding to purchasers of stock transfer tax stamps any sums that may be due them upon the surrender and return of such stamps as may be spoiled canceled mutilated or defaced unintentionally by accident or error the sum of one thousand dollars ($1,000)

For refunding transfer inheritance taxes on estates of resident decedents paid in error or overpaid the sum of four hundred thousand dollars ($400,000)

For refunding transfer inheritance taxes on estates of nonresident decedents paid in error or overpaid the sum of one thousand dollars ($1,000)

For refunding moneys erroneously paid by any person to any professional examining board or advisory committee or to the Department of Public Instruction on behalf of any such board or advisory committee the sum of two thousand dollars ($2,000)

For refunding fees paid for notary public commissions when such commissions have not been issued of if issued have not been received and have been canceled the sum of one thousand dollars ($1,000)

For refunding moneys subject to escheat which were paid into the State Treasury either voluntarily or by order of court to any persons making proof of their ownership or right of possession thereto in the manner provided by law the sum of twenty-five thousand dollars ($25,000)

For the purpose of refunding moneys other than taxes paid erroneously into the State Treasury to the credit of the General Fund which refunds are not specifically authorized by any other appropriation the sum of two thousand five hundred dollars ($2,500)

For the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue for the maintenance support care treatment housing fees or other fees or costs of any inmate pupil patient or student in any State-owned institution and for the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys erroneously collected or received by the Department of Revenue to reimburse the Commonwealth for the share which it was supposed to have paid towards the support care and treatment of any pupil or patient in any mental hospital or institution for the feeble-minded in part supported by the Commonwealth the sum of twenty thousand dollars ($20,000)

For the purpose of refunding fees paid to the Pennsylvania Securities Commission in connection with renewal applications for registration under The Securities Act which have been canceled before January first of the year for which the fees were paid the sum of five hundred dollars ($500)

For the payment of approved claims for refunds of liquor taxes under the provisions of Section twenty-one (a) of the Act approved the fifth day of December one thousand nine hundred thirty-three (Pamphlet Laws thirty-eight Special Session) the sum of ten thousand dollars ($10,000)

For the payment of approved claims for refund of circus license fees the sum of two thousand one hundred fifty dollars ($2,150)

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the general expense bonds issued under authority of the Act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eleven) the sum of six million five hundred thousand dollars ($6,500,000) according to the following schedule

Date of Payment	Principal	Requirements Interest	Total
December 1 1935	$2,500,000.00	$ 421,875.00	$2,921,875.00
June 1 1935		375,000.00	375,000.00
December 1 1936	2,500,000.00	375,000.00	2,875,000.00
June 1 1937		328,125.00	328,125.00
Total	$5,000,000.00	$1,500,000.00	$6,500,000.00

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the Act approved the fifth day of January one thousand nine hundred and thirty-four (one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Pamphlet Laws page two hundred nineteen) the sum of seven million four hundred fifty thousand one hundred ninety-two dollars and fifty cents ($7,450,192.50) according to the following schedule

Date of Payment	Principal	Requirements Interest	Total
September 1 1935		$ 487,500.00	$ 487,500.00
November 1 1935		300,000.00	300,000.00
March 1 1936	$1,237,253.21	487,500.00	1,724,753.21
May 1 1936	912,843.04	300,000.00	1,212,843.04
September 1 1936		487,500.00	487,500.00
November 1 1936		300,000.00	300,000.00
March 1 1935	1,237,253.21	487,500.00	1,724,753.21
May 1 1937	912,843.04	300,000.00	1,212,843.04
Total	$4,300,192.50	$3,150,000.00	$7,450,192.50

For the payment of the compensation of the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on general expense bonds and Veterans' Compensation Bonds and for other services required to be performed by the said Loan and Transfer Agent the sum of twenty-two thousand five hundred dollars ($22,500)

To the Department of Agriculture

For the payment of the salary of the Secretary of Agriculture the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensa-

tion of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for the payment of any loss or damage by dogs to live stock and poultry as provided by law the sum of one million eight hundred thousand dollars ($1,800,000)

For the payment of the salaries wages or other compensation of employes and for the payment of all other expenses necessary for the proper conduct of the Pennsylvania Official Egg-Laying Contest as provided by the Act of May twentieth nineteen hundred thirty-one (Pamphlet Laws one hundred thirty-six) the sum of twenty-one thousand dollars ($21,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the State Farm Products Show Commission for the payment of premium awards for exhibits at the State Farm Products Show and for the maintenance of the State Farm Show Building and the grounds surrounding it the sum of sixty-five thousand dollars ($65,000)

For the purpose of reimbursing incorporated agricultural associations for premiums paid for exhibits of live stock live stock products horticultural products handiwork sereals bees and bee products as provided by law Provided that such associations file such reports as may be required by the Secretary of Agriculture the sum of seventy-five thousand dollars ($75,000)

For the payment of indemnities for animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of six hundred thousand dollars $600,000)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employes and for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of one hundred eight thousand dollars ($108,000)

To the Department of Forests and Waters

For the payment of the salary of the Secretary of Forests and Waters the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam project the Water and Power Resources Board the Geographic Board the State Forest Commission and Darby Creek Flood Prevention for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million two hundred eighty-five thousand dollars ($1.285,000)

For the payment of expenses incurred for the extinction and control of forest firest the sum of two hundred thousand dollars ($200,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Washington Crossing Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of thirty thousand dollars ($30,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the Valley Forge Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of fifty thousand dollars ($50,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Park and Harbor Commission of Erie for the repair and construction of roads dams parking spaces camp sites and buildings for the repair and construction of jetties and other necessary work to protect Presque Isle Peninsula from erosion for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy thousand dollars ($70,000)

For the supervision maintenance improvement regulation and preservation of State parks the sum of thirty thousand dollars ($30,000)

For the payment of salaries wages or other compensation of employes and for the payment of general and incidental expenses necessary to the maintenance of the Drake Well Memorial Park the sum of four thousand dollars ($4,000)

For the payment of maintenance and improvement of Fort Washington Park the sum of two thousand dollars ($2,000)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred eighteen thousand five hundred dollars ($218,500)

For the payment of annual fixed charges on lands acquired for the purpose of conservation of water or the prevention of flood conditions as provided by law the sum of fourteen thousand dollars ($14,000)

To the Department of Health

For the payment of the salary of the Secretary of Health the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million three hundred thousand dollars ($2,300,000)

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of two million five hundred thirty-five thousand dollars ($2,535,000)

To the Insurance Department

For the payment of the salary of the Insurance Commissioner the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of five hundred fifty thousand dollars $(550,000)

And in addition to said amount all income and all mon-

ies collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department

To the Department of Internal Affairs

For the payment of the salary of the Secretary of Internal Affairs the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and the Board of Property and for the payment of fees to the county commissioners of the several counties of the Commonwealth for data and statistics furnished relative to local taxes the sum of four hundred fifty-one thousand dollars ($451,000)

For the payment of the cost of painting a portrait of Secretary of Internal Affairs Philip H Dewey to be placed in the office of the Secretary of Internal Affairs in the Capitol Building the sum of seven hundred fifty dollars ($750)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses necessary for the proper conduct of the work of the department with respect to the Topographic and Geologic Survey the sum of one hundred fifteen thousand dollars ($115,000)

To the Department of Justice

For the payment of the salary of the Attorney General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of deputy attorneyes general special deputy attorneys general assistant deputy attorneys general special attorneys laws clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and comissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of two hundred ninety-eight thousand dollars ($298,000)

For the payment of the salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Service Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capitol or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of two hundred thirty-two thousand dollars ($232,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of th work of the Board of Pardons the sum of fourteen thousand dollars ($14,000)

For the payment of salaries wages and other compensation of the Supervisor of Paroles Chief field agents field agents and other employes for the payment of general expenses necessary for the proper conduct of the work of the Board of Pardons in supervising prisoners released on parole from the State penitentiaries and the Pennsylvania Industrial School and for other parole work of the board the sum of two hundred twenty thousand dollars ($220,000)

For the payment of compensation and general expenses incident to the preparation by the Department of Justice for presentation to the General Assembly at its Session of one thousand nine hundred thirty-seven of a revision of the criminal laws the insurance laws and the laws for the formation regulation and supervision of public service companies the sum of thirty thousand dollars ($30,000)

For the payment of expenses necessary for the proper conduct of the work of the Board of Commissioners on Uniform State Laws the sum of two thousand five hundred dollars ($2,500)

To the Department of Labor and Industry

For the payment of the salary of the Secretary of Labor and Industry the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees the members of the Industrial Board a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees and the Industrial Board and for the purchase of artificial appliances for and the payment of maintenance costs of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the rehabilitation acts the sum of one million eight hundred twelve thousand dollars ($1,812,000)

For the payment of the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of th various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of eight thousand five hundred dollars ($8,500)

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy adjutant general and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commission connected with the department the sum of two hundred seventy-five thousand dollars ($275,000)

For the purpose of placing at the disposal of the Governor and making the same available for replacement or repair of such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistance quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protecion of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania Soldiers in Federal or State service

when in the field on activ duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs the sum of fifty thousand dollars ($50,000)

For the making of improvements additions or repairs to existing buildings roads and utilities on the State Military Reservation the sum of fifty thousand dollars ($50,000)

For the payment of the salary of the Division Commander the sum of sixteen thousand dollars ($16,000)

For the payment of all necessary expenses including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsmen for distribution to officers and men of the Pennsylvania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard and for the payment of claims made by the War Department based upon approved reports of survey covering loss damages or destruction of Federal property the sum of six hundred fifty thousand dollars ($650,000)

For the payment of salaries of members of the Armory Board of the State of Pennsylvania the sum of twelve thousand dollars ($12,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of four hundred thousand dollars ($400.000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals of the armories and be it further provided that these rentals shall be collected as heretofore and paid into the General Fund in the State Treasury through the Department of Revenue and credited to the appropriation made by this paragraph

For the payments of the salaries of the members of the State Athletic Commission the sum of thirty thousand dollars ($30,000)

For the payment of salaries wages or other compensation of a secretary and deputies and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Athletic Commission as approved by the Adjutant General the sum of seventy thousand dollars ($70,000)

For the payment of salaries wages or other compensation of the superintendent and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Propery and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and livestock for expenses of the board of trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred fifty thousand dollars ($250,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

For the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and for the assistance of such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means as may be authorized and approved by the Adjutant General the sum of forty thousand dollars ($40,000)

To the Department of Mines

For the payment of the salary of the Secretary of Mines the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the department the sum of seventy-five thousand dollars ($75,000)

For the payment of salaries postage traveling expenses telephone toll charges telegrams freight express cartage and incidental expenses of the anthracite and bituminous mine inspectors the sum of five hundred twenty-five thousand dollars ($525,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided for by law the sum of eight thousand dollars ($8,000)

To the Department of Property and Supplies

For the payment of the salary of the Secretary of Property and Supplies the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and Capitol Police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the cost of advertising schedules of supplies the sale of unserviceable property proposals for executing the State printing and binding proposals for any contract work readvertising any schedules or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million five hundred thousand dollars ($1,500,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of offices or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Board of Game Commissioners the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Board or the State Workmen's Insurance Board for the cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania State Police

For the purchase of supplies including medicines medical surgical laboratory chemical biological and electrical supplies military stores and supplies stationery and office supplies for the purchase of food and forage and other animal foods for the purchase of furniture and equipment including office chemical laboratory medical surgical biological and electrical equipment furniture furnishings utensils military and police equipment fire arms and other accoutrements artificial appliances fire protection and fire fighting equipment for the purchase of animals poultry seedlings and transplants for the purchase of legal and other books periodicals maps charts manuscripts pamphlets exchanges records lantern slides archaeological and historical markers and for the purchase of all other materials supplies or equipment as set forth in the schedules of the Department of Property and Supplies or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules for the cost of repairing office equipment for the cost of miscellaneous services for the payment of rental charges for telephones and other patented leased office devices for the payment of the cost of printing and printing processes such as binding ruling lithographing color printing and engraving for the purchase of paper envelopes cloth and

other substances on which printing is done cuts electrotypes dies stamps and other printing and binding supplies as may be required for the Executive Mansion and the several administrative departments boards and commissions of the State government except the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for these purposes shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board and departmental administrative boards or commissions having control of State institutions or supervision over or the duty of planting for State parks harbors or canals for the payment of the cost of making tests of materials supplies and equipment whether purchased by the Department of Property and Supplies directly or as purchasing agency for the payment of the cost of preparation of plans designs and specifications including necessary tests or borings and the preparation of same required for the performance of the work of the Department of Property and Supplies (when said cost is not otherwise provided for) including those to be purchased or altered at the expense of a fund other than the General Fund and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth the sum of one million two hundred thousand dollars ($1,200,000)

For the purchase of fuel water gas steam electric current and sewage service for the agricultural experimental laboratories and the State Military Reservation for the purchase of fuel water gas steam and electric current and necessary devices required for reception and use of the same for the cost of grading and changing pipe lines relocating sewers and installing new sewers for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol Buildings the public grounds and buildings connected with the State Capitol the State Arsenal the stables of the Pennsylvania State Police in the city of Harrisburg the Publications Building the Executive Mansion any buildings or monuments of historical interest heretofore or hereafter acquired by the Commonwealth and any offices or building in the city of Harrisburg leased by the State when such items are not included in the rents paid for said offices or buildings for the payment of rents for such buildings garages offices rooms storage space and lands either within or without the city of Harrisburg as may be required for the accommodation or the performance of the work of the several departments boards and commissions of the State government including departmental administrative boards having control of State instituions and for the purchase of water gas steam and electric current required for buildings offices rooms and lands leased by the State within or without the city of Harrisburg when such items are not included in the rents paid for such buildings offices rooms and lands the sum of eight hundred eighty-five thousand dollars ($885,000) Provided That no part of this appropriation shall be available for expenditure in connection with buildings offices and lands leased on behalf of the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board and departmental administrative boards having control of State institutions unless hereinbefore otherwise specifically provided

For the payment of premiums on surety bonds for such officers and employes of the General Assembly and the several administrative departments boards and commissions of the State government as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for State funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned by the Commonwealth and purchased from moneys of the General Fund except motor vehicles permanently assigned to departmental administrative boards having control of State institutions which policy or policies shall protect both the Commonwealth and State officers or employes operating said motor vehicles against claims for damages for injury to person or property and for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of its several departments boards and commission except employes or dependents of deceased employes of departmental administrative boards having control of State institutions the sum of two hundred fifty thousand dollars ($250,000) Provided That no part of this appropriation shall be available for expenditure to cover employes of the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners the Pennsylvania Liquor Control Board the Milk Control Board and the State Workmen's Insurance Board

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State government except those required for permanent use by the Department of Banking th Department of Highways and the Department of Revenue to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board and the State Workmen's Insurance Board for payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of the cost of oil gasoline tires repair parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of five hundred thousand dollars ($500,000)

For the payment of the cost of cleaning and repointing the exterior stone work of the Main Capitol Building and the State Museum Building and otherwise preserving their exteriors from decay the sum of ninety-eight thousand dollars (98,000)

For the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of General Assembly including the printing of the Pamphlet Laws for the payment of costs of printing the Pennsylvania State Manual and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of three hundred fifty thousand dollars ($350,000)

To the Department of Public Instruction

For the payment of the Salary of the Superintendent of Public Instruction the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy superintendent and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and the State Council of Education the sum of five hundred seventy thousand dollars ($570,000)

For the payment of salaries wages or other compensa-

tion of employes for the payment of general expenses and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of two hundred twenty-five thousand dollars ($225,000)

For the payment of salaries wages or other compensation of deputy members and other employes for the payment of general expenses necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of five hundred thousand dollars ($500,000) Provided That no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional examining boards and advisory committees within the department

For the payment of salaries wages or other compensation of members and other employes for the payment of general expenses necessary for th proper conduct of the work of the Pennsylvania State Board of Censors the sum of one hundred ten thousand dollars ($110,000)

"For the payment of salaries wages or other compensation of officers examiners and other employes for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising printing freight express cartage and incidental expenses necessary for the proper conduct of the work of the Department of Public Instruction in conducting civil service examinations for the selection of the officers and employes to be employed by the Pennsylvania Liquor Control Board to operate or assist in the operation of Pennsylvania Liquor Stores or other establishments maintained by the Board for storing and testing liquors the sum of one hundred thousand dollars ($100,000)

For the payment of salaries wages or other compensation of a secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenance of historical monuments building and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and livestock for the expense of the boards of trutees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers' Colleges and the Cheney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of three million dollars ($3,000,000) and in addition to said amount all income and all monies collected at the various State Teachers' Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriatd out of the General Fund to the several State Teachers' Colleges and Training Schools for the same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and livestock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania $150,000

Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania $285,000

Thaddeus Stevens Industrial School at Lancaster Pennsylvania $75,000

For the payment of salaries of the county superintendents of public schools as required by law the sum of four hundred fifty-eight thousand one hundred dollars ($458,100)

For the payment of the expenses of county superintendents of public schools as required by law the sum of sixty-six thousand dollars ($66,000)

For the payment of the salaries of assistant county superintendents of public schools as required by law the sum of four hundred forty-two thousand eight hundred dollars ($442,800)

For the payment of the expenses of assistant county superintendents of public schools as required by law the sum of seventy thousand dollars ($70,000)

For reimbursement to school districts for transportation of school children as required by law the sum of two million five hundred thousand dollars ($2,500,000)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics and other vocational and practical education for the salaries and expenses of and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the State Council of Education may designate and under such regulations as the State Council of Education may prescribe as provided by law the sum of one million dollars ($1,000,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learfning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of two hundred fifty-seven thousand dollars ($257,000)

For reimbursing school districts upon the salaries of school teachers and for closed schools and for nonresident high school tuition as required by law the sum of fifty-eight million dollars ($58,000,000) Provided that the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable such school districts to keep their public schools open

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the department in accordance with law the sum of one million one hundred thousand dollars ($1,100,000)

For the payment into the School Employes' Retirement

Fund to the credit of the Contingent Reserve Account of the School Employes' Retirement Fund as required by law the sum of two million four hundred thirty-five thousand dollars ($2,435,000)

For the payment into the School Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employes' Retirement Fund as required by law the sum of three million five hundred fifty thousand dollars ($3,550,000)

For the payment of compensation to former teachers who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of one hundred fifty-five thousand dollars ($155,000)

To the Public Service Commission of the Commonwealth of Pennsylvania

For the payment of the salary of the Chairman the sum of twenty-one thousand dollars ($21,000)

For the payment of the salaries of six commissioners the sum of one hundred twenty thousand dollars ($120,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the commission the sum of one million fifty thousand dollars ($1,050,000)

For the payment of salaries wages or other compensation and for the payment of general expenses necessary for the revaluation of the Philadelphia Rapid Transit Company and other necessary revaluations and investigations instituted on the motion of the Public Service Commission the sum of two hundred fifty thousand dollars ($250,000)

For the payment of such proportion of the cost of installing warning signals for the protection of the public where tracks of railroad corporations or street railway corporations cross public highways other than those State highways designated as primary routes as shall be determined by the commission to be paid by the Commonwealth the sum of fifteen thousand dollars ($15,000)

To the Department of Revenue

For the payment of the salary of the Secretary of Revenue the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department for the payment of costs of filing liens and for the payment of costs of advertising required by any act of assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of two million two hundred fifty thousand dollars ($2,250,000) Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of ten thousand dollars ($10,000)

For the payment of the mileage of appraisers of mercantile and other license taxes the sum of thirty-five thousand dollars ($35,000)

For the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of ten thousand dollars ($10,000)

To the Department of State

For the payment of the salary of the Secretary of the Commonwealth the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for proofreading the Pamphlet Laws the sum of one hundred thirty thousand dollars ($130,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of thirty-five thousand dollars ($35,000)

For the payment of salaries of State employes who have retired in accordance with the provisions of the Act of Assembly approved June fourteenth one thousand nine hundred fifteen (Pamphlet Laws nine hundred seventy-three) as amended the sum of thirty-nine thousand five hundred dollars ($39,500)

For the payment of pensions and gratuities that have been granted by law or that may hereafter be granted by law the sum of two thousand forty dollars ($2,040)

For the payment into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of seven hundred forty-two thousand six hundred dollars ($742,600)

For the payment into the State Employes' Retirement Fund to the credit of the Contingent Reserve Account the sum of four hundred eight thousand four hundred thirty dollars ($408,430)

For the payment of the cost of publishing in various newspapers throughout the State the several proposed amendments to the Constitution of the Commonwealth of Pennsylvania the sum of thirty thousand dollars ($30,000)

To the Pennsylvania State Police

For the payment of the salary of the Superintendent of State Police the sum of fifteen thousand dollars ($15,000)

For the payment of salaries wages or other compensation of the State Police Force a deputy superintendent and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Police for medical attendance and hospital charges not covered by insurance for members of the State Police Force injured in the line of duty and for the maintenance and operation of a radio broadcasting station the sum of two million one hundred fifty thousand dollars ($2,150,000)

For the purpose of installing operating and maintaining a teletype system liking the central office of said department and the offices of the various organized police forces of the cities boroughs and townships of the Commonwealth maintaining night offices and linking the said central office with other states using similar systems which cooperate with Pennsylvania in broadcasting police information the sum of four hundred thousand dollars ($400,000)

To the Department of Welfare

For the payment of the salary of the Secretary of Welfare the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred seventy thousand dollars ($370,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses necessary for the proper conduct of the work of the State Council for the Blind the sum of fifty thousand dollars ($50,000)

For the payment of salaries wages or other compensation of the superintendents or wardens and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation

necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morganza the State Industrial Home for Women at Muncy the Eastern State Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh and the State Penitentiary at Rockview as may be authorized and approved by the Secretary of Welfare the sum of five million seven hundred fifty thousand dollars ($5,750,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses for the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren and the Wernersville State Hospital at Wernersville as may be authorized and approved by the Secretary of Welfare the sum of eight million three hundred thousand dollars ($8,300,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk and the Selinsgrove State Colony for Epileptics at Selinsgrove as authorized and approved by the Secretary of Welfare the sum of two million seven hundred thousand dollars ($2,700,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazelton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospial at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million four hundred forty thousand dollars ($2,440,000)

For the payment of the costs of major repairs to buildings and equipment for improvements to plant not in the nature of major construction for new equipment and replacements of equipment for all State owned institutions under the supervision of the Department of Welfare as may be authorized and approved by the Secretary of Welfare with the approval of the Governor the sum of six hundred thousand dollars ($600,000)

II LEGISLATIVE DEPARTMENT

For the payment of the expenses of the Legislative Department for two years ending May thirty-one thousand nine hundred and thirty-seven and also for the expenses of the session and recess of one thousand nine hundred and thirty-five not previously provided for the following sums or so much thereof as may be necessary to be paid in the manner prescribed by law Provided That the salaries stationery and mileage of the Members of the Senate and House of Representatives and all the salaries and mileage of the session officers and employes of the legislative session of one thousand nine hundred and thirty-seven shall only be paid after statement of the amounts due the several Senators Members officers and employes shall have been certified to the Auditor General by the President pro tempore of the Senate and the Speaker of the House of Representatives respectively and that the Senators and Members also the officers receiving fixed salaries for said session shall each be paid one-fifth of his total salary each month for the first four months of the session if the Legislature shall be in session that long and the balance on the day fixed for the final adjournment of the Legislature or during the two days previous thereto and that the session officers and employes receiving per diem salaries shall be paid amounts due them at the end of each month during the session except the last month when payment shall be made on the day fixed for final adjournment of the Legislature or during the two days previous thereto

To the Senate

For the payment of the expenses of the Senate the total sum of three hundred fifty thousand dollars ($350,000) or as much thereof as may be necessary to be paid according to law and divided as follows

For the payment of the salaries of fifty Senators and extra compensation allowed by law to the President pro tempore of the Senate session of one thousand nine hundred and thirty-seven the sum of

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-seven the sum of

For the payment of the postage session of one thousand nine hundred and thirty-seven allowed by law to fifty Senators each the sum of

For the payment of the postage session of one thousand nine hundred and thirty-seven for the chief clerk and assistants the sum of

For the payment of the postage session of one thousand nine hundred and thirty-seven to the Lieutenant Governor the sum of

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-seven the sum of

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provisions is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of ..... the two years ending May thirty-first one thousand nine hundred and thirty-seven

For the payment of the mileage of the officers and employes of the Senate session of one thousand nine hundred and thirty-seven the sum of

For the payment of the salaries of the returning officers of the Senate at the beginning of the session of nine thousand nine hundred and thirty-seven the sum of

For the payment of the salary of the clerk to the President of the Senate for two years ending May thirty-one one thousand nine hundred and thirty-seven the sum of

For the payment of the salary of the secretary of the Senate for the two years beginning June first one thousand nine hundred and thirty five the sum of

For the payment of the salary of the chief clerk of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of

For the payment of the salary of the assistant clerk

of the Senate for the session of one thousand nine hundred and thirty-seven the sum of

For the payment of the salary of the assistant clerk of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of

For the payment of the salary of the librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of

For the payment of the salary of the assistant librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-five the sum of

For the payment of the salary of the assistant to the secretary of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

For the payment of the salary of the stenographer to the President of the Senate for the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of

For the payment of the salaries of the stenographers to the Senate Librarian for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

For the payment of the salaries of two watchmen of the Senate for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

For the payment of the salary of the superintendent of the storeroom of the Senate for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

For the payment of the salaries of the custodian of the washroom and of the custodian of the basement of the Senate for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

For the payment of the salaries of one custodian of the Senate Chamber and three assistant custodians of the Senate Chamber for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

For the payment of the salary of the messenger in the Senate Library for the period commencing June first one thousand nine hundred and thirty-five and ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of

To the chief clerk of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate session of one thousand nine hundred and thirty-five the sum of

For the payment of the expenses of the Committee on Appropriations of the Senate session of one thousand nine hundred and thirty-seven in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the Treasury of the Commonwealth and for the necessary clerical assistance the sum of

to be paid on the warrant of the Auditor General drawn in favor of the chairman of said committee on the presentation of his requisition for same and said chairman shall file an account of the committee's expense with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of expenses incident to issuing certificates of election of Senators for the session of one thousand nine hundred and thirty-seven the sum of

(Act of June fourteen one thousand nine hundred and eleven)

For the payment of the contingent expenses including clerical stenographic traveling and discretionary charges of the President pro tempore of the Senate during the recess ending January first one thousand nine hundred and thirty-seven the sum of

or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-seven the sum of

For the payment of the necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-six the sum of

and for six months ending November thirtieth one thousand nine hundred and thirty-six the sum of

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than

for which accounts have not been rendered and settled and the whole amount expended by said chief clerk shall not exceed the sum of

out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk

For the payment of the postage labor and incidental expenses in the office of the secretary of the Senate for the year ending May thirty-first one thousand nine hundred and thirty-six the sum of

and for the year ending May thirty-one one thousand nine hundred and thirty-seven the sum of

For the payment of postage labor express charges and all other expenses in the office of the librarian of the Senate for the year ending May thirty-one one thousand nine hundred and thirty-six the sum of

and for the year ending May thirty-one one thousand nine hundred and thirty-seven the sum of

To the chief clerk of the Senate for the payment of the expenses of the Senate or committees of the Senate in attending funerals or expenses incident thereto of Senators officers of the Senate or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of

To the House of Representatives

For the payment of the salaries of two hundred and eight Members of the House of Representatives and extra compensation allowed by law to the Speaker of the House session of one thousand nine hundred and thirty-seven the sum of five hundred twenty-one thousand dollars ($521,000)

For the payment of the mileage of two hundred and eight Members of the House session of one thousand nine hundred and thirty-seven the sum of seventy-five thousand dollars ($75,000)

For the payment of postage session of one thousand nine hundred and thirty-seven allowed by law to two hundred and eight members one hundred fifty dollars ($150) each the sum of thirty-one thousand two hundred dollars ($31,200)

To the chief clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendar session of one thousand nine hundred and thirty-seven the sum of eight thousand dollars ($,000)

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven also for the pay of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of eighty-eight thousand dollars ($88,000) for the two years ending May thirty-one one thousand nine hundred and thirty-seven

For the payment of the mileage of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-seven the sum of four thousand dollars ($4,000)

For the payment of the salaries of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-seven the sum of eleven thousand dollars ($11,000)

For the payment of the mileage of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars (2,500)

For the payment of the salary of the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of twelve thousand dollars ($12,000)

For the payment of the salary of the assistant to the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the assistan clerk of the House of Representatives for the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the House of Representatives for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the superintendent of storerooms of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of six thousand dollars ($6,000)

For the payment of salaries of one day watchman and one night watchman of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the custodian of the basement of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the custodian of the Hall of the House of Representatives or superintendent of the Hall of the House of Representatives if by act such position be created in place of the custodian of the Hall of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of salaries of the four assistant custodians of the Hall of the House of Representatives for the time employed in the recess period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand nine hundred eight dollars ($7,908)

For the payment of the salary of the messenger in the House Library for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-seven as provided by law the sum of two thousand four hundred dollars ($2,400)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the recess ending January first one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000) as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-seven the sum of two thousand dollars ($2,000)

For the payment of the salary of the parliamentarian of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-five the sum of six thousand dollars ($6,000) or so much thereof as may be necessary

For the payment of necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-six the sum of thirteen thousand five hundred dollars ($13,500) and for the six months ending November thirtieth one thousand nine hundred and thirty-six the sum of six thousand dollars ($6,000)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-six and for the entire period of the session of one thousand nine hundred and thirty-seven should the same extend beyond May thirty-first those accounts are to be expended by the chief clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the chief clerk shall not exceed the sum of thirteen thousand dollars ($13,000)

For the payment of postage labor express charges and other expenses in the office of the chief clerk of the House of Representatives for the year ending May thirty-one one thousand nine hundred and thirty-six the sum of three thousand five hundred dollars ($3,500) and for the year ending May thirty-one thousand nine hundred and thirty-seven the sum of three thousand five hundred dollars ($3,500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives session of one thousand nine hundred and thirty-seven in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the treasury of the Commonwealth and for necessary clerical assistance the sum of nine thousand six hundred dollars ($9,000) to be paid on the warrant of the Auditor General drawn in favor of the chairman of the said committee on presentation of his requisition for same the said chairman shall file an account of the committee's expenses with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of the expenses incident to issuing certificates of election to Members of the House of Represenatives for the session of one thousand nine hundred and thirty-seven (Act of June fourteenth one thousand nine hundred and eleven) the sum of seven hundred fifty dollars ($750) to be paid by the State Treasurer on warrants of the Auditor General upon presentation of vouchers approved by the Speaker of the House of Representatives

To the chief clerk of the House of Representatives for the payment of the expenses of the House of Representatives or committee of the House of Representatives in attending funerals or expenses incident thereto of Members of the House of Representatives officers of the House of Representatives or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

Legislative Miscellaneous

To the Chief Clerk of the House of Representatives for the purpose of paying unpaid bills of Joint Legislative or Senate or House Investigations held prior to the fifteenth day of May one thousand nine hundred and thirty-five in amounts not exceeding those hereinafter specified

For reporting and transcribing proceedings before Joint Legislative Committee to investigate the Insurance Department and insurance companies under Joint Resolution number eighty-three Session of one thousand nine hundred and thirty-three the sum of six thousand two hundred four dollars ($6,204)

For reporting and transcribing proceedings before the House Committee to investigate the penal institutions of the Commonwealth of Pennsylvania under Joint Resolution Special Session of one thousand nine hundred and thirty-three the sum of seven hundred ninety-nine dollars and twenty cents ($799.20)

For reporting transcribing and other necessary expenses incurred by the House Committee to investigate the operations of the liquor stores under Resolution Number forty Session of one thousand nine hundred and thirty-five the sum of twenty-three thousand five hundred dollars ($23,500)

Provided that the amounts hereby appropriated to the Chief Clerk of the House shall be distributed by him only after the receipt by him of detailed itemized vouchers satisfactory to the Department of the Auditor General and the Treasury Department covering the several amounts disbursed

For the payment of traveling and other expenses of the delegates of the General Assembly of Pennsylvania in attending the annual meetings of the American Legislators' Association the sum of two thousand five hundred dollars ($2,500)

For the support of the American Legislators Association and the Interstate Legislative Reference Bureau established by it to coordinate the work of the various State Legislative Reference Bureaus and other official agencies dealing with legislative matters the sum of two thousand dollars ($2,000) One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly instalments on requisition drawn by Auditor General Warrants for such payments shall be drawn to the order of the Director of the Interstate Legislative Reference Bureau

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Committee the sum of twenty-five thousand dollars ($25,000) to be paid on Auditor General Warrants drawn in favor of the Chairman of said Committee on the presentation of his requisition for the same The said Chairman shall file an accounting of the expenses of the Committee with the Auditor General thirty days after the convention of the next regular session of the Legislature following his appointment

Legislative Journals

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation for paper and printing made to the Department of Property and Supplies contained in this act

For the payment of the chief clerk of the Senate and the chief clerk of the House of Representatives for making indices for the journals of each House for the session of one thousand nine hundred and thirty-five the sum of one thousand five hundred dollars ($1,500)

For the work of the Legislative officials after the close of the session of one thousand nine hundred and thirty-five on the Legislative Journals also the proofreading of the appendix and index thereto as provided by law the sum of four thousand five hundred dollars ($4,500)

For the payment of the person or persons appointed to index the Legislative Journals session of one thousand nine hundred and thirty-seven the sum of one thousand five hundred dollars ($1,500) in accordance with the act establishing said journals

To the Legislative Reference Bureau

For the payment of the salaries of the director assistant director chief compiler compiler and bill drafter compiler and bill reading clerk search clerk messenger and file clerk chief clerk reference librarian stenographers charwomen regularly employed and bill book clerks and stenographers for the two fiscal years beginning June first one thousand nine hundred and thirty-five and for the session of the General Assembly of one thousand nine hundred and thirty-seven and for maintenance law books incidental expenses traveling expenses and emergency clerical help and emergency assistants if needed for two years for the Legislative Reference Bureau the sum of eighty-five thousand dollars ($85,000)

III JUDICIAL DEPARTMENT

For the payment of the salaries of the judges of the Supreme and Superior Courts the salaries and mileage of the president and other law judges of the several courts of common pleas in the Commonwealth and the judges of the several orphans' courts and for the compensation of common pleas judges holding court in other districts and for the payment of salaries and mileage of associate judges the following sum or so much thereof as may be necessary for the two fiscal years beginning June first one thousand nine hundred and thirty-five payments to be made monthly by warrant drawn by the Auditor General on the State Treasurer except in the case of associate judges who shall be paid quarterly on August thirty-first November thirtieth February twenty-eighth and May thirty-first of each year but when by reason of death or resignation salary for a fraction of a quarter is due any judge it shall be computed according to the ratio it bears to the whole quarter so as not however to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges Provided That at the beginning of the term the interval from first Monday of January to the first Monday of March shall be reckoned as two-thirds of a quarter and at the close of the term the interval from the first day of December to the first Monday of January shall be reckoned as one-third of a quarter

Supreme Court

For the payment of the salaries of the Supreme Court Judges the sum of two hundred seventy-four thousand dollars ($274,000)

For the payment of the salaries or compensation of the briefers investigators stenographers typewriters and clerks and to reimburse the judges of said court for expenses incurred in the discharge of their duties or attendant upon execution of the duties of the office the sum of fifty-six thousand dollars ($56,000)

For the payment of the salary of the deputy prothonotary eastern district the sum of eight thousand six hundred dollars ($8,600)

For the payment of the salary of a chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salary of an assistant chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a clerk as assistant to the chief clerk of the prothonotary's office of the Supreme Court in the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a record clerk in the office of the prothonotary of the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salaries and expenses of the librarian assistant librarian and for the purchase of books for the library of the Supreme Court at Philadelphia the sum of seventeen thousand three hundred dollars ($17,300)

For the payment of the salary of the deputy prothonotary and clerk middle district the sum of four thousand eight hundred dollars ($4,800)

For the payment of an attendant of the Supreme Court room and office and showroom adjacent thereto middle district the sum of one thousand two hundred dollars ($1,200) payable monthy

For the payment of the salary of a clerk in the office of prothonotary of the Supreme Court western district the sum of six thousand six hundred dollars ($6,600)

For the payment of the salary of a court clerk in the office of the prothonotary of the Supreme Court western district the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary and expenses of the crier tipstaves official stenographers court officers and special clerk to the Chief Justice of the eastern middle and western districts the sum of sixty-nine thousand five hundred niney-six dollars ($69,596) Provided That the crier for the middle district shall receive no other compensation from the State

For the purchase of stationery supplies and the payment of the necessary expenses of the said Supreme Court for the eastern district thereof the sum of fifteen thousand five hundred dollars ($15,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Supreme Court for the eastern district thereof

For the purchase of stationery supplies books for the library and other necessary expenses of the Supreme Court western district the sum of five hundred five hundred dollars ($5,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said court for the said western district thereof

For the payment of the fees of the prothonotaries of the Supreme Court of the eastern middle and western districts on assignment of judges to counties other than their own under an order of the Supreme Court dated

February nineteen one thousand nine hundred and nineteen the sum of five thousand dollars ($5,00) payments to be made monthly by the State Treasurer on warrants drawn by the Auditor General

For the payment of the expenses of the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of eight hundred dollars ($800)

For the payment of expenses of Board of Governance of the Pennsylvania Bar the sum of five thousand dollars ($5,000)

Superior Court

For the payment of the salaries of the judges of the Superior Court the sum of two hundred fifty-three thousand dollars ($253,000)

For the payment of the salaries or compensation of the clerks briefers investigators stenographers and typewriters of the Superior Court and to reimburse the judges of said court for expenses incurred in the discharge of their duties the sum of forty-nine thousand dollars ($49,000)

For the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court the sum of fifty-six thousand dollars ($56,000)

For the purchase of dockets stationery supplies books for the library and other necessary expenses of the said Superior Court and its officers the sum of ten thousand dollars ($10,000) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Superior Court Philadelphia Harrisburg and Pittsburgh

Common Pleas Courts

For the payment of the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of two million eight hundred forty-two thousand dollars (2,842,000)

For the payment of the compensation carfare and expenses of judges for holding court outside of their own judicial districts in accordance with law the sum of one hundred thousand dollars ($100,000)

For the payment of mileage allowed common pleas judges in judicial districts containing more than one county as provided by law the sum of five thousand dollars ($5,000)

For the payment of the judges of the courts of common pleas of Dauphin County for clerk hire in accordance with the law the sum of fourteen thousand four hundred dollars ($14,400)

Orphans' Courts

For the payment of the salaries of the orphans' court judges in the several judicial districts in which separate orphans' courts have been established by law the sum of five hundred sixty-four thousand dollars ($564,000)

Municipal Court of Philadelphia

For the payment of the salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of two hundred twenty-one thousand dollars ($221,000)

County Court of Allegheny County

For the payment of the salaries of the judges of the County Court for County of Allegheny the sum of one hundred twenty-one thousand dollars ($121,000)

To the Juvenile Court of Allegheny County

For the payment of the salary of the judge of the Juvenile Court of the County of Allegheny the sum of twenty thousand dollars ($20,000)

Retired Judges

For the payment of the salaries of the judges of the Supreme Superior common pleas and orphans' courts who may resign or retire in accordance with the provision of the Act of Assembly approved June twelfth Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-one) the sum of one hundred sixty thousand dollars ($160,000)

Associate Judges

For the payment of the salaries of the associate judges the sum of fifty thousand dollars ($50,000)

For the payment to the associate judges of mileage for the two fiscal years beginning June first one thousand nine hundred and thirty-five the sum of seven thousand dollars ($7,000)

State Reporter

For the payment of the salary of the State Reporter the sum of ten thousand dollars ($10,000)

For the payment of the salary of the Assistant State Reporter the sum of six thousand dollars ($6,000)

For the payment of stationery clerk hire and assistants the sum of eight thousand dollars ($8,000)

Section 3 This act is not intended to be inconsistent with or to repeal any provision of any act enacted at this or any prior session of the General Assembly regulating the purchase of supplies the ordering of printing and binding the purchase maintenance and use of automobiles the method of making payments from the State Treasury for any purpose or the functioning of any administrative department board or commission

Section 4 No appropriation made by this act to any department board commission or agency of the Executive Department shall be available unless and until such department board commission or agency shall have complied with section 604 605 and 606 of The Administrative Code

Section 5 The term "employes" as used in this act shall include all directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineers surveyor draftsmen accountant secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants in any department board and commission

Section 6 The term "general expenses" shall include all postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles payments to the Department of Property and Supplies of any expenses or costs of services incurred through the Purchasing Fund telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage and incidental expenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were public read as follows:

SENATE BILL No. 67.

An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation

SENATE BILL No. 581.

An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation

SENATE BILL No. 1289.

An Act making an appropriation to the State Emergency Relief Board for unemployment relief

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

QUESTION OF PERSONAL PRIVILEGE

Mr. WELSH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WELSH. Mr. Speaker, on page 3671 of the Legislative Journal of May 15, 1935, I am not recorded on House Bill No. 1122. I voted aye on this bill and would like to be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

QUESTION OF PERSONAL PRIVILEGE

Mr. STEVENS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. STEVENS. Mr. Speaker, on page 3671 of the Legislative Journal of May 15, 1935, I am not recorded on House Bill No. 1122. I voted aye on this bill and would like to be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

QUESTION OF PERSONAL PRIVILEGE

Mr. WESTRICK. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WESTRICK. Mr. Speaker, on page 3671 of the Legislative Journal of May 15, 1935, I am not recorded on House Bill No. 1122. I voted aye on this bill and would like to be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

ANNOUNCEMENTS

BASE BALL

The base ball game between the Democrats and the Republicans will be played this afternoon on Island Park commencing at 3:00 P. M. The easiest route to get to the park is over the Market Street bridge.

There are dressing rooms at the stadium for the players to change to uniforms and change back again after the game, if the players are able so to do.

ANNOUNCEMENTS

COMMITTEE MEETINGS

There will be a public hearing on House Bill No. 2278, "Sterilization of mental defectives," before the Committee on Judiciary General, at 2:00 P. M., Wednesday, May 22nd. in the House caucus room.

The Acronautics Committee will meet in the conference room in the rear of the hall of the House at the close of this session.

There will be a public hearing on House Bill No. 1803 before the Committee on Law and Order today at 2:30 P. M. in the hall of the House.

There will be a public hearing before the Committee on State Government in the House caucus room at 2:00 P. M. today, on House Bills No. 1767, 1768, 1769, 1770 and 1771.

There will be a public hearing before the Committee on Mines and Mining in the conference room, on House Bill No. 2474, at 2:15 P. M. today.

There will be a public hearing on House Bills No. 2436 and 2437 in the House caucus room tomorrow at 3:00 P. M. before the Committee on Law and Order.

There will be the following committee meetings:

The Committee on Education tomorrow morning at 9:15 A. M. in room 326.

Committee on State Government tomorrow morning at 10:00 A. M. in room 324.

Committee on Insurance tomorrow morning at 10:00 A. M. in room 325.

Committee on Counties tomorrow morning at 10:30 A.M. in room 324.

Committee on Judiciary Local after the morning session tomorrow in room 325.

Committee on Municipal Corporations tomorrow morning after the morning session in room 324.

The Committee on Judiciary Special tomorrow morning immediately after the morning session in room 326.

The By-partisan Committee will meet in room 521 at 9:30 A. M. tomorrow.

There will be a public hearing before the Committee on Judiciary Local tomorrow at 2:30 P. M.

There will be a public hearing before the Judiciary General Committee in the House caucus room on May 27th at 2:00 P. M.

The Committee on Railroads will meet tomorrow morning in room 521 at 10:00 o'clock.

There will be no meeting of the Committee on Military Affairs.

There will be no meeting of the Committee on Boroughs and Townships.

There will be no meeting of the Committee on Corporations.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:00 P. M. Are there objections? The Chair hears none and declares a recess until 8:00 P. M.

AFTER RECESS

The House reconvened at 8:00 P. M.
The SPEAKER (Wilson G. Sarig) in the Chair.

SENATE MESSAGE

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

REPORT FROM COMMITTEE

Mr. CLIFF S. PATTERSON, from the Committee on Highways, reported as amended, House Bill No. 2184, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by changing certain routes and adding certain new routes.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, during this session there have been three important events for the Republican party of Pennsylvania. The first was when the gentleman from Pike County won in Pike County in a special election; the second was when the gentleman from Montgomery, Mr. Winner, overwhelmingly defeated the Democratic candidate, and last and third is when through the efforts of the gentleman from Montgomery, Johnnie Longaker, the gentleman from Schuylkill County, Mr. Linderman, the gentleman from Philadelphia, Mr. Reynolds and the gentleman from Carbon, Mr. Bernhard sent the Democrats down to a humiliating and disastrous defeat, and if ever I was proud of the Republican members of the House, it was today as I watched them lick you Democrats.

I want to close by saying that we will lick you at golf, we will lick you at basketball or any other game you want to play.

STATEMENT BY MR. HALUSKA

Mr. HALUSKA asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I am surely happy to hear that the Republicans are once more happy. We gave them plenty of breaks. I have been informed by one of our clerks that he got a nice piece of cash for the umpiring that he did. I hope they are happy now, because this coming fall there will be a reverse.

STATEMENT BY MR. DENT

Mr. DENT asked and obtained unanimous consent to make the following statement:

Mr. Speaker and Members of the House, I only want to call the attention of the so-called humiliated Democrats that we lost this afternoon through an error and I am pretty sure that is the way they won the other two times.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SOWERS. RESOLUTION No. 156.

In the House of Representatives, May 21, 1935.

A resolution providing for a method to advise the House of Representatives as to public sentiment on the question of financing Government functions by a State Lottery.

Whereas taxation has become extremely burdensome and new sources of taxation are almost impossible to find, and

Whereas taxation on real estate for school and general purposes has become intolerable, and

Whereas unusual methods must be used to raise the money needed to finance the ever increasing [illegible] of Government, such as Blind Pensions,

Rehabilitation,
Mothers Assistance,
Old Age Assistance,
Disability Assistance,
Funeral Assistance,
Unemployment Assistance, etc., and

Whereas the expense of maintaining the aforesaid Governmental functions should have a broad base, and

Whereas it is the duty of all of the recipients of the bounties of all such Governmental functions to participate in the burden of their maintainance according to their best ability, and

Whereas one of the unusual but profitable methods of raising money to finance Governmental activities is that of a State Lottery,

Whereas the use of this method seems to be controversial by reason of the aggressiveness of what is generally supposed to be a small minority of the people, and

Whereas the assembled Representatives of the people are in doubt as to the opinion of the public generally, and it is only right and proper that they should be devised as to the true sentiment of the people of the Commonwealth of Pennsylvania.

Now Therefore Be It Resolved by the House of Representatives assembled that the Chairman of the Ways and Means Committee appoint a sub-committee of five members of that Committee an advisory election in twenty-five of the Representative election districts of the State, which districts are to be chosen by lot, by the said Chairman, by means of mailing a postal card and a reply card to the duly qualified electors of said Districts appearing upon the registry of poll books of said Districts for the November election of 1934, and authorizing such sub-committee to adopt a method for the mailing and the counting and tabulating of the return cards, and reporting results to the House as soon as possible, and an item for the expense of conducting such advisory election shall be included in the general appropriation bill.

Referred to the Committee on Ways and Means.

BILL ON SECOND READING

Mr. STEWART. Mr. Speaker I ask unanimous consent to call up at this time House Bill No. 1418, Printer's No. 1154 on page 17 of to-day's calendar, bills on second reading.

The SPEAKER. Will the House give its unanimous consent to the calling up of the bill at this time. Are there objections?

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2661, as follows:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax by imposing the tax upon manufacturers selling goods wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt clarifying the provisions defining wholesale venders and dealers and relating to appeals and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of May one thousand eight hundred and

ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay [one mill] two mills additional on each dollar of the whole volume gross of business transacted annually Provided that the rate of two mills herein imposed shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty six and one thousand nine hundred and thirty seven and shall thereafter revert to the rate of one mill Each wholesale vender of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay [one-half] one mill additional on each dollar of the whole volume gross of business transacted annually Provided that the rate of one mill herein imposed shall remain in force only for the imposition and collection of taxes for the two years one thousand nine hundred and thirty six and one thousand nine hundred and thirty seven and shall thereafter revert to the rate of one-half mill Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of [wholesale venders or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products] [or] retail venders or dealers engaged in compounding and dispensing medicines on prescriptions of physicians [but every wholesale vender or wholesale dealer so engaged]and every such retail vender or retail dealer so engaged shall pay the mercantile license tax herein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to [the processing and curing of meats their products and by-products or] the compounding and dispensing of medicines on prescriptions of physicians [as the case may] be it being the object of this proviso to relieve from the mercantile licens tax only so much of the whole volume gross of business transacted anually by [wholesale] venders or dealers as is realized from [the processing and curing of meats their products and by-products and so much as is realized] [from] the compounding and dispensing of medicines on prescriptions of physicians by retail venders or dealers Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold Any manufacturer selling goods wares and merchandise of his own manufacture from the place of manufacture shall be taxable under this act as either a wholesaler or a retailer as hereinafter defined by section two of this act

Section 2 That section two of said act is hereby amended to read as follows

Section 2 [And it is provided that all] All persons who shall sell goods wares or merchandise to dealers in or venders of such goods wares and merchandise [and to no other person or persons] which dealers or venders resell such goods wares or merchandise in their original or any other form shall be taken under the provisions of this act to be wholesalers and all other venders of or dealers in goods wares and merchandise shall be retailers and shall pay an annual license tax as provided in this act for retailers

Section 3 That section six of said act as last amended by the act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred eighty-one) is hereby further amended to read as follows

Section 6 It shall be the duty of each mercantile appraiser appointed under the provisions of this act to forward by mail at least ten days prior to the date when he makes a personal visit to the place of business of every person whom he is required by law to ascertain and assess a blank prepared for distribution by the Department of Revenue as hereinbefore provided It shall be the further duty of the mercantile appraisers after mailing the blank as hereinbefore provided in the several cities and counties of this State personally to visit the store or other place of business of every vender of or dealer in goods wares and merchandise and at the time of such visit to require each vender or dealer to make a return under oath or affirmation of the goods sold for the preceding calendar year on the blank forwarded and he is hereby empowered to administer an oath or affirmation for that purpose If the mercantile appraiser is dissatisfied with the return so made by the vender or dealer he shall ascertain and assess the merchantile license tax according to the classification so made He shall also leave a written or printed notice to be prepared and furnished by the Department of Revenue specifying the classification and amount of license money to be paid by such person to this State and also the time and place when and where an appeal will be held as required by law The appeal shall be held by the county treasurer acting in conjunction with the mercantile appraiser at such date as shall conform with law in all counties except where there is a board of mercantile appraisers in which case the board shall hear all appeals Any vender or dealer subject to the provisions of this act who is dissatisfied with the [rating] assessment so made by the Mercantile appraiser board of appraisers or the court the Mercantile appraiser and county treasurer who are required to hear him on the day so fixed for the with the finding of the county treasurer and merappeal if the vender or dealer is still dissatisfied cantile appraiser or board of appraisers [in reference to the proper classification of said vender or dealer] he shall have the right of appeal to the court of common pleas of the proper county which appeal the said court is required to hear and determine within twenty days after such appeal shall be taken or at the next sitting thereof If any person fails to attend the appeal before the county treasurer and mercantile appraiser shall have the right of appeal to the shall not thereafter be permitted in a suit for the recovery of said mercantile license tax to set up as a defense either that he is not a vender of or dealer in goods wares or merchandise or any other ground of defense which might have been heard and determined either by said county treasurer and mercantile appraiser board of appraisers or the court of common pleas on appeal as aforesaid

Section 4 The following acts and parts of acts are hereby specifically repealed

Section eleven of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt"

The act approved the twenty-seventh day of February one thousand eight hundred and sixty-eight (Pamphlet Laws forty-three) entitled "An act to declare the true intent and meaning of the eleventh section of an act to provide for the reduction of the public debt approved April twenty-second Anno Domini one thousand eight hundred and forty-six"

The act approved the ninth day of April one thousand eight hundred and seventy (Pamphlet Laws fifty-nine) entitled "A supplement to an act entitled 'An act to provide for the reduction of the public debt' approved the twenty-second day of April Anno Domini one thousand eight hundred and forty-six"

Section 5 All other acts and parts of acts inconsistent with this act are repealed

Section 6 This act shall become effective immediately upon its final enactment and shall apply to all licenses applied for and procured on or after the first day of July one thousand nine hundred and thirty-five

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—114

Achterman,	Downey, G. E.,	Lovett,	Ruffennach,
Alexander,	Downey, J. J.,	Lynch,	Ruth,
Allen,	Eberharter,	Male,	Sarraf,
Arnold,	Eroe,	McDermott,	Scanlon,
Aukerman,	Falkenstein,	McElroy,	Schrope,
Bahne,	Flaherty,	McHenry,	Schwab,
Baker, J. J.,	Fitch,	Melchiorre,	Shaw,
Barber,	Flanagan,	Mentzer,	Shepard,
Bradley,	Flinchbaugh,	Moonaw,	Shugarts,
Brancato,	Furman,	Mooney,	Siegel,
Brown, H. S.,	Gerard,	Moran,	Simon,
Brown, J. E.,	Haberlen,	Moul,	Sinwell,
Brownfield,	Hagerty,	Munley,	Smith, J. A.,
Brumbaugh,	Haluska,	Murrin,	Smith, W. G.,
Burke,	Hamilton, F. P.,	Nagel,	Stank,
Cannon,	Harkins,	O'Keefe,	Stevens,
Caputo,	Harmuth,	Ominsky,	Stone,
Carr,	Hetrick,	O'Neill,	Sumney,
Carson,	Hindman,	Panton,	Tumelty,
Chervenak,	Hirsch,	Patterson, C.,	VanSickle,
Coakley,	Holstrom,	Patterson, J. W.,	Walker,
Cochran,	Hoopes,	Pearson,	Weiss,
Coleman,	Kelso,	Pfaff,	Welliver,
Condon,	Kilroy,	Piole,	Welsh,
Coolahan,	Kinney,	Powers,	Westrick,
Decker,	Klinger,	Reising,	Yourishin,
Dent,	Kobelak,	Rinn,	Zappala,
Diehl,	LaRue,	Robinson,	Sarig,
Dilley,	Long,		

NAYS—77

Altenburg,	Gillette,	Moore,	Sproul,
Andrews,	Green,	Muir,	Stewart,
Baker, F. T.,	Greenstein,	Perry,	Stockham,
Baldi,	Habbyshaw,	Peters,	Surface,
Barnhardt,	Hamilton, R. S.,	Phillips,	Tahl,
Bernhard,	Hart,	Reynolds,	Trout,
Blumberg,	Hefferon,	Rhys,	Turner,
Boose,	Hermansen,	Roan,	VanAllsburg,
Boyd, R.,	Hoffner,	Rooney,	Wall,
Boyer,	Horst,	Root,	Wasserman,
Brennan,	Jackson,	Schrock,	Weidemann,
Castor,	Kane,	Shortz,	White,
Cordier,	Kelder,	Shreiner,	Wickersham,
Davies,	Linderman,	Simpson,	Wimer,
Denning,	Longaker,	Sloan,	Witkin,
Duffort,	Mason,	Snyder, F. E.,	Wood,
Ferko,	McCreary,	Snyder, J. L.,	Woodside,
Flynn,	McKinney,	Sowers,	Yeakel,
Forrest,	Merrell,	Spangler,	Zimmerman,
Gates,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2544, as follows:

An Act to amend the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred sixty-two) as amended entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" by authorizing the State Workmen's Insurance Board to pay dividends in such proportion as it may determine by giving the said board the right to reject risks except for certain reasons and by authorizing the State Fund to write any form of workmen's compensation or employers' liability insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections three eleven and fourteen of the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred sixty-two) as amended entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employes of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" are hereby amended or further amended as the case may be to read as follows

Section 3 Certain sums to be paid by employers as hereinafter provided are hereby constituted a Fund to be known as The State Workmen's Insurance Fund for the purpose of insuring such employers against liability under article three of the Workmen's Compensation Act of 1915 and of assuring the payment of the compensation therein provided and of insuring against loss or damage resulting from accident to or injury fatal or non-fatal suffered by an employe or other person for which the person insured is liable Such Fund shall be administered by the Board without liability on the part of the State except as hereinafter provided beyond the amount hereof and shall be applied to the payment of such compensation

Section 11 The money paid in premiums by subscribers is hereby made available for the expenses of administering the fund including the purchase through the Department of Property and Supplies of surety bonds for such officers or employes of the board as may be required to furnish them supplies materials motor vehicles workmen's compensation insurance covering the officers and employes of the board and liability insurance covering vehicles purchased out of moneys of said fund and operated by the officers and employes of the board In the event that the use of motor vehicles is required only temporarily then such moneys in the fund are available for the payment to the Department of Property and Supplies for the use of such motor vehicles on a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall determine

The moneys in the fund shall also be available for payment to the Insurance Department of the cost incurred by that department in examining and auditing the State Workmen's Insurance Fund at such amounts as the Insurance Department shall determine for payment to the Treasury Department of the cost of making disbursements out of the State Workmen's Insurance Fund on behalf of the State Workmen's Insurance Board at such amounts as the Treasury Department with the approval of the Executive Board shall determine for payment to the Department of Property and Supplies for space occupied in the Capitol buildings and for water light heat power telephone and other services utilized and consumed by the State Workmen's Insurance Board at such amounts as the Department of Property and Supplies with the approval of the Executive Board shall determine

The board shall keep an accurate account of the money paid in premiums by the subscribers and the disbursements on account of injuries to the employes thereof and on account of administering the fund and if at the expiration of any year there shall be a balance remaining after deducting such disbursements the unearned premiums on undetermined risks and the percentage of premiums paid or payable to create or maintain the surplus provided in section nine of this act and after setting aside an adequate reserve so much of the balance as the board may determine to be safety distributable shall be distributed among the subscribers in [proportion to the premiums paid by them] such proportion as shall be established by the rules and regulations of the board and the board is hereby specifically authorized to pay within its discretion dividends on the basis of the loss experience of individual risks and the proportionate share of such subscribers as shall remain subscribers to the fund shall be credited to the instalment of premiums next due by them and the proportionate share of such subscribers as shall have ceased to be subscribers in the fund shall be refunded to them out of the fund in the manner hereinafter provided

Section 14 The said Board shall have the power to reinsure any risk which they may deem necessary and the said board is specifically authorized to reject any risk in the same manner and to the safe effect as any other insurance company is now authorized by law to reject Provided however That no risk shall be rejected at any time on account of race or color

Section 2 This act shall become effective immediately upon its final enactment

On the question,
Shall the bill pass finally?

BILL POSTPONED

Mr. KOBELAK. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2416, as follows:

An Act to further amend section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows and childrens exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" by repealing clause (c) and otherwise changing and revising said section

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty-eight of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows and childrens exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and excutions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedetns the audit and review of amounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the the recording and registration of decrees reports and other proceedings and the fee threfor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1235) is hereby further amended to read as follows

Section 58 (a) Except as hereinafter provided no letters testamentary or of administration or otherwise which may be granted out of this Commonwealth purporting to authorize any person to intermeddle with the estate of a decedent shall confer upon such person any of the powers and authorities possessed by an executor or administrator under letters granted within this State nor except as hereinafter provided shall any appointment of a trustee of a decedent estate or any part thereof by will probated out of this Commonwealth or by any court out of this Commonwealth confer upon such person any of the powers and authorities possessed by a trustee under a will probated within this State or appointed by an orphans court of this State

(b) Except as hereinafter provided no appointment of a guardian made or granted by any authority out of this State shall authorize the person so appointed to interfere with the estate or control the person of a minor in this State Provided That such foreign guardian may at the discretion of the orphans court having jurisdiction be appointed by said court on giving security for the due performance of his trust

[(c) It shall be lawful for any executor administrator trustee or other person duly authorized to take charge or possession of the personal estate of any decedent or for any guardian or other legal representative of the estate of a minor acting under letters testamentary or of administration or other authority granted by or under the laws of any other State territory or possession of the United States of America or of any foreign country to assign and transfer and to receive the dividends or interest of any public debt or loan of the Commonwealth of Pennsylvania or of any county city borough township or school district thereof or any stocks or bonds of any corporation incorporated under the laws of this Commonwealth or the stock of any national bank standing in the name of or belonging to the decedent minor or cestui que trust or any mortgage debt or indenture of mortgage held by or belonging to the decedent minor or cestui que trust upon real estate situate within the Commonwealth and to enter or cause to be entered satisfaction upon the record of such indenture of mortgage Provided That before any such executor administrator or trustee shall assign or transfer any such loans stock bonds or mortgages or receive any interest or dividends thereon or enter satisfaction of any such mortgage he shall also file with said register of wills an affidavit stating that the said decedent is not indebted to any person in this Commonwealth and that the proposed transfer assignment receipt or entry of satisfaction is not made for the purpose of removing any of the assets of said decedent beyond the reach of any of the creditors in this Commonwealth and any such transfer assignment receipt or entry of satisfaction without first making and filing such affidavit shall be void]

[(d)] (c) Whenever a citizen of the United States nonresident in the Commonwealth of Pennsylvania shall have died owning real estate in this Commonwealth and by his last will and testament shall have empowered his executor or trustee to sell and convey his real estate it shall be lawful for said executor or trustee or his duly appointed successor although not a resident in this Commonwealth from and after the expiration of one year from the death of such decedent to execute any power of sale contained in said last will and testament and to sell and convey to the purchaser the whole or any part

of such real estate located in this Commonwealth Provided That before executing the power of sale a copy of the last will probate and letters testamentary and of the decree appointing such successor if any there be [duly authenticated as provided in clause (c) of this section] shall be filed in the office of the register of wills of the county where the land is situated Provided further That nothing in this clause shall change or modify the acts of Assembly relating to collateral inheritances

[(e)] (d) It shall be lawful for foreign executors or administrators to cause to be issued in their names as such executors or administrators writs of scire facias within this Commonwealth in all judgments in favor of their decedents the lien of which judgments is about expiring Provided That before any further proceedings are had letters testamentary or of administration must be granted within this Commonwealth as provided by law

[(f)] (e) It shall be lawful for the orphans court having jurisdiction of the accounts of any fiduciary to award personal property to the foreign executor or administrator of a deceased nonresident creditor legatee or distributee when it shall appear to the satisfaction of the court by affidavit or other evidence that there are no creditors of such nonresident decedent within this Commonwealth and when it shall further appear by certificate of the register of wills surrogate or court of the proper jurisdiction duly authenticated as required by the acts of Congress if the domicile of such nonresident creditor legatee or distributee was in another State territory or possession of the United States of America or by the proper diplomatic or consular officer appointed by the United States of America under his official seal if such domicile was in a foreign country that the person claiming to receive such award is authorized under the laws of such State territory possession or country to receive the property of his decedent Provided That the benefits of this clause shall not extend to any case in which it shall appear that the rights of any resident of this Commonwealth may be adversely affected by such transfer of property to such foreign executor or administrator

[(g)] (f) 1 In all cases where any guardian and his ward or trustee and his cestui que trust or committee and his lunatic or any other fiduciary and the person in whose interest he is acting shall both be nonresidents of this State and such ward or cestui que trust shall be entitled to money personal property of any description or the proceeds of any sale of real estate in this State under the control or jurisdiction of any orphans court and such guardian trustee or other fiduciary shall produce satisfactory proof to said court by certificates that he has given bond and security with special reference to the money or personal property to be removed in the State or county in which he and his ward or cestui que trust reside in double the amount of such money or of the value of such property as guardian trustee or other fiduciary and it shall be found that a removal of the property will not conflict with the terms or limitations attending the righ by which he ward or cestui que trust owns the same and that no right of any resident of this Commonwealth will be prejudiced by such removal then any such guardian trustee or other fiduciary may demand or sue for and remove any such money or property to the place of residence of himself and his ward or cestui que trust If such guardian trustee or other fiduciary and his ward or cestui que trust reside in another State territory or possession of the United States of America such certificate shall be authenticated as required by the acts of Congress and if they reside in a foreign country shall be made by the court having jurisdiction of such guardian trustee or other fiduciary and authenticated by and under the official seal of a diplomatic or consular officer appointed by the United States of America and residing in such country Provided That if it shall appear by such certificate that under the laws of such State territory possession or foreign country such guardian trustee or other fiduciary is not required to enter security but that the interests of his ward or cestui que trust are safeguarded by a deposit of the money or property in the court having proper jurisdiction then it shall be lawful for the orphans court of the proper county in this State to cause suitable orders to be made authorizing the delivering and passing over of such money or property to such court without the entry of security

2 When such nonresident guardian or trustee shall produce an exemplification under the seal of the office if there be a seal of the proper court in the Etate or county of his residence containing all the entries on record in relation to his appointment and giving bond and authenticated as required by the acts of Congress or by a diplomatic or consular officer appointed by the United States of America as provided in paragraph one of this clause the orphans court of the proper county in this State may cause suitable orders to be made discharging any resident fiduciary and authorizing the delivering and passing over of such personal property and also requiring receipts to be passed and filed if deemed advisable Provided That in all cases thirty days notice shall be given to the resident fiduciary if such there be of the intended application for the order of removal and the court reject the application and refuse such order whenever it is satisfied that it is for the interest of the ward or cestui que trust that such removal shall no take place or that the claims of residents of this Commonwealth are not fully protected

[(h)] (g) When all the persons for whose benefit a valid trust shall have been created by will for a term of years or for life shall have removed from this State into any other State territory or possession of the United States to reside permanently herein the orphans court having jurisdiction of such trust is hereby authorized and empowered on application by or on behalf of all the persons interested in the trust to direct the trustees or trustees appointed in and by said will to pay over said trust moneys or transfer the securities in which they may have been invested to a trustee or trustees duly appoined by the court of such other State territory or possession upon the production to said court of satisfacory proof by certificates of the appointment of such trustee or trustees in the other State territory or possession the authority of such trustee or trustees to receive such moneys or securities and the entry of bond and security or proof of the fact that under the laws of such State territory or possession security is not required such certificate to be authenticated in the maner provided in clause [(g)] (f) paragraph one of this section and upon the production of satisfactory proof that the removal of the property will not conflict with the terms or limitations attending the rights which the cestuis que trust have in such money or securities

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Denning,	LaRue,	Rhys,
Alexander,	Dent,	Linderman,	Rinn,
Allen,	Diehl,	Long,	Roan,
Altenburg,	Dilley,	Longaker,	Robinson,
Andrews,	Downey, G. E.,	Lovett,	Rooney,
Arnold,	Downey, J. J.,	Lynch,	Ruffennach,
Atkins,	Duffort,	Male,	Ruth,
Aukerman,	Eberharter,	Mallen,	Sarraf,
Baine,	Eroe,	Mason,	Scanlon,
Baker, F. T.,	Falkenstein,	McCreary,	Schrope,
Baker, J. J.,	Ferko,	McDermott,	Schwab,
Baldi,	Finnerty,	McDevitt,	Schwartz,
Barber,	Fitch,	McElroy,	Shaw,
Barnhardt,	Flanagan,	McHenry,	Shepard,
Bernhard,	Flinchbaugh,	McKinney,	Shugarts,
Boose,	Forrest,	Melchiorre,	Siegel,
Boyd, R.,	Furman,	Mentzer,	Simon,
Boyer,	Gates,	Moomaw,	Sinwell,
Bradley,	Gerard,	Mooney,	Smith, J. A.,
Brancato,	Haberlen,	Moran,	Smith, W. G.,
Brennan,	Hagerty,	Mould,	Stank,
Brown, H. S.,	Haluska,	Muir,	Stevens,
Brown, J. E.,	Hamilton, F. P.,	Munley,	Stone,
Brownfield,	Harkins,	Murrin,	Sumney,
Brumbaugh,	Harmuth,	Nagel,	Terry,

Burke,	Hart,	Nothnagle,	Tronzo,
Cannon,	Hartman,	O'Keefe,	Trout,
Caputo,	Hefferon,	Ominsky,	Tumelty,
Carr,	Hermansen,	O'Neill,	VanAllsburg,
Carson,	Hetrick,	Panton,	VanSickle,
Castor,	Hindman,	Parks,	Walker,
Chervenak,	Hirsch,	Patterson, C.,	Wall,
Coakley,	Holstrom,	Patterson, J. W.,	Weiss,
Cochran,	Hoopes,	Pearson,	Welliver,
Cohen,	Horst,	Perry,	Welsh,
Coleman,	Jackson,	Peters,	Westrick,
Condon,	Jones,	Pfaff,	White,
Conner,	Kelso,	Phillips,	Winner,
Coolahan,	Kilroy,	Piole,	Yeakel,
Cordier,	Kinney,	Powers,	Yourishin,
Davies,	Klinger,	Reising,	Sarig,
Decker,	Kobelak,	Reynolds,	

NAYS—36

Blumberg,	Kelder,	Snyder, F. E.,	Tahl,
Flynn,	Merrell,	Snyder, J. L.,	Turner,
Gillette,	Moore,	Sowers,	Wasserman,
Green,	Root,	Spangler,	Weidemann,
Greenstein,	Schrock,	Sproul,	Wickersham,
Habbyshaw,	Shortz,	Stewart,	Witkin,
Hamilton, R. S.,	Shreiner,	Stockham,	Wood,
Hoffner,	Simpson,	Stott,	Woodside,
Kane,	Sloan,	Surface,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1869, as follows:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and culvert improvements defining the powers and duties of the Department of Highways and the Water and Power Resources Board authorizing political subdivisions persons copartnerships associations corporations and the Board of Fish Commissioners to contribute to the cost of the construction maintenance and repair of any such dam providing for acceptance by agencies of the Commonwealth of gifts and lease of lands and making appropriations from the Motor License Fund and the Fish Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Highways is hereby authorized and empowered with the consent of the Governor and the approval of the Water and Power Resources Board in the construction of State highways bridges and culverts to construct slack water dams so as to create reservoirs dams water parks lakes or other incidental works to conserve the water supply of the Commonwealth and to provide waters for public fishing and recreational purposes

Section 2 The Water and Power Resources Board in cooperation with the Department of Highways shall have power to make such surveys and to prepare such plans and estimates as may be deemed necessary for the construction of such slack water dams in conjunction with any highway bridge or culvert improvement

Section 3 Any political subdivision of the Commonwealth and any person copartnership association or corporation may petition the Department of Highways to construct any such slack water dam in connection with any highway bridge or culvert improvement and the Department may enter into any agreement whereby a political subdivision person association copartnership or corporation agrees to bear a just proportion of the extra cost involved in the construction of any such slack water dam and its subsequent maintenance Such agreements shall set forth the rights of the parties to the agreement and the public with respect to the use of such dams Any political subdivision shall have power to enter into such an agreement and to expend public moneys for such purposes All moneys contributed for such purposes shall be paid into the Motor License Fund

Section 4 The Water and Power Resources Board shall have supervision over such slack water dams and shall have power to make orders for the proper maintenance and repair of the same and to supervise the making of any repairs and to make a proper allocation of the cost of any such repairs against the Commonwealth and the party to any agreement for the construction of any such dam

Section 5 The Board of Fish Commissioners shall have power to contribute reasonable sums from the Fish Fund to aid in the construction maintenance and repair of any such slack water dam if public fishing therein shall be permitted and shall have power to stock any such dam with suitable species of fish Any moneys in the Fish Fund are hereby appropriated for such purposes

Section 6 The Department of Highways shall have power to expend moneys from the Motor License Fund in the construction maintenance and repair of any such slack water dam where the same is deemed a public benefit and the amount expended from such fund on the construction of such dam and its subsequent maintenance and repair from the Motor License Fund does not in the opinion of the Secretary of Highways increase the amount which would be expended by the Department on such highway bridge or culvert improvement and its subsequent maintenance and repair without the construction of such slack water dam Any moneys in the Motor License Fund are hereby appropriated for such purposes

Section 7 The Department of Highways the Water and Power Resources Board and the Board of Fish Commissioners shall have power to acquire by gift or lease suitable lands for slack water dams to be constructed under the provisions of this act to conserve the water supply of the State and to provide recreational and fishing areas

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, this is a perfectly good bill and I am confident that all of the members in the House want to vote for it, but the gentleman from Greene, Mr. Furman, has asked me to place it on the postponed calendar to give him time to study it. I don't know whether five days will be enough time to study, but I so move.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2525, as follows:

An Act to further amend sections one hundred two five hundred eleven five hundred twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including certain vehicles in the definitions of tractors and vehicle imposing cancellation

fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred two five hundred eleven five hundred and twelve and six hundred ten of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five) entitled "An act relating and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authoritits to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second of June one thousand nine hundred thirty-one (Pamphlet Laws eight hundred fifteen) are hereby further amended to read as follows

The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Cleat" Any projection block stud flange or any other protuberance of any material other than rubber which projects beyond the outside surface of the periphery of the wheels of a tractor

"Dealer" Any person firm or association engaged in the business of manufacturing or in the purchase and sale of tractors or trailers and who has an established place of business

"Department" The Department of Revenue of this Commonwealth

"Guide Band" Any flange affixed to the center line of the outside surface of the periphery of the front or guiding wheels of a tractor

"Highway" Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons colleges universities or other institutions

"Magistrate" A mayor burgess magistrate alderman justice of the peace or other officer having the powers of a committing magistrate

"Operator" Every person who is in actual physical control of a tractor

"Operator's License" The license issued to any person to operate a tractor

"Owner" A person who is the legal owner of a tractor or trailer or in the event the tractor or trailer is subject to an agreement for the conditional sale or lease thereof or other like agreement with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested by the conditional vendee or lessee shall be deemed the owner for the purpose of this act

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest

"Person" Every natural person firm copartnership association or corporation

"Secretary" The Secretary of Revenue of this Commonwealth

"State" A State territory organized or unorganized or district of the United States of America

"Trailer" Every vehicle wagon or truck drawn by a tractor for hauling material or freight of any kind excepting water and fuel tanks roadgraders stone-crushers sawmills concrete mixers and agricultural equipment not self-propelled

"Tractor" Every vehicle of the tractor type which is self-propelled excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks provided That for the purpose of sections six hundred and seven (a) six hundred and seven (c) six hundred and eight (a) six hundred and ten and six hundred and twelve of this act power shovels road rollers concrete mixers and other equipment exempt from registration under article two of this act moved over any highway under their own power shall be deemed a tractor

"Vehicle" Every device in upon or by which any person or property is or may be transported or drawn or which may draw devices upon a highway excepting devices used exclusively upon stationary rails or tracks provided That for the purpose of sections five hundred and eleven and five hundred and twelve (d) of this act power shovels road rollers concrete mixers and other equipment exempt from registration under article two of this act moved over any highway under their own power shall be deemed a vehicle

Section 511 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for canceling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 610 Permits for Excessive Size and Weight

The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may at their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a tractor or trailer or a combination of both with or without load or loads of a size [and] or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] conditions or restrictions [including] as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be] [deemed necessary by the authorities granting such permit] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employer of the Department of Highways of this Commonwealth or to any person having collission with or suffering injury from such [the] tractor or trailer

Penalty Any person operating or moving a tractor or trailer and its load of a size or weight exceeding the maximum specified in this act without first having obtained a permit or permits so to do shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Exemptions From Fees

(a) No fee shall be charged for the registration of tractors and trailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of the Commonwealth (e) hospital or any duly authorized volunteer fire force but all such vehicles except those owned and used by the Federal Government shall be registered and shall display registration plates as this act provides for privately owned tractors and trailers

(b) No fee shall be required for replacement or substitution of registration card registration plate or operator's licenses when satisfactory proof is furnished the secretary of loss of same in the mails

(c) No fee shall be charged for certified copy or certified photostat copy of any department record furnished to Federal State county or municipal authorities

(d) No fee shall be charged for special hauling permits issued to this Commonwealth or any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section five hundred and twelve (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

(e) No fee shall be required for transfer of registration for the succeeding year when such transfer has been received and completed by the department prior to January first of such succeeding year

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Eroe,	Mullen,	Schwab,
Alexander,	Falkenstein,	Mason,	Schwartz,
Allen,	Ferko,	McDermott,	Shaw,
Andrews,	Finnerty,	McDevitt,	Shepard,
Arnold,	Fitch,	McElroy,	Shortz,
Atkins,	Flanagan,	McHenry,	Shugarts,
Auberman,	Flinchbaugh,	McKinney,	Siegel,
Baine,	Flynn,	Melchiorre,	Simon,
Baker, F. T.,	Forrest,	Mentzer,	Simpson,
Baker, J. J.,	Furman,	Merrell,	Sinwell,
Baldi,	Gates,	Moomaw,	Smith, J. A.,
Barber,	Gerard,	Mooney,	Smith, W. G.,
Barnhardt,	Gillette,	Moore,	Snyder, F. E.,
Bernhard,	Green,	Moran,	Snyder, J. L.,
Blumberg,	Greenstein,	Moul,	Sowers,
Boone,	Haberlen,	Muir,	Spangler,
Boyd, R.,	Hagerty,	Munley,	Sproul,
Boyer,	Haluska,	Murrin,	Stank,
Bradley,	Hamilton, F. P.,	Nagel,	Stevens,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stewart,
Brennan,	Harkins,	O'Keefe,	Stockham,
Brown, H. S.,	Harmuth,	Ominsky,	Stone,
Brown, J. E.,	Hart,	O'Neill,	Stott,
Brownfield,	Hartman,	Panton,	Sumney,
Brumbaugh,	Hefferon,	Parks,	Surface,
Burke,	Hermansen,	Patterson, C.,	Tahl,
Cannon,	Hetrick,	Patterson, J. W.,	Terry,
Caputo,	Hindman,	Pearson,	Tronzo,
Carson,	Hirsch,	Perry,	Trout,
Castor,	Holstrom,	Peters,	Tumelty,
Chervenak,	Hoopes,	Pfaff,	Turner,
Coakley,	Horst,	Phillips,	Van Allsburg,
Cohen,	Jackson,	Piole,	Van Sickle,
Coleman,	Jones,	Powers,	Walker,
Condon,	Kane,	Reising,	Wasserman,
Conner,	Kelder,	Reynolds,	Weidemann,
Coolahan,	Kelso,	Rhys,	Weiss,
Cordier,	Kilroy,	Rinn,	Welliver,
Davies,	Kinney,	Roan,	Welsh,
Decker,	Klingler,	Robinson,	Westrick,
Denning,	Kobelak,	Rooney,	Winner,
Dent,	LaRue,	Root,	Wood,
Diehl,	Linderman,	Ruffennach,	Woodside,
Dilley,	Long,	Ruth,	Yeakel,
Downey, G. E.,	Longaker,	Sarraf,	Yourishin,
Downey, J. J.,	Lovett,	Scanlon,	Zimmerman,
Duffort,	Lynch,	Schrope,	Sarig,
Eberharter,	Male,		

NAYS—12

Carr,	Hoffner,	Shreiner,	Wall,
Cochran,	McCreary,	Sloan,	Wickersham,
Habbyshaw,	Schrock,	White,	Witkin,

The majority required by the Constitution having voted in the affirmative the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. BLUMBERG. Mr. Speaker, I desire to call up at this time House Bill No. 1772, Printer's No. 930, on page 21 of today's calendar, bills on final passage postponed..

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BLUMBERG.

The House resumed the consideration on final passage of House Bill No. 1772, entitled:

An Act to amend sections ten twelve fifteen and eighteen of and to add section thirteen to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" prescribing additional grounds for divorce and providing for the annulment of additional void marriages requiring the court to appoint a committee for insane respondents and providing that children born after a supposed marriage shall be deemed to be born in wedlock even though the marriage is annulled.

On the question recurring,

Shall the bill pass finally?

Mr. BURKE. Mr. Speaker and members of the House. I rise to oppose the passage of this bill for one very good fundamental reason. This bill provides additional grounds for divorce in Pennsylvania, and if you look over the bill, you will find every present ground for divorce requires some fault or delinquency on the part of the respondent or the defendant. Now, the ground for divorce which the sponsor of this bill would add to the Pennsylvania law is highly argumentative. The very words that the gentleman uses in this proposed ground will move you to tears if dwelt on long enough. The ground is where the respondent is hopelessly and incurably insane. Now, if this bill became a law that would be the only grounds for divorce which does not require fault upon the part of the person from whom the divorce is obtained. Now, it might be argued that this bill takes care of some cases which are very sad, for which the present law provides no relief, and I can very easily see that the gentleman from Philadelphia, the sponsor of this bill, can recite cases to you which might very easily move you to support this bill, but I say the recitation of those cases is no stronger than an argument that would remove from the grammar school curriculum the rules of multiplication just because a few students find it hard to comprehend them. I have heard bills described as fallacious, I have heard used the editorial iniquitous, but my objection to this bill without any embellishment is that it s just plain cruel, and I ask you gentlemen to vote "no."

Mr. BLUMBERG. Mr. Speaker and members of the House, while it was extremely difficult in this sector to hear the remarks of my most distinguished and intelligent colleague from Philadelphia, I gathered that his sole argument was that if hopeless and incurable insanity were added as a ground for divorce in the divorce code of Pennsylvania, that that would be the only ground that did not require fault upon the part of the respondent.

Now, my intelligent colleague is in error. If he will read the bill, he will notice that at the present time, under the law, the first cause is, under 1-A, that "at the time of the contract was and still is naturally and incurably impotent or incapable of procreation."

Now, Mr. Speaker and members of the House, the cause which I propose may be a deficiency of the intellect, while the cause which is now in the act is a deficiency of the physical body; neither requires fault on the part of the respondent and the effects of both are equally cruel upon the part of the spouse who can find no redress under the law. The question of insanity with regard to marriage has arisen an untold number of times in the courts and uniformly the court has granted redress where the sole question involved was property rights, but unfortunately on account of the law has been unable to grant redress in cases which are much more important to the litigant, to wit: his personal life. The Court has commonly said that marriage based on insanity was void at inception and property rights therefore will not suffer. The Courts have said repeatedly in a number of cases that they are powerless, under the present state of the law, to grant personal relief.

I do not have any intention of attempting to move the House to tears as my esteemed colleague said, by recounting to you the numerous cases of hardship and untold misery that spouses suffer as the result of failing to get present relief under the law

This to me is a step in the right direction. It is in trend with modern thought. It is not an attempt to loosen the divorce laws of the state, but rather to supply a needed deficiency.

The act has adequate safeguards. It provides that before a divorce can be granted on this ground that the Court will appoint a committee to protect the rights of the respondent. It provides further for the payment of alimony for the balance of the life of the insane spouse, and a fund must be supplied to protect the insane spouse, and that this sum will be paid for the balance of his or her life.

It also makes a provision that if any children should be born of such marriage that such children would be considered legitimate.

For those reasons gentlemen of the House, I ask you to vote for the bill.

Mr. BURKE. Mr. Speaker and members of the House, I just want to elaborate perhaps on the objection which the sponsor of the bill directed at me. I apparently was not fundamental enough in stating my objection, since the gentleman stated tha I was inaccurate in that that would not be the only ground for divorce which would not require fault on the part of the respondent.

I thought that it was rather obvious that I was referring to a ground for divorce for conduct which arose or a condition which arose after the marriage was consummated. Of course, as the gentleman said, if the party to the marriage is insane at the time the marriage has been contracted, there is no marriage, so to restate my objection the proposed ground for divorce would be the only ground which arises out of conduct or out of a condition after the marriage is contracted, in which case no delinquency or fault on the part of the respondent is required.

Mr. BARBER. Mr. Speaker and members of the House, I too wish to oppose House Bill No. 1772, because I don't believe there is any necessity at the present time or at any other time for making insanity a ground for divorce in the Commonwealth. I believe that when a marriage is entered into, that when nothing occurs on the part of either party during that marriage to make a divorce necessary, then we should not say that because during the course of that marriage one party happens to become insane, that they can become a public charge and that a divorce can be granted by a Judge. And so I ask the members of this House, both the Democratic and Republican members to say that a bill of this kind will not be passed in Pennsylvania, that a bill of this kind will not be passed in this House, and I ask you to vote "no" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—65

Achterman,	Duffort,	Male,	Snyder, J. L.,
Atkins,	Ferko,	McDevitt,	Spangler,
Aukerman,	Forrest,	Muir,	Sproul,
Baldi,	Gillette,	Ominsky,	Sumney,
Barnhardt,	Habbyshaw,	Perry,	Surface,
Bernhard,	Hamilton, R. S.,	Peters,	Tahl,
Blumberg,	Hart,	Powers,	Turner,
Booze,	Hermansen,	Roan,	Wall,
Boyd, R.,	Hoffner,	Root,	Weidemann,
Boyer,	Hoopes,	Schrock,	Weiss,
Brennan,	Horst,	Shepard,	White,
Brown, H. S.,	Jones,	Shortz,	Winner,
Caputo,	Kane,	Simon,	Witkin,
Cohen,	Kelder,	Simpson,	Wood,
Cordier,	Linderman,	Sloan,	Woodside,
Davies,	Longaker,	Snyder, F. E.,	Yeakel,
Diehl,			

NAYS—102

Alexander,	Downey, G. E.,	Klingler,	Piole,
Allen,	Downey, J. J.,	Kobelak,	Reising,
Altenburg,	Eberharter,	LaRue,	Rhys,
Andrews,	Eroe,	Long,	Robinson,
Arnold,	Falkenstein,	Lovett,	Ruffennach,
Baine,	Finnerty,	Mason,	Ruth,
Baker, J J.,	Fitch,	McCreary,	Sarraf,
Barber,	Flanagan,	McDermott,	Scanlon,
Bradley,	Flinchbaugh,	McElroy,	Schrope,
Brancato,	Flynn,	McHenry,	Schwab,
Brown J. E.,	Furman,	McKinney,	Shaw,
Brownfield,	Gerard,	Mentzer,	Siegel,
Brumbaugh,	Green,	Merrell,	Sowers,
Burke,	Haberlen,	Moomaw,	Stevens,
Cannon,	Hagerty,	Mooney,	Stewart,
Carr,	Haluska,	Moore,	Stockham,
Carson,	Hamilton, F. P.,	Moran,	Stone,
Castor,	Harkins,	Munley,	Tronzo,
Chervenak,	Harmuth,	Murrin,	Tumelty,
Coakley,	Hetrick,	O'Keefe,	Van Sickle,
Cochran,	Hindman,	O'Neill,	Walker,
Condon,	Hirsch,	Panton,	Welliver,
Coolahan,	Holstrum,	Patterson, C.,	Welsh,
Decker,	Kelso,	Patterson, J. W.,	Westrick,
Dent,	Kilroy,	Pearson,	Yourishin,
Dilley,	Kinney,	Pfaff,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

HOUSE BILL NO. 1865 TAKEN FROM TABLE

Mr. McHENRY. Mr. Speaker, I move that House Bill No. 1865, Printer's No. 611, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 171), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment, of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the Soldiers' Orphans Schools, extending the time for the discharge of children from said school.

which was recalled from the Governor and laid upon the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. McHENRY. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. McHENRY. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McHENRY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "amend" the following: "the title and"

Amend title, page 1, line 8 of title, by striking out with dark-faced brackets the word "as"

Amend title, page 1, lines 9, 10 and 11 of title, by striking out with dark-faced brackets the words "of the building and buildings necessary" in line 9, all of line 10, and the words "erection and equipment" in line 11.

Amend title, page 1, line 11 of title, by striking out with dark-faced brackets the word "the"

Amend Sec. 1, page 2, line 4, by striking out with dark-faced brackets the words "section eight" and inserting in lieu thereof: "the title"

Amend Sec. 1, page 2, line 10, by striking out with dark-faced brackets the word "as"

Amend Sec. 1, page 2, lines 11, 12 and 13, by striking out with dark-faced brackets the words "of the building and buildings neces-" in line 11, all of line 12, and the words "erection and equipment" in line 13.

Amend Sec. 1, page 2, line 13, by striking out with dark-faced brackets the word "the"

Amend Sec. 1, page 2, lines 19, 20 and 21, by striking out with dark-faced brackets the words "as amended by the act approved the seventeenth" in line 19, all of line 20, and the words "phlet Laws forty-four)" in line 21.

Amend Sec. 1, page 2, by inserting between lines 21 and 22 the following:

An act providing for the acquisition of land and the erection equipment, management and operation of the Pennsylvania Soldiers Orphans' [Industrial] School, [the purchase of land and the erection and equipment of the building and buildings necessary therefor, making appropriations for such purposes, erection and equipment and] the maintenance of children admitted [therein, placing the care of the same in the commission, now known as the Commission of Soldiers Orphan Schools of the State of Pennsylvania] thereto, and regulating the admissions to and discharges from the said Pennsylvania Soldiers Orphans' [Industrial] School.

Section 2. That section eight of said act, as amended by the act approved the seventeenth day of March, one thousand nine hundred and five (P. L. 44), is hereby further amended to read as follows:

Amend Sec. 1, page 2, line 26, by inserting after the word "the" where it appears the second time in said line, the following: "Pennsylvania"

Amend Sec. 1, page 3, line 1, by striking out with light-faced brackets the word "Industrial"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. BERNARD. Mr. Speaker and members of the House, the bill that is before you now, House Bill No. 1865 was passed several weeks ago; it is the Soldiers' Orphans' Home Bill that I talked on. It was passed by this House and the Senate and placed in the hands of the Attorney General, who found certain flaws in it that made it necessary to have it brought back into this House, and corrected and that is all there is to it.

Commencement exercises at the school take place the first part of next month, and if this bill does not pass at this time the pupils will have to leave the Home at that time, whereas if the bill is passed now the pupils may remain for another year.

On the question recurring,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading reading and consideration of House Bill No. 1373, as follows:

An Act relating to local taxation establishing a centralized system in counties of the second class for the collection of all county borough town township and certain school and poor taxes except in certain cases through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second class a centralized county system for the collection of all county borough town township school and poor taxes is hereby established

Section 2 Short Title This act shall be known and cited as "The Second Class County Tax Collection Law"

Section 3 Definition of Certain Words The term "corporate authorities" as used in this act shall be construed to mean (a) the county commissioners of any county (b) the burgess or council or both of any borough or town (c) the board commissioners of any township of the first class (d) the board of township supervisors of any township of the second class (e) the board of school directors of any school district and (f) the managers directors or overseers of any poor district

Section 4 Application of Act This act shall apply to the collection of all county borough town township school and poor taxes except that this act shall not apply to (a) the collection of city and school taxes in cities of the first second and third class or to the collection of poor taxes in any such city where a poor tax is collected for such purposes only within such city or (b) the collection of county city school and poor taxes in cities of the second class A

Nothing contained herein shall be construed to prevent the county commissioners from appointing the city treasurer of any city of the third class as the collector of such collection by salary to be fixed by the county com- county taxes in such cities provided that he is paid for missioners but if such appointment is not made then such county taxes shall be collected in such cities by the county tax collector as herein provided This act shall be construed as providing an exclusive method for the collection of all local taxes in said counties boroughs townships towns school districts and poor districts except as above excepted and taxes on unseated lands and except as to the return of property to county commissioners for the collection of delinquent taxes by county treasurers' sales and as to the filing and collection of tax claims in and through the office of the prothonotary

Section 5 Schedule of Tax Collections Until Expiration of Terms of Collectors Now in Office The tax collectors of the various counties boroughs townships school and poor districts shall continue in office until the end of their respective terms and shall continue to perform the duties possess the powers receive the emoluments of office and be subject to the liabilities and penalties provided by existing laws but if any vacancy shall occur or exist in any of said offices of tax collector said vacancy shall not be filled In such cases the taxes in the unit where the vacancy occurs or exists except in units for which duplicates have already been issued at the effective date of this Act shall be collected by the county tax collector crated by this act Provided That the salary hereinafter provided for shall not be payable to the county tax collector until such time as the system herein provided shall be in full and complete operation and pending such time he shall for the duplicates placed in his hands receive such compensation as the salary board hereinafter provided for shall fix which compensation plus other costs of collection and clerical hire shall be paid one-half by the county and one-half by the units for which he is so collecting taxes said one-half to be allocated according to the method provided in section fifteen of this act

Duplicates of taxes shall so long as said collectors of local taxes are in office be delivered to them and taxes collected by them as now provided by law After the expiration of the terms of the tax collectors now in office or when the office becomes vacant prior to the expiration of such terms the office of each such county borough town township school and poor district tax collector and of the county tax collectors in cities whether for the collection of current or delinquent taxes is hereby abolished and thereafter all such taxes shall be collected only by the county tax collector provided by this act but nothing herein contained shall be construed to abolish any such office in any unit to which this act does not apply

Section 6 Levy of Taxes Publication of Notice The corporate authorities of each county borough town and township and of each poor district and school district other than those coextensive with or located wholly within cities shall annually fix their respective levies of taxes including the amount of any poll or per capita tax which shall be certified to the board for the assessment and revision of taxes or county commissioners as the case may be not later than the fifteenth day of May of each year together with their respective warrants directed to the county tax collector authorizing him to collect taxes levied and assessed in their respective units as will appear upon the duplicates to be furnished to him

After the fifteenth day of May of each year the county commissioners or the board for the assessment and revision of taxes as the case may be shall give notice by consolidated statement of the respective tax levies which have been made and certified by the several taxing units Such notice shall state the rates of tax levied by each taxing unit and when taxes become due and payable the discounts for prompt payment when taxes are payable at face when the same shall become delinquent the rate of penalty imposed for delinquency and when interest will be added to the tax Said notice shall be published twice during the month of June in three newspapers of general circulation as defined by the Newspaper Advertising Act approved May sixteenth one thousand nine hundred and twenty-nine if so many newspapers are published in the county

Section 7 Duplicates Contents Until the expiration of the terms of the various tax collectors now in office duplicates for all county borough town township poor district and school district taxes shall be prepared as now provided by law and be delivered to such tax collectors Thereafter all such duplicates shall be prepared by the board for the assessment and revision of taxes or the county commissioners as the case may be and shall be delivered to the county tax collector not later than the first day of July of each year Duplicates shall be written for each taxing unit and shall show substantially (a) the name and residence of each taxable (b) the location and valuation of each parcel of real estate of such taxable (c) the valuation of personal property including intangibles taxable for county purposes only (d) the valuation of the occupation of each taxable (e) the amount of any occupation tax poll or per capita tax levied by any taking unit (f) the rates of taxation of the various taxing units and (g) the several amounts of taxes due by each person to each respective taxing unit Copies of such portion of the duplicate as pertains to each taxing unit shall be furnished to each unit

Section 8 Duplicates Public Records Form All duplicates shall be public records and shall be admissible in evidence in the same manner as other public records All duplicates shall be preserved in the office of the county tax collector at the county seat

It shall be the duty of the Department of Internal Affairs immediately after the passage of this act to prepare a model duplicate or duplicates arranged substantially in accordance with this act

Section 9 Preparation of Duplicates for Independent School Districts and Certain Poor Districts In the case of any independent school district or a poor district embracing territory in more than one municipal district the duplicates shall be prepared for each municipal district as the hereinbefore provided but shall set forth specifically opposite the name of each taxable the school district or poor district to which the taxes charged in the duplicates are payable

Section 10 Tax Bills to Taxables Contents With the preparation of the duplicates the board for the assessment and revision of taxes or county commissioners as the case may be shall cause to be prepared a tax bill for each taxable whose name appears on the duplicates Such tax bill shall contain (a) the name of the county and the name of the city borough town or township in which the taxes are assessed (b) the rates of taxation levied by the county borough town township school district and poor district in which the person is taxable (c) the location and valuation of each parcel of real estate of the taxable (d) the valuation of the personal property taxable for county purposes only (e) the valuation of the occupation of the taxable (f) the occupation poll and per capita taxes levied by the respective taxing units (g) the full amount of county borough town township school and poor taxes for which the taxable is liable (h) if an installment system for tax payments has been established a statement when each installment of all of said taxes becomes due and delinquent and the additional percentage which will be added to the several installments as a penalty (i) if no installment system of tax payments has been established and as to those taxes not paid on the installment plan a statement of the discount and time before which the same may be secured the time during which taxes are payable at face and when the penalty will be added stating the same and (j) the places where such taxes are payable

Such tax bill shall be mailed by the county commissioners or board for the assessment and revision of taxes to the last known address of each taxable not later than the first day of July of each year

Model forms of such tax bills and of tax receipts shall be prepared by the Department of Internal Affairs The tax bill may be used for receipt purposes where a stub or duplicate is attached thereto showing substantially the same information which stub or duplicate may be detached from the bill for record purposes

Section 11 County Treasurer Designated as County Tax Collector Bond The county Treasurer of each county shall as the terms of the various tax collectors now in office expire become the collector of all county borough town township school and poor taxes levied and assessed by said units coming under the provisions of this act and shall be known as the county tax collector He shall give a fidelity bond within 60 days after he takes office and yearly thereafter to the Commonwealth in an amount to be fixed by the county commissioners and with surety corporate or personal to be approved by the court of quarter sessions Such bond shall contain a warrant of attorney to confess judgment thereon and shall be conditioned that such county tax collector shall in the office of the prothonotary together with all the penalties and interest thereon account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The county tax collector and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the proper taxing authorities for entry as liens in the office of the prothonotary or (3) returned to the county treasurer for sale or (4) in the case of occupation poll and percapita taxes a record of those which remain uncollected is filed with the proper taxing authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes Said bond shall be deposited with the controller of the county where such office exists and in all other cases with the county commissioners The cost of procuring said bond shall be an item of the cost of collection of taxes and shall be paid by the county and the several boroughs towns townships school districts and poor districts in the proportion hereinafter provided for

Section 12 Appointment of County Tax Collector in Certain Cases Where any county tax collector is unable to furnish a proper bond within the time fixed by this Act or fails to finally settle all duplicates in his hands for any year in accordance with this act a vacancy in the office of county tax collector shall exist and the county commissioners shall immediately appoint a citizen of the county as county tax collector who shall hold office until a new county treasurer is duly elected and qualified The county tax collector so appointed shall furnish bond in like manner and shall have all the rights powers privileges and emoluments conferred upon and be subject to all the liabilities and penalties of the county tax collector as provided by this act and by the laws of this Commonwealth Any such appointed tax collector in addition to the compensation herein fixed for the county tax collector shall receive such additional compensation as the salary board as provided for in section fourteen of this act shall fix Any further vacancy happening in said office after any such appointment shall also be filled in the manner as herein provided

Section 13 Salary of County Tax Collector Each county treasurer in addition to the compensation which he receives for acting as such shall receive an annual salary as county tax collector of four thousand dollars ($4,000) in counties of the second class three thousand dollars ($3,000) in counties of the third class two thousand dollars ($2,000) in counties of the fourth class one thousand five hundred dollars ($1,500) in counties of the fifth class one thousand dollars ($1,000) in counties of the sixth class seven hundred fifty dollars ($750) in counties of the seventh class and five hundred dollars ($500) in counties of the eighth class

Section 14 Appointment of Clerks Salaries When the system herein provided shall be in full and complete effect the county tax collector shall have power with the consent of the salary board in counties where such board exists otherwise with the consent of the county commissioners to appoint such clerks as may be deemed necessary to carry into complete effect the provisions of this act one of said clerks to be designated as the deputy county tax collector The salary of such clerks shall be fixed by the salary board of the county In counties where no such board now exists the county commissioners and county treasurer shall act as a salary board for the purposes of this act To assist the county tax collector in the collection of taxes the county commissioners with the consent of the board for the assessment and revision of taxes in counties where such board exists may assign to the county tax collector any of the surbordinate assessors or clerks of said board when their services are not required by it but such assessors and clerks shall receive no additional compensation for such service

The additional salary of the county treasurer and the salaries of the clerks to the county tax collector including the salary of any assigned clerk during the time of assignment shall constitute an item of the cost of the collection of taxes and shall be apportioned as hereinafter provided

Section 15 Division of Cost of Preparing Duplicates Notices to Taxables and Collection of Taxes The board of county commissioners shall keep an accurate account of all moneys expended for books supplies stamps salaries including the salary of the county tax collector clerical hire and other expenses incidental to the preparation of duplicates the preparation and mailing of tax bills advertising costs and the collection of taxes One-half of such entire cost and expense shall be paid by the county The remaining one-half of such cost shall be paid by the several boroughs towns townships and school districts and poor districts which levy their taxes separately from the county tax levy in the proportion that the amount of the tax shown on the duplicate for the particular unit bears to the total amount of taxes on the duplicate for all of said units All of such costs and expenses shall be paid in the first instance by the county The county commissioners shall once each year certify the amount due by each of said unit and request payments thereof In case any such unit shall neglect to pay its proportion of such expense within ninety days after notice so to do the same shall upon certification by the county commissioners be deducted from the funds then or thereafter in the hands of the county tax collector belonging to such unit and the county tax collector is hereby directed to pay any such amount into the county treasury and the receipt of the county commissioners shall exonerate the county tax collector from the payment of such amount to the unit

Section 16 County Tax Collectors to be Responsible for Collections Life of Warrants Surrender of Duplicates to Successor The county commissioners shall charge the whole amount of taxes in the several duplicates to the county tax collector Each county tax collector shall be responsible for the collection of all taxes charged in the several duplicates delivered to him during his term of office except such as are legally returned for non-payment or abated or exonerated as herein provided The warrants attached to the several duplicates shall be effectual for the collection of taxes for a period of two years The executors and administrators of any county tax collectors shall not have power to enforce the collection of unpaid taxes but such taxes shall be collected by the successor to a deceased county tax collector with all the powers of the county tax collector The county tax collector upon the expiration of his term of office shall surrender all unsatisfied duplicates in his possession to his successor in office who shall continue and be responsible as herein provided for the collection of unpaid taxes charged in such duplicates in the manner provided by this act The tax accounts of the county tax collector with each district shall be adjusted and balanced to the satisfaction of the incoming tax collector and the taxing authority of each unit before any release of the bond of the outgoing tax collector shall be given Provided That if any surety on any such bond is of the opinion that the incoming tax collector or the taxing authority of any unit unreasonably refuses to signify his or their satisfaction with any such adjustment or balance such surety may apply to the court of common pleas of the county to have such bond released notwithstanding such refusal and if it shall appear to the court that such tax accounts have in fact

been adjusted and balanced in a satisfactory manner it shall enter an order releasing the bond of such outgoing tax collector

Section 17 Delivery of Duplicates to County Tax Collector Warrants to be Attached The board for the assessment and revision of taxes or the board of county commissioners as the case may be shall not later than the first day of July of each year deliver to the county tax collector the several duplicates prepared by them showing the taxes to be collected for county borough town township school and poor purposes To such duplicates shall be attached the warrants issued by the corporate authorities of the county and the several boroughs towns townships school and poor districts authorizing the county tax collector to collect receive and receipt for all taxes levied within the respective units

Section 18 Lien of Taxes All county borough town township school and poor taxes levied and assessed upon real property and the penalties and interest thereon shall be a first lien upon such property from the time they become due and such lien shall continue and remain a valid lien in accordance with existing laws relating to tax liens

Section 19 Banks Authorized to Receive Taxes The county tax collector shall have authority to appoint any bank savings bank and trust company or trust company located within the county as a deputy county tax collector for the sole purpose however of receiving and receipting for taxes paid to it at its place of business The county tax collector shall not be held responsible for losses occasioned by the failure of a bank savings bank bank and trust company or trust company for moneys received as deputy unless he had knowledge of the unsound condition of the institution when it was appointed a deputy collector Each bank savings bank bank and trust company or trust company acting as a deputy county tax collector shall within five days after the last day of each month transmit to the county tax collector all tax moneys received during the preceding month ending with the last day of the month Each such transmittal of funds shall be accompanied by a statement itemized to show the individual tax payments included No bank savings bank bank and trust company or trust company shall be allowed any compensation or commission for acting as a deputy county tax collector other than expenses actually incurred in transmitting moneys and records of payments to the county tax collector and any premium or other costs of the bond given by the bank as herein provided All such expenses including costs of bonds shall constitute an item of the cost of collection of taxes and shall be apportioned as hereinbefore provided

Section 20 Collecting Taxes Entry of Receipts Immediately after the delivery of the several duplicates the county tax collector shall proceed to collect the taxes therein charged The county tax collector or any bank savings bank bank and trust company or trust company legally authorized to act as a deputy county tax collector when receiving taxes shall issue a receipt for the taxes or the particular installment or installments of taxes paid by the taxable and if the tax is paid at any place other than the office at the county seat shall immediately forward a duplicate of such receipt or the stub attached to the tax bill to the county tax collector who shall cause to be entered upon the proper duplicate in his possession a record of the payments made

Section 21 Payment of Taxes Discounts Penalty on Delinquent Taxes All taxes collected under this act except those paid on the installment plan shall be subject to a discount of five per centum (5%) if paid on or before the first day of September of each year From the second day of September to and including the first day of November all such taxes shall be payable at face On the second day of November all such taxes shall become delinquent and one-half of one per centum (½%) penalty for each month or fraction thereof thereafter until the first day of May of the year following shall be added thereto and collected in the same manner as the tax

Beginning the first day of May of the year following the year of levy interest at the rate of six per centum (6%) per annum shall be added to the delinquent tax until the same is paid and such interest shall continue to run after the lands have been returned or after a lien for the tax has been filed in the office of the prothonotary No additional penalties or interest shall attach to said tax under the tax return or tax lien laws of the Commonwealth

Section 22 Installment System The county commissioners shall have authority to establish by resolution a system for the collection and payment of all taxes collected by the county tax collector under the provisions of this act at the option of the taxpayer on the flat rate basis in two or more equal installments No borough town township school district or poor district shall have power to require or permit payment of its taxes in installments different from those established by the county commissioners and all such existing ordinances or resolutions are hereby made void and of no effect immediately upon the taking effect of this act in any taxing unit

If the county commissioners establish an installment system for the payment of taxes they shall in their resolution set forth the number of installments in which taxes shall be paid and the dates when the respective installments become due and delinquent No discounts shall be allowed on any installments To each installment on the date when it becomes delinquent a penalty of five per centum (5%) shall be added which shall be collected in the same manner and with like powers and authority as in the case of taxes under existing laws

The payment of the first installment by a taxpayer before the same becomes delinquent shall conclusively evidence an intention to pay his or her or its taxes on the installment plan as provided by said resolution but of a taxpayer shall thereafter permit one-half or more of the total number of installments of taxes to become delinquent an additional penalty of three per centum (3%) shall be added to each such delinquent installment Where a taxpayer shall fail to evidence an intention to pay on the installment plan as hereinbefore provided his her or its taxes shall become due and payable and be collected subject to the discounts and penalties provided in the section immediately preceding No further penalties shall be added to any installment of taxes unless one or more installments remain unpaid and the lands upon which such installments are due are returned under existing laws to the county commissioners for non-payment of taxes or in case a lien for such unpaid installment or installments is filed under existing laws in the office of the prothonotary in either of which cases interest from the first day of May of the year following that for which the taxes were levied at the rate of six per centum (6%) per annum on the amount of the tax shall be added to and collected with such delinquent installment or installments and the penalties thereon No additional penalties or interest shall attach to such installments under the tax return or tax lien laws of the Commonwealth

Section 23 Payments by Mail Payments of taxes or of any installments of taxes may be made by money order or by check and forwarded by mail addressed to the county tax collector at the county seat In the case of any such payment the taxpayer shall enclose his tax bill or an identifying stub in order that the tax payment may be identified and proper receipt be entered by the county tax collector whereupon a receipt shall be returned to the taxpayer

Section 24 Proceedings to Collect Taxes A If any person shall fail neglect or refuse to make payment of taxes or of any one or more installments of taxes within thirty days after demand made the county tax collector or his deputy may levy the amount thereof together with the penalty and costs by distress and sale of the goods and chattels of the delinquent giving ten days notice of such sale by written or printed advertisement

The county tax collector may deputize any constable or constables resident within the county to collect by distress and sale of goods and chattels any taxes which are delinquent and for such purposes all the powers of the county tax collector are hereby conferred upon such constable For each such distress and sale of goods and chattels the constable shall be entitled to a fee of two dollars which fee shall be collected by the constable by such sale in addition to the taxes penalties and interest

No failure to demand or to collect any taxes by distress and sale of goods and chattels shall invalidate any return made or lien filed for non-payment of taxes or any sale had for the collection of such taxes

B In case any person neglects or refuses to pay his or her occupation poll or per capita tax as herein provided after having received ten days' notice or demand so to do the county tax collector shall notify any person copartnership association or corporation by whom or which such delinquent tax payer is employed that such taxpayer has failed or neglected to pay said tax as required and such collector may thereupon request payment from such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person copartnership association or corporation employing any such delinquent taxpayer shall deduct from any wages that are then or may thereafter become due and owing to the delinquent taxpayer the amount of such delinquent tax and pay the same over to such county tax collector and the proper receipt for such taxes paid to the county tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

If any person copartnership association or corporation receiving a notice from any county tax collector requesting the payment of any such tax of any employe shall fail or refuse to deduct from any wages then due and owing or that may thereafter become due and owing to such employe the amount of such tax or if such person copartnership association or corporation deducts the amount of such tax and fails to pay the same over to the county tax collector within thirty days after making such deduction such person copartnership association or corporation shall forfeit and pay a sum equal to the amount of such tax collected from such employe or employes as aforesaid which sum together with costs may be recovered by the county tax collector in an action of assumpsit against said person copartnership association or corporation failing to pay over such tax as debts of like amount are now recoverable In the collection of any judgment recovered for any such delinquent tax against any person copartnership association or corporation the defendant therein shall not be entitled to the benefit of any exemption appraisement law or stay of execution

Section 25 Payment of Taxes by Tenants in Common and Coparceners Any tenant in common or coparcener of seated lands shall have the right to pay his or her or their proportionate part of the amount of taxes due thereon and it shall be the duty of the county tax collector to receive and receipt for the same and the interest of any such tenant in common or coparcener shall not be affected by any proceeding or sale to enforce payment of taxes on the other interests in said land

Section 26 Exonerations The corporate authorities of the several counties boroughs towns townships school and poor districts shall have power to exonerate the county tax collector from the collection of any tax penalty and interest in whole or in part as to them shall appear just and reasonable They shall direct their clerk to enter in a book to be kept for that purpose (a) the names of all persons abated or exonerated together with (b) the reason therefor and (c) the amount and date when made and shall give to the county tax collector a certificate stating the nature of the tax and the amount exonerated in order that settlement may be made accordingly All such books shall be open to public inspection during business hours

Section 27 Returns and Payments The county tax collector shall make monthly returns in writing to the board of county commissioners and to the corporate authorities of the several boroughs towns townships school and poor districts showing the amounts of taxes collected during the preceding months and the amount of uncollected taxes upon the duplicate Each such return shall be accompanied by a list showing the individual tax payments received and indicating the amounts the date of payment and from whom received Such returns shall be made within ten days after the first day of each month for the preceding month ending with the last day of the month He shall at the same time pay over to the treasurer of the county and to the treasurers of the various taxing units the full amounts of taxes so collected

Any county tax collector failing to may any monthly payment as herein required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 28 Final Settlement The county tax collector shall make a complete settlement of all taxes charged upon his duplicate except such as may have been abated exonerated or held in the custody of the court pending a decision on an appeal from the assessed valuation of taxable property or such as may be charged upon real property which has been returned for non-payment of taxes as hereinafter provided or for which liens are to be filed and for which schedules have been furnished as hereinafter provided not later than the first Monday of June of the year following the one in which such taxes were payable On making final settlement the county tax collector shall make an oath or affirmation before the county commissioners that he has made a true and just return of all moneys by him collected Thereupon the tax collector and his sureties if such settlement has been adjusted to the satisfaction of the incoming tax collector and the taxing unit shall be discharged from further liability Provided that if the tax collector or his surety is of the opinion that the incoming tax collector or the corporate authorities of any taxing unit unreasonably refuses to signify his or their satisfaction with any such settlement or adjustment such tax collector or surety may apply to the court of common pleas of the county to have such bond released notwithstanding such refusal and if it shall appear to the court that settlement has been made and adjusted in a satisfactory manner it shall enter an order releasing the bond of such outgoing tax collector

Section 29 Collection After Expiration of Warrants Collection by Districts In all cases where taxes are due and unpaid to any county tax collector after the date fixed for final settlement and the collector has not been exonerated or the property upon which the taxes were levied has not ben returned for non-payment of taxes the county tax collector may sue for the same

In addition to all other remedies provided by this act the several taxing units shall have power to collect unpaid taxes whether returned liened or otherwise from the owner or owners of the lands against which assessed by suit or other appropriate remedy To any judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit upon which judgment an execution may be issued without any stay or benefit of any exemption law

Section 30 Penalty for Embezzlement of Moneys If any person charged with the collection safekeeping or transfer of any county borough township school or poor taxes shall convert the moneys so collected or any part thereof to his own use or shall use by way of investment in any kind of property or merchandise any portion of the moneys so collected by him and shall fail to pay over the same or any part thereof at the time or place required and to the person authorized to demand and receive the same he shall be guilty of a felony Every such person and every person in any way accessory to such act upon conviction thereof shall be sentenced to undergo an imprisonment not exceeding five years or to pay a fine not exceeding five thousand dollars or both

Section 31 Taxes Exonerated or From Persons Not Assessed Not to be Received Penalty No county tax collector or any other person on his behalf shall receive payment or give any receipt for the payment of any taxes not assessed and return of such assessment made nor shall any such collector or other person in his behalf receive payment or give any receipt for the payment of any taxes from the payment of which the party assessed has been exonerated unless the party so exonerated shall himself appear in his own person and tender payment of such taxes If any county tax collector or other person on his behalf shall violate any of the provisions of this section he shall violate any of the provisions of this section he shall upon conviction be sentenced to pay a fine of one hundred dollars for the use of the county

Section 32 Returns of Unpaid Taxes on Real Property The county tax collector shall not later than the first Monday of May of each year following the one in which any taxes were due and collectible make a return to the county commissioners of all real property upon which any county borough town township school or poor taxes remain unpaid and the county commissioners shall immediately certify such return to the county treasurer then in office in order that sale of such properties may be made in the manner provided by law

If any taxing district shall notify the county tax collector in writing that it does not desire its delinquent taxes to be collected by return or sale but by liens filed in the office of the prothonotary then in that event he shall file with the taxing authority or its solicitor as may be required not later than said first Monday of May schedules of unpaid taxes in such form as may be required by the taxing unit

In case any county tax collector shall refuse neglect or fail to make any return as herein provided he shall become personally liable for the payment of all taxes upon the real property which should have been returned and recovery of such taxes may be had against the county tax collector but nothing herein provided shall prevent the filing of any lien for the collection of taxes in the prothonotary's office and the collection in the manner provided by law and where any such lien shall be filed the collector of taxes shall not thereafter be liable for failure to collect such taxes

Where real property shall be returned for non-payment of taxes the county tax collector shall add to the amount of each item of tax for which the same is returned the penalty which shall be due on such taxes which penalty shall be recovered and collected with such taxes

Section 33 Audit of Accounts of County Tax Collector The accounts of the county tax collector shall be audited and settled by the county controller and in counties where there is no county controller by an auditor who shall be a competent accountant and who shall be appointed by the court of common pleas Each county controller and each such auditor shall receive for his services such compensation as the court of common pleas may fix which compensation shall constitute an item of the cost of collection of taxes and be paid and apportioned as hereinbefore provided Each such controller or auditor shall immediately after such audit is completed cause a brief summary of such audit to be published once in at least one and not more than three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) printed in the county and in the legal newspaper if any The advertising costs shall constitute an item of the cost of collection of taxes and be paid and apportioned as hereinbefore provided

Section 34 Constitutionality of Act The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of th eremaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 35 Effect of Act on Existing Laws The provisions of this act so far as they are the same as those existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any act of assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or any right accrued or vested nor affect any suit or prosecution pending or to be instituted to enforce any right or punish any offense under the authority of such repealed laws

Section 36 Repeals The following acts and parts of acts are hereby repealed insofar as they relate to counties of the second class and as respectively indicated Provided that such acts and parts of acts shall continue in force as to each tax collector now in office and while such tax collectors remain in office as to the collection of all taxes the duplicates for which are delivered to such tax collectors

The act approved the twentieth day of March one thousand seven hundred and twenty-five (four Statutes at Large ten) entitled "An act for raising of county rates and levies" absolutely

Sections sixteen eighteen nineteen twenty and twenty-one of the act approved the eleventh day of April one thousand seven hundred and ninety-nine (three Smith Laws three hundred ninety-two) entitled "An act to raise and collect county rates and levies" absolutely

Sections five and six of the act approved the sixth day of April one thousand eight hundred and two (Pamphlet Laws one hundred seventy-eight) entitled "An act for laying out making and keeping in repair the public roads and highways within this Commonwealth and for laying out private roads" absolutely

Section one of the act approved the third day of April one thousand eight hundred and four (Pamphlet Laws five hundred seventeen) entitled "An act directing the mode of selling unseated lands for taxes" absolutely

Sections nine and twelve of the act approved the first day of April one thousand eight hundred and thirty-four (Pamphlet Laws one hundred sixty-three) entitled "An act to provide for the incorporation of boroughs" in so far as they relate to taxation and to tax collectors

Sections seventeen eighteen nineteen twenty thirty-one thirty-two thirty-three thirty-five thirty-six thirty-seven thirty-eight thirty-nine forty forty-one forty-two forty-three forty-four forty-seven forty-eight forty-nine fifty fifty-one and fifty-two of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" absolutely and sections twenty-one and forty-five of said act except in so far as they apply to the collection of city taxes and of taxes of school and poor districts coextensive with or located wholly within cities

Sections one two three four and five of the act approved the twenty-eighth day of February one thousand eight hundred and thirty-five (Pamphlet Laws forty-five) entitled "A supplement to the act relating to county rates and levies and township rates and levies and to the act relating to counties and townships and county and township officers" absolutely

Section eight and eleven of the act approved the twenty-seventh day of May one thousand eight hundred and forty-one (Pamphlet Laws four hundred) entitled "An act relating to the election of county treasurers and for other purposes" absolutely

Section forty-one of the act approved the twenty-ninth day of April one thousand eight hundred and forty-four (Pamphlet Laws four hundred eighty-six) entitled "An act to reduce the state debt and to incorporate the Pennsylvania canal and railroad company" absolutely

Sections nineteen twenty and twenty-one of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt" absolutely

Section three of the act approved the eleventh day of April one thousand eight hundred and forty-eight (Pamphlet Laws five hundred seventeen) entitled "An act to provide for the ordinary expenses of government the repairs of canals and railroads belonging to the state and the payment of other claims upon the commonwealth" absolutely

Sections three clause ten section six clause two and section twelve of the act approved the third day of April one thousand eight hundred and fifty-one (Pamphlet Laws three hundred twenty) entitled "An act regulating boroughs" absolutely

The act approved the first day of February one thousand eight hundred and fifty-six (Pamphlet Laws thirteen) entitled "An act in relation to the appointment of collectors of State and county taxes" absolutely

Sections two and three of the act approved the twenty-first day of April one thousand eight hundred and fifty-six (Pamphlet Laws four hundred seventy-seven) entitled "An act relative to the sale of lands for the non-payment of taxes" except in so far as they relate to sales of unseated lands

The act approved the twenty-third day of February one

thousand eight hundred and fifty-eight (Pamphlet Laws forty-five) entitled "A supplement to an act relative to the sale of lands for the non-payment of taxes" absolutely

The act approved the twenty-sixth day of March one thousand eight hundred and sixty-seven (Pamphlet Laws forty-five) entitled "An act relating to the powers of the legal representatives of deceased tax collectors in this Commonwealth absolutely

The act approved the twenty-fifth day of May one thousand eight hundred and seventy-eight (Pamphlet Laws one hundred fifty) entitled "An act requiring collectors of special taxes to give bond" absolutely

The act approved the thirteenth day of May one thousand eight hundred and seventy-nine (Pamphlet Laws fifty-five) entitled "An act regulating the right of redemption of seated lands returned to the county commissioners and sold for non-payment of taxes" absolutely

The act approved the twelfth day of April one thousand eight hundred and eighty-one (Pamphlet Laws nine) entitled "An act relating to the collection of borough tax in the boroughs of the Commonwealth of Pennsylvania" absolutely

The act approved the twenty-fourth day of May one thousand eight hundred and eighty-one (Pamphlet Laws thirty-one) entitled "An act authorizing and requiring county treasurers in counties where the treasurer by existing law collects state and county taxes to collect unpaid or delinquent taxes in certain cases" absolutely

The act approved the third day of June one thousand eight hundred and eighty-five (Pamphlet Laws seventy-one) entitled "An act making sales of seated and unseated lands for arrearages of taxes valid and effective irrespective of the fact whether such lands were seated or unseated at the time of the assessment thereof" absolutely

The act approved the third day of June one thousand eight hundred and eighty-five (Pamphlet Laws seventy-two) entitled "An act to punish defaulting tax collectors" except in so far as it applies to the collection safekeeping or transfer of State taxes and of taxes of cities and of school and poor districts coextensive with or located wholly within cities

The act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws one hundred eighty-seven) entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" absolutely

The act approved the thirtieth day of June one thousand eight hundred and eighty-five (Pamphlet Laws two hundred four) entitled "An act to empower the county commissioners in the counties where by present laws the county treasurer collects the taxes to change the date or dates at which a reduction of said taxes for prompt payment shall cease" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred seventy-eight) entitled "An act authorizing county treasurers to charge and deduct commissions from school road and all other municipal taxes collected and paid over by them to the proper authorities" absolutely

The act approved the second day of June one thousand eight hundred and ninety-one (Pamphlet Laws one hundred seventy-five) entitled "An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" by providing the time in which tax collectors shall pay over tax and make settlements" absolutely

The act approved the eighth day of June one thousand eight hundred and ninety-one (Pamphlet Laws two hundred twelve) entitled "An act relating to the collection of state county and poor taxes in the several counties of this Commonwealth and providing for monthly returns and payments of the collectors thereof" absolutely

The act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-three) entitled "An act to authorize the election of tax collectors for the term of three years in the several boroughs and townships of this Commonwealth" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (Pamphlet Laws one hundred eleven) entitled "An act to provide for the more speedy and effectual manner of collecting the road and poor taxes in the several boroughs and townships in this Commonwealth" absolutely

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred ninety-six) entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub and requiring a sheet setting forth name amount of tax paid and number of receipt to be sent twenty days before each election to the county commissioners for public inspection and to provide for punishment of tax collectors violating the provisions of this act" absolutely

The act approved the fifteenth day of June one thousand eight hundred and ninety-seven (Pamphlet Laws one hundred sixty-six) entitled "An act regulating the employment of foreign born unnaturalized male persons over twenty-one years of age and providing a tax on the employers of such persons and prescribing a penalty for violation of the provisions of said act and directing the manner of collecting the same and providing that the amount of such tax may be deducted from the wages of persons affected by the provisions hereof" absolutely

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred forty-two) entitled "An act requiring the tax collectors of the several boroughs and townships of this Commonwealth to make monthly returns o fthe taxes collected by them and the amount outstanding upon their respective duplicates to the several authorities legally authorized to receive the said taxes and to borough councils and to pay over monthly the amounts so collected by the mand providing a penalty for the violation of the same" absolutely

Sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties" absolutely

The act approved the tenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws thirty-four) entitled "An act to provide for the appointment of collectors of State and county taxes in cities of the third class and defining their powers" absolutely

The act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-one) entitled "An act providing for the addition of five per centum of the amount of all taxes for which seated lands are returned for non-payment of taxes thereto and for the recovery and payment thereof to the collector of taxes or other person making such return" absolutely

The act approved the first day of May one thousand nine hundred and nine (Pamphlet Laws three hundred five) entitled "An act to amend section seven of an act entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' approved June twenty-fifth one thousand eight hundred and eighty-five allowing a reduction of five per centum on all taxes paid within ninety days from date of notice by collector that duplicate has been issued or delivered to him" absolutely

The act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred seventy) entitled "An act providing for notification of taxables by tax collectors in boroughs and townships prescribing the contents of such notices and providing for the payment of the expenses thereof" absolutely

Sections five hundred and three five hundred and four five hundred and twenty-seven five hundred and twenty-eight five hundred and twenty-nine five hundred and thirty five hundred and thirty-one five hundred and forty-six five hundred and forty-seven five hundred and forty-eight five

hundred and forty-nine five hundred and fifty five hundred and fifty-one five hundred and fifty-two five hundred and fifty-three five hundred and fifty-four five hundred and fifty-nine five hundred and sixty five hundred and sixty-one five hundred and sixty-two five hundred and sixty-six and two thousand eight hundred and seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and their amendments except as to school districts coextensive with or located wholly within cities

The act approved the fifteenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-five) entitled "A supplement to an act approved the twenty-fourth day of March one thousand nine hundred five entitled 'An act establishing in counties containing a population of from three hundred thousand to one million a board for the Assessment and Revision of Taxes for State and county purposes prescribing their powers and duties and abolishing the office of ward borough and township assessors in so far as respects the assessment of State and county taxes' providing for the appointment by said board of collectors of county taxes in cities of such counties and defining the powers and duties of such collectors" absolutely

The act approved the twenty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred eighty-four) entitled "An act to amend an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' as amended by an act approved the second day of June one thousand eight hundred ninety-one entitled "An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" by providing the time in which tax collectors shall pay over tax and make settlements'" absolutely

The act approved the twenty-sixth day of March one thousand nine hundred and fifteen (Pamphlet Laws eleven) entitled "An act prescribing certain duties for collectors of taxes in boroughs and townships and for county treasurers" absolutely

The act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred twenty-one) entitled "An act providing for the filling of vacancies in the office of tax-collector in boroughs and townships by the county commissioners and repealing certain acts inconsistent therewith" absolutely

The act approved the twenty-fourth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred seventy) entitled "An act authorizing tenants in common and coparceners of land to pay their proportionate share of the taxes assessed against the land and providing that the sale thereof for unpaid taxes shall not impair or divest the title of those who have paid their respective shares of such taxes" except as to city taxes and taxes of school and poor districts coextensive with or located wholly within cities

Section four of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred sixteen) entitled "An act to amend section one hundred and ninety-six as amended section one hundred and ninety-seven as amended section one hundred and ninety-eight section four hundred and twenty-seven section four hundred and thirty-four as amended and section one thousand and forty of the act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred forty) entitled 'An act concerning townships and revising amending and consolidating the law relating thereto'" absolutely

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred forty-seven) entitled "An act to amend sections four hundred and twenty-eight and four hundred and twenty-nine and to repeal section four hundred and twenty-six of the act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred forty) entitled 'An act concerning townships and revising amending and consolidating the law relating thereto'" absolutely

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred sixty-five) entitled "An act to amend section four of an act approved the twenty-fifth day of June one thousand eight hundred eighty-five (Pamphlet Laws one hundred eighty-seven) entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' by changing the time of issuing duplicates" absolutely

The act approved the twenty-sixth day of March one thousand nine hundred and twenty-five (Pamphlet Laws sixty-nine) entitled "An act to provide for an additional system for the collection of State and county taxes in cities of the third class" absolutely

The act approved the thirtieth day of April one thousand nine hundred and twenty-five (Pamphlet Laws four hundred twelve) entitled "An act to amend section four hundred twenty-three of the act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred forty) entitled "An act concerning townships and revising amending and consolidating the law relating thereto'" absolutely

The act approved the twenty-second day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred fifty-nine) entitled "An act authorizing counties of the fourth class to arrange for and pay the premiums on the bonds required of delinquent tax collectors" absolutely

Sections eight hundred and seven nine hundred and one and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" and their amendments in so far as they relate to the tax collector and sections eight hundred and fifty one thousand eighty one thousand eighty-one one thousand three hundred and three one thousand three hundred and four one thousand three hundred and five one thousand three hundred and six one thousand three hundred and seven one thousand three hundred and eight one thousand three hundred and nine one thousand three hundred and ten one thousand three hundred and eleven and one thousand three hundred and twelve of said act and their amendments" absolutely

The act approved the twelfth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighteen) entitled "An act regulating the collection of county taxes in cities and providing for discounts and penalties" absolutely

The act approved the twenty-third day of April one thousand nine hundred and twenty-nine (Pamphlet Laws six hundred thirty-four) entitled "An act to provide for the taking of tax duplicates by sureties on the bonds of delinquent or defaulting tax collectors and the appointment by such sureties of a collector for the collection of taxes due on such duplicates" except in so far as it relates to city taxes and to taxes of school or poor districts coextensive with or located wholly within cities

The act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred seventy-six) entitled "An act relating to the payment of taxes on seated and unseated lands by joint tenants tenants in common or coparceners" except in so far as it relates to taxes on unseated land or to city taxes or taxes of school or poor districts coextensive with or located wholly within cities

The act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred seventy-six) entitled "An act relating to the collection and return of county borough township school and poor taxes" absolutely

The act approved the twenty-third day of June one thousand nine hundred and thirty-one Pamphlet Laws nine hundred three) entitled "An act to amend sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled 'An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties' by providing certain exemptions" absolutely

Sections five hundred and eleven and one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" in so far as they apply to the office of tax collector and sections eight hundred and five eight hundred and six one thousand seven hundred and twelve one thousand seven hundred and thirteen one thousand seven hundred and fourteen one thousand seven hundred and fifteen one thousand seven hundred and sixteen one thousand seven hundred and seventeen one thousand seven hundred and eighteen and one thousand seven hundred and nineteen of said act and their amendments absolutely

The act approved the twenty-fifth day of July one thousand nine hundred and thirty-two (Pamphlet Laws ten) entitled "An act authorizing counties cities boroughs towns townships school districts and poor districts to install by ordinance or resolution a system for the collection of taxes in instalments and specifying certain conditions and penalties in such cases" except in so far as it applies to city taxes and to taxes of school and poor districts coextensive with or located wholly within cities

The act approved the twenty-sixth day of August one thousand nine hundred and thirty-two (Pamphlet Laws one hundred one) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" and its amendments in so far as it relates to the collection of taxes except city taxes and taxes of school and poor districts coextensive with or located wholly within cities

Sections four hundred and two and five hundred and forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" in so far as they relate to the tax collector and sections four hundred and fourteen four hundred and twenty-three five hundred and seventy five hundred and seventy-one nine hundred and nine nine hundred and ten nine hundred eleven nine hundred and twelve nine hundred and thirteen nine hundred and fourteen nine hundred and fifteen and nine hundred and sixteen of said act absolutely

The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-five) entitled "An act relating to the collection of delinquent county taxes in counties of the second class repealing all acts or parts of acts general local or special inconsistent herewith" absolutely

All other acts and parts of act general local and special inconsistent with or supplied by this act are hereby repealed It is intended that this act shall furnish a complete and exclusive system in itself

On the question,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 2 of title, by striking out the bracket before the word "third"

Amend Title, page 1, line 3 of title, by striking out the bracket after the word "eighth"

Amend Sec. 1, page 2, line 4, by striking out the bracket before the word "third"

Amend Sec. 1, page 2, line 5, by striking out the bracket after the word "eighth"

Amend Sec. 2, page 2, line 9, by striking out the words "Second Class"

Amend Sec. 11, page 10, line 2, by inserting a bracket after the word "thereon"

Amend Sec. 36, page 30, lines 2 and 3, by striking out the words "in so far as they relate to counties of the second class and"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. WEIDEMANN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

RECONSIDERATION OF VOTE

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to transcribe this bill for third reading be reconsidered.

Mr. HIRSCH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks vote?

Mr. RUTH. Mr. Speaker, I voted in the affirmative.

The SPEAKER. How did the gentleman from Schuylkill vote?

Mr. HIRSCH. Mr. Speaker, I voted in the affirmative.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "ayes' appear to have it.

Whereupon, a division was called for and one hundred and seventeen members, or more than a majority, having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading as amended be reconsidered.

The motion was agreed to.

BILL LAID ON TABLE

Mr. WOODSIDE. Mr. Speaker. I move that this bill be laid upon the table.

The motion was agreed to.

BILL ON THIRD READING

Mr. REYNOLDS. Mr. Speaker, I desire to call up at this time House Bill No. 1044, Printer's No. 811, on page 40, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. REYNOLDS.

The House resumed the consideration on third reading of House Bill No. 1044, entitled:

An Act to amend section two of the act approved the tenth day of June one thousand nine hundred and thirty-one (Phamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" granting licenses by the Board to certain persons having had at least ten years' practical experience as embalmer or undertake under certain conditions

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PFAFF. Mr. Speaker, I would like to have the sponsor of this bill explain its purpose.

Mr. SCHWARTZ. Mr. Speaker and members of the House, the bill before you now is House Bill 1044, with my name as its sponsor.

When I originally sponsored this bill I had in mind to do away with educational examinations for undertakers. I have had a number of requests in my district, and they seem to feel that an undertaker should not require an educational test, that it didn't make much difference to a man who is dead whether the undertaker is a college graduate or not.

Since then I understand that the committee had a public hearing, without my knowledge, and the bill has been amended, which removes the purpose which I intended to clear up in this bill.

As it is now, he is required to have fifteen years of practical experience. That removes the object of the bill that I sponsored, as I have already stated.

Mr. PFAFF. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Schwartz.

The SPEAKER. Will the gentleman from Philadelphia Mr. Schwartz, permit himself to be interrogated?

Mr. SCHWARTZ. Mr. Speaker, I shall be glad to accept the interrogation of my colleague from Philadelphia, under one condition, providing he does not in his interrogation ask me whether I am an undertaker.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Pfaff, accept the condition?

Mr. PFAFF. I do, Mr. Speaker.

Does the gentleman from Philadelphia, Mr. Schwartz believe that this bill will raise the standards of the undertaking business in the Commonwealth?

Mr. SCHWARTZ. Mr. Speaker, I should prefer that the gentleman from Philadelphia rather than interrogate me on the bill at the present time as it is before this House should ask to interrogate the gentlemen who amended the bill as it is before the House, because they know more about that than I do. I cannot recognize my own baby any more.

Mr. PFAFF. Mr. Speaker, I would like to further interrogate the gentleman from Philadlephia, Mr. Schwartz.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Schwartz, permit himself to be further interrogated?

Mr. SCHWARTZ. Mr. Speaker, under the same conditions as I stated before, I will.

Mr. PFAFF. Mr. Speaker, will the gentleman from Philadelphia, Mr. Schwartz, go on record as saying that under the provisions of this bill it will not lower the educational requirements of the present law?

Mr. SCHWARTZ. Mr. Speaker, does the gentleman from Philadelphia want me to repeat the same answer that I made when he interrogated me and asked me that very same question that I already answered?

Mr. PFAFF. Mr. Speaker, I think the second interrogation has no relation to the first interrogation which I made.

Is it not a matter of fact that under the provisions of this bill it just temporarily suspends for a period of six months the educational requirements of the present law?

Mr. SCWARTZ. Mr. Speaker, I would say to the gentleman from Philadelphia, Mr. Pfaff, that under the present bill as amended, it does do exactly what the gentleman from Philadelphia wants me to answer, but I have had nothing to do with those amendments.

Mr. PFAFF. Mr. Speaker and members of the House, I believe that we should always support legislation that will raise the standard of any business or profession in this Commonwealth. I believe that if this bill is enacted into law it will lower the already high standards of the business of undertaking in this Commonwealth by suspending for a period of six months the educational requirements of the present law. This will permit certain persons to receive licenses for the business of undertaking in this Commonwealth who could not qualify under the educational requirements, and lower the safeguards to the life and health of the people of this Commonwealth which are provided in the present high class law. I believe that this bill deserves careful consideration of all the members of this House and in my humble opinion it is a step backward in legilsation and should be defeated.

Mr. RUTH. Mr. Speaker, this bill has been amended so that an undertaker or embalmer must have been in business fifteen years prior to this date, before he can come to the Board of Education or the Undertakers' Board and take a practical examination. The bill is only for a period of six months. There are a number of men who are capable, just as capable as the majority of undertakers are to conduct a funeral, and to perform embalming, but these men are kept out, because in their time it was not possible for them to take a four year high school course. I have in my time conducted probably five hundred funerals and I have never yet seen one instance where I or anyone else thought it necessary to be a four year high school graduate to conduct a funeral as an undertaker. A great many of them have never had this course.

I believe we should give them an opportunity.

I ask the House to vote "aye" on this bill.

Mr. PFAFF. Mr. Speaker, under the provisions of this bill which would suspend the educational requirements of the present law it would give the Board wide latitude in determining just what the practical experience would or should be.

I have high respect for the experience and for the judgment of legislation that may be beneficial to the people of this state by the gentleman from Berks, Mr. Ruth, but in my humble opinion I still think it is a step backwards in legislation; it would permit certain persons to receive licenses for the business of undertaking that could not qualify under the present high standards of the law now in effect.

From the undertakers in my district and from the testimony given at the public hearing, I have heard no request by the undertakers of this state for the weakening of the present law.

Mr. REYNOLDS. Mr. Speaker, and members of the House, this bill as designed now will allow any person who has worked for an undertaker, whether as a cab driver, dishwasher, porter, a cleaner of tools or anything else, to go before the State board.

I am very much surprised at my good friend from Berks saying that this bill would require a man to be in business ten years. If a man has been in business ten years, he has already a license and does not need to take an examination. You cannot be in the undertaking business in this State unless you have a license, and that is

just what we want. We want qualified men to go into the undertaker business.

I have been here this session and have noticed that the barbers have asked that the qualifications be raised and we have raised them and today you must be a primary school graduate in order to go into the barber business. The plumbers came in and they wanted to raise their standard and we did it.

We also raised the standards of the real estate men. Today in the state of Pennsylvania the bar association have raised their qualifications so much that none but high class lawyers can get into the law business and that is what it should be.

Are we going to take a step backward and say to the people of the State of Pennsylvania, "You are getting too progressive and we are going to stop that," and are we going to say that we will take down the bars of the undertaking business—a professional business and say that anybody who has driven a car for ten years or a dishwater or a porter, for instance, can get a license.

I have followed this bill rather closely for the last three weeks, and I know that one of the main lobbyists here in connection with it was a man who has served a term in prison for practicing the undertaking business without a license. This is the type of man we want to keep out of the business.

I understand that there are a few undertakers' sons who during their younger years, when they should have been qualifying themselves, have been living a riotuous life and going about the country and did not qualify to have a high school education, they were caught and because they did not avail themselves of the opportunity, they come here now in the later part of their life and ask you to take down the bars of the undertaking profession and to give them a license for six months.

I claim that this is class legislation. If you are going to do it for six months, why not do it for all time. If you are going to let unqualified men come in for six why not open the doors for all time? If a man is qualified next month, he will be qualified in 1936.

I do not believe that a single member of this House can conscientiously say that this bill should be passed, We would take a step backward if we did so tonight, and after leaving this hall we should go and knock on the tomb of Thaddeus Stevens and say, "We are taking a step backward—a step that you tried not to take."

Nearly all the states have passed a similar law and have the same regulation, and because somebody in Berks county or somebody in Lackawanna county or in Philadelphia county or in some other county have a few men whose sons have not qualified should we take down the bars and let them in—those sons who have led a riotous life, who have not taken advantage of the opportunities for schooling offered to them.

I am not against any man in the undertaking business. I am an undertaker and I am proud of the fact, and I am proud of the fact that I have tried to raise the standards of the undertaking business or profession, and I would feel very badly if I had to go back to my constituents and say to them that the House of Representatives in 1935 were more backward than they were in 1931, and in 1895, when they passed a regulatory law that covers this particular business or profession.

I ask the fair-minded men in this House to vote "no" on this bill.

Mr. WESTRICK. Mr. Speaker and ladies and gentlemen of the House, if I understand this situation correctly there are in our State a number of people who have been working for licensed undertakers at a very humble wage. I sometimes wonder as the arguments are produced here just what we mean by an education. It does seem to me that when a man has fifteen years of practical experience, that the education simply ought to be the equal of any four year high school education, no matter where that high school be located.

If these men because of their previous positions under licensed undertakers did not feel that it was necessary for them to be licensed because of that practical experience, a real honest-to-God education, why not give them the privilege of going ahead and practicing the things they know? If they have fifteen years of practical experience, then what good is four year high school education going to be?

I wonder if we are not going to become so refined that we will need a screen much finer than there has ever ben made to bring about this added refinement in the matter.

I ask that you vote "no" on this bill to show that we are still on our feet and that we don't have our heads in the clouds.

Mr. VanSICKLE. Mr. Speaker, I would like to call your attention to the provisions of this act on page two, line 18, which says, "Provided, however, that any person that has had at least ten years' continuous practical experience in the business or profession of undertaking or embalming prior to June 10, 1931—

Now, that says "practical experience in the business or profession of undertaking or embalming." I don't think that includes a cab driver or a man who cleans instruments. Furthermore, going to line 25, it says "And after having passed successfully a practical examination which the Board administered to all applicants."

Gentlemen, we have that same situation in men applying for the examination before becoming members of the bar, namely, a man is permitted to practice in a law office without ever having attended a law school, and if that man through his own ability is able to pass the examination which is administered to all applicants, he is entitled to practice before the courts of this Commonwealth and I think that any man who has engaged in practical experience in the business and can pass the examination that is required of all men, he is equally entitled to the benefits of our acts.

Mr. PFAFF. Mr. Speaker and members of the House, when the present high class law, high grade law, was enacted in the year 1931 there was a provision in there of six months, a period of grace to allow these various members or people that were working in the business of undertaking to receive a permit without qualifying under the high education requirement of the present law.

Now, we are again opening it up after a period of four years. If I understand the law, the high education requirements are really the backbone of the present law. It is designated specifically to safeguard the health and the life of the people of this Commonwealth, and we are merely again opening the door under the provisions of this bill. Those men who had this practical experience when this law was enated, had a period of six months to qualify under that particular law.

Mr. McDEVITT. Mr. Speaker and members of the

House, I fully agree with the gentleman from Philadelphia, Mr. Reynolds, when he says that this is a step backward and I am surprized that an attorney, of all people, would stand up and argue that we should step back to the class of 1927 and lower the qualifications of the profession.

You know there has been a tendency in every line to raise the standards. I would like to point out just a couple of things,—it is not a personal matter at all. There is not a man in this district here who does not have somebody who might qualify under the act, but at the same time you want to bear in mind that you have a lot of licensed undertakers in this district who will not be satisfied with such legislation.

I would like to say that while there are some people in as my district, that there is also a lady in Philadelphia of the same name as mine that came to me for help as an attorney that I was unable to give, and yet I think we all would have a greater interest in a person having the same name as our own.

It is not a question that because a person is dead we we don't have to worry about it.

In 1927 an act was passed in this House and passed by the Senate and signed by the Governor, and carefully considered by all persons concerned and provided a period during which anyone could make application for a license. Under the existing law before this time anybody could become a licensed undertaker. It also provided that apprentices must register. This act here specifically says "who did not register, but anybody who has been serving an apprenticeship or has been serving in an undertaker's establishment in any capacity at all which would amount to an apprenticeship has been serving unlawfully and is subject to a fine under the act.

Are we in 1935 going to condone a crime that has existed since 1927? And that is exactly what you would do by this act.

Let us set aside any personal feeling. Let us back up the legislatures that have gone before us.

There is no legitimate reason for repealing an act of this kind. In 1927 they provided that after this period of time they would require one year of high school education; the following year two years, after that it would be three years and the fourth year it would be four years. The Legislaure thought it was necessary, and all the parties thought it was necessary in order to get their license.

This is class legislation if there ever was any class legislation to take care of some special person in a member's district. I don't think we should back an legislation of that character.

If you believe in this legislation, why restrict it to six months? Why not fix it for an indeterminate period? If they are good enough to give it in six months, why not give it at any time? Let us not go back to 1927 and upset a very good law.

Mr. VanSICKLE. Mr. Speaker and members of the House, as it seems the thing to be astonished, I also am astonished that my good friend who is an attorney has missed by point entirely. I assume it was the poor way in which I presented my argument and not due to any fault of my good friend.

The reason I argued for the bill is because the men pass the same practical examination which all applicants must pass. My statement is that any man that has the ability and is competent to pass an examination, is competent to pass in any profession.

I think I need only call to your attention the fact what we have experienced in the line of our own presidents. Abraham Lincoln studied his lessons himself and did not have the benefit of any high school or college education, and yet I believe we all agree that he made a good President, as good or better than many other presidents, who had far superior educational facilities. It is not the education as far as the man goes; it is the man himself. It is his ability.

Our constitution says that a man has free opportunity, and if the man has ability I say he should have the free opportunity of going into any business or profession, and not penalize that man simple because his parents may be too poor to send him to school where he should have gone.

On the question recurring

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—61

Allen,	Decker,	Lovett,	Schwab,
Arnold,	Dent,	Lynch,	Shaw,
Aukerman,	Downey, G. E.,	Male,	Shepard,
Baine,	Eberharter,	McCreary,	Simon,
Brancato,	Flanagan,	Melchiorre,	Sinwell
Brownfield,	Haberlen,	Moomaw,	Smith, J. A.,
Brumbaugh,	Haluska,	Mooney,	Stevens,
Cannon,	Hamilton, F. P.,	Moran,	Stone,
Caputo,	Hirsch,	Munley,	Sumney,
Carr,	Hoopes,	Nagel,	Van Sickle,
Carson,	Kelso,	O'Keefe,	Walker,
Chervenak,	Kinney,	Ominsky,	Weiss,
Coakley,	Klingler,	Panton,	Westrick,
Cochran,	Kobelak,	Ruth,	Yourishin,
Cohen,	LaRue,	Scanlon,	Sarig,
Condon,			

NAYS—115

Achterman,	Falkenstein,	Moore,	Simpson,
Alexander,	Ferko,	Moul,	Sloan,
Altenburg,	Fitch,	Muir,	Smith, W. G.,
Andrews,	Flynn,	Murrin,	Snyder, F. E.,
Atkins,	Forrest,	Nothnagle,	Snyder, J. L.,
Baker, F. T.,	Furman,	Patterson, C.,	Spangler,
Baker, J. J.,	Gillette,	Patterson, J. W.,	Sproul,
Baldi,	Green,	Pearson,	Stank,
Barber,	Habbyshaw,	Perry,	Stewart,
Barnhardt,	Hamilton, R. S.,	Peters,	Stockham,
Bernhard,	Harkins,	Pfaff,	Stott,
Blumberg,	Hart,	Phillips,	Surface,
Boose,	Hefferon,	Piole,	Tahl,
Boyd, R.,	Hermansen,	Powers,	Terry,
Boyer,	Hetrick,	Reising,	Tronzo,
Brennan,	Hindman,	Reynolds,	Tumelty,
Brown, H. S.,	Hoffner,	Rhys,	Turner,
Brown, J. E.,	Horst,	Roan,	Van Allsburg,
Burke,	Jackson,	Robinson,	Wall,
Castor,	Jones,	Root,	Wasserman,
Coleman,	Kane,	Ruffennach,	Welliver,
Conner,	Kelder,	Sarraf,	White,
Coolahan,	Long,	Schrock,	Wickersham,
Cordier,	Longaker,	Schrope,	Winner,
Davies,	Mason,	Schwartz,	Witkin,
Denning,	McDevitt,	Shortz,	Wood,
Diehl,	McHenry,	Shreiner,	Woodside,
Dilley,	McKinney,	Shugarts,	Yeakel,
Downey, J. J.,	Merrell,	Siegel,	Zimmerman,
Duffort,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to third reading and consideration of House Bill No. 2673, entitled

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authorizing to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compeling common carriers by railroad to properly man their trains.' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," giving to the Public Service Commission the power and authority to vary, reform or revise, on a fair and equitable basis, contracts to which a public service company is a party and the subject-matter whereof concerns or affects a public right, benefit, privilege, duty or franchise; providing for a hearing and determination of the matter of a variance, reformation or revision of such contracts, and providing for the issuance and services of orders by the Public Service Commission varying, reforming or revising such contracts and the effective date of such orders.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House, House Bill No. 2673 is a bill which empowers the Public Service Commission to reform or revise on an equitable basis any contract to which the public service company is a party, the subject matter of which affects the public right. This bill would permit the Commission to look into and revise if necessary the contracts of public service companies made with so-called underliers.

This bill is one of the series of bills which is sponsored by the administration and I wil ask the members of the House to vote "aye" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Duffort,	Lovett,	Schwab,
Alexander,	Eberharter,	Lynch,	Schwartz,
Allen,	Eroe,	Male,	Shaw,
Altenburg,	Falkenstein,	Mallen,	Shepard,
Andrews,	Ferko,	Mason,	Shortz,
Arnold,	Finnerty,	McCreary,	Shugarts,
Atkins,	Fitch,	McDermott,	Siegel,
Aukerman,	Flanagan,	McDevitt,	Simon,
Baine,	Flinchbaugh,	McElroy,	Simpson,
Baker, F. T.,	Flynn,	McHenry,	Sinwell,
Baker, J. J.,	Forrest,	McKinney,	Sloan,
Baldi,	Furman,	Melchiorre,	Smith, J. A.,
Barber,	Gates,	Mentzer,	Smith, W. G.,
Barnhardt,	Gerard,	Moomaw,	Snyder, F. E.,
Bernhard,	Gillette,	Mooney,	Snyder, J. L.,
Boose,	Green,	Moran,	Spangler,
Boyd, R.,	Greenstein,	Moul,	Stank,
Boyer,	Haberlen,	Munley,	Stevens,
Bradley,	Hagerty,	Murrin,	Stewart,
Brancato,	Haluska,	Nagel,	Stockham,
Brennan,	Hamilton, F. P.,	Nothnagle,	Stone,
Brown, H. S.,	Harkins,	O'Keefe,	Stott,
Brown, J. E.,	Harmuth,	Ominsky,	Sumney,
Brownfield,	Hart,	O'Neill,	Surface,
Brumbaugh,	Hartman,	Panton,	Tahl,
Burke,	Hefferon,	Parks,	Terry,
Cannon,	Hermansen,	Patterson, C.,	Tronzo,
Caputo,	Hetrick,	Patterson, J. W.,	Trout,
Carr,	Hindman,	Pearson,	Tumelty,
Carson,	Hirsch,	Peters,	Van Allsburg,
Castor,	Hoffner,	Pfaff,	Van Sickle,
Chervenak,	Holland,	Phillips,	Walker,
Coakley,	Holstrom,	Piole,	Wall,
Cochran,	Hoopes,	Powers,	Wasserman,
Cohen,	Horst,	Reising,	Weidemann,
Coleman,	Jackson,	Reynolds,	Weiss,
Condon,	Jones,	Rhys,	Welliver,
Conner,	Kane,	Rinn,	Welsh,
Coolahan,	Kelder,	Roan,	Westrick,
Cordier,	Kelso,	Robinson,	Wheeler,
Davies,	Kilroy,	Rooney,	White,
Decker,	Kinney,	Root,	Wilson,
Denning,	Klingler,	Ruffennach,	Wood,
Dent,	Kobelak,	Ruth,	Yourishin,
Diehl,	LaRue,	Sarraf,	Zappala,
Dilley,	Linderman,	Scanlon,	Zimmerman,
Downey, G. E.,	Long,	Schrock,	Sarig,
Downey, J. J.,	Longaker,	Schrope,	

NAYS—16

Blumberg,	Moore,	Sowers,	Winner,
Habbyshaw,	Muir,	Sproul,	Witkin,
Hamilton, R. S.,	Perry,	Turner,	Woodside,
Merrell,	Shreiner,	Wickersham,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2682, entitled:

An Act providing for the formation of non-profit membership corporations to be known as electric membership corporations for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to the inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations; providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of bonds by such corporations; and providing for the payment of such bonds and the rights of the holders thereof.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, may I interrogate the sponsor of this bill?

The SPEAKER. Will the gentleman from Northumberland, Mr. Stank, permit himself to be interrogated?

Mr. STANK. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Northumberland, Mr. Stank, to explain in detail the provisions of this bill?

Mr. STANK. Mr. Speaker, this bill authorizes the formation of non-profit Electric Membership Corporations for the purpose of promoting and encouraging the fullest possible use of electric energy by making electric energy available to inhabitants of the State at the lowest cost consistent with sound economy and prudent management.

Three or more persons may apply to the Secretary of the Commonwealth of the Commonwealth for incorporation as a mutual company. It is specifically provided that each corporation shall serve only its members. A board of directors shall be the governing body of each corporation. The purpose of this part of the set-up for the Federal rural electrification program is set forth as follows:

"The corporate purpose of each corporation formed hereunder shall be to render service to its members only and no person shall become or remain a member unless such person shall use energy supplied by such corporation and shall have complied with the terms and conditions in respect to membership contained in the by-laws of such corporation."

The principal object of this bill is to make it possible for groups in rural areas to unite, borrow funds from the Federal government, and construct and operate their own distribution lines, contracting for their electric energy from private companies, in those cases where private companies fail to extend their own lines, or their charges are too high.

I therefore ask the members of this House to vote for this bill.

Mr. WITKIN. Mr. Speaker, am I correct in understanding that this bill provides that these corporations may issue bonds?

Mr. STANK. The gentleman is right, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Northumberland, if these bonds are tax free?

Mr. STANK. Mr. Speaker, they are.

Mr. WITKIN. Mr. Speaker, are the corporations so formed subject to any regulation by the Public Service Commission or are they exempt from regulation by the Public Service Commission?

Mr. STANK. Mr. Speaker, they are subject to regulation by the Public Service Commission.

Mr. WITKIN. Mr. Speaker, where in the act does it so say?

Mr. STANK. Mr. Speaker, on page twenty-five.

Mr. WITKIN. Mr Speaker, there is no page twenty-five. My interrogation does not happen to be factitious. I want the gentleman to state where in the act it is provided that such corporations are subject to regulations by the Public Service Commission.

Mr. STANK. Mr Speaker, the corporation is not, but the activity in which they are engaged is regulated b ythe Public Service Commission.

Mr. WITKIN. Is it not a fact that under Section eleven, page seven, it is specifically provided that the corporation so formed is subject to only the Constitution of the Commonwealth, and thereby not subject to any regulation by the Public Service Commission?

Mr. STANK. Mr. Speaker, that is right, but the activity is

Mr. WITKIN. Mr. Speaker, where in the act does it provide that the activity of this corporation is subject to any regulation by the Public Service Commission, I say to the gentleman from Northumberland, that I see nothing in the act.

Mr. STANK. Mr. Speaker, it is covered in the general Public Service Company law.

Mr. WITKIN. Mr. Speaker, does not the provision on page seven, section eleven, take this particular corporation out of the provisions subjecting electric companies to the Public Service Company Law ?

Mr. STANK. Mr. Speaker, the corporation is taken out, but the activity of it is not.

Mr. WITKIN. Mr. Speaker, I would like further to interrogate the gentleman from Northumberland, Mr. Stank.

The SPEAKER. Will the gentleman from Northumberland permit himself to be further interrogated?

Mr. STANK. Only one more question, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, if my interrogation is limited I do not wish to interrogate the gentleman any further.

Mr. Speaker and members of the House, it becomes rather a serious proposition when a sponsor of a piece of legislation as important as this one is unable to give this House any information concerning the bill and refuses to permit himself to be interrogated concerning the provisions of the bill. I do not want to appear to be critical but where we are regulating and where we are passing legislation dealing with a change in the regulations of the Public Service Commission of the Commonwealth, affecting persons engaged in the business of furnishing electricity of the citizenry of Pennsylvania, then I believe that the sponsor of the bill or some member of the party which is responsible for its introduction ought to be able to enlighten members of the House who seek to obtain some information so that they can intelligently vote upon this bill.

As I read the bill, it is most faulty and a bad bill, however, I am frank to say that I don't know sufficient of the purposes of this bill, and with the great number of bills in the calendar it is impossible for one to acquaint himself with the contents of all bills.

I would be glad to vote for this bill if it is a good one, but I think it is a bad one, not being sure, however, and the sponsor not being able to give us any light upon

the bill, I, therefore, Mr. Speaker, move that this bill be placed upon the postponed calendar until such time as the gentleman who introduced the bill or someone on his behalf may properly answer the questions that are requested of him to be answered.

On the question,

The SPEAKER declared the nays appeared to have it,

Whereupon, a division was called for and sixty-five members having voted in the affirmative and eighty-four members having voted in the negative the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, I desire to know whether there is any member of the Democratic Party present who is able to explain the contents of this bill. They can pick anyone of the one hundred and sixteen.

Mr. RUTH. Mr. Speaker, and members of the House, the main purpose and intent of this bill is to authorize persons living at a distance where electric companies do not furnish power, to organize a corporation and make application for loans and thus build a line to their place, and buy the power from the companies that furnish it. I do not see anything in the bill that gives them the opportunity or the power to construct a plant, just to construct a system along highways, and that is the meat or the purpose of the bill, people living out in the rural sections away from the power lines where the company refuses to build a line to these people or charges an exhorbitant fee that they may form a corporation and build their own line. They can only serve members of the corporation.

Mr. WITKIN. Mr. Speaker, I desire to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, will the gentleman point out in the bill any place wherein what he has just told the House is set forth in the bill, to wit, that the purpose for which these corporations are formed was only to supply electricity to persons who live in outlying districts, where it cannot be supplied by the present electric supply companies.

Mr. RUTH. Mr. Speaker, they cannot supply the outlying districts unless they are members of the corporation. The bill provides on page eight, section D, as follows:

"To render service and to acquire, own, operate, maintain and improve a system or systems." Also section F which reads as follows: "To construct or place any part or parts of a system or systems across, in or along any street or public highway."

Mr. WITKIN. Mr. Speaker, do I understand the gentleman to be reading from page eight, section F?

Mr. RUTH. Yes sir, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, am I correct in reading that section as follows: "to construct or place any part or parts of a system or systems across, in or along any street or public highways over lands which are now or may be the property of this Commonwealth"?

Do I understand the gentleman from Berks, Mr. Ruth, to state that when it says, "property of the Commonwealth," it is restricted to outlying districts where they cannot get electricity now?

Mr. RUTH. Mr. Speaker, we have the Commonwealth in mind. It says, "it may be the property of the Commonwealth," that is, along state highways.

Mr. WITKIN. Mr. Speaker, do I understand the gentleman to say that the purpose of this bill is only to supply electricity to those persons in the outlying districts who can't get it now?

Mr. RUTH. Mr. Speaker, no sir; I said it allows corporations to be formed to build a system by which electricity can be transmitted to their particular homes or places, and they buy their electricity from some corporation that furnishes it.

Mr. WITKIN. Mr. Speaker, will the gentleman from Berks, Mr. Ruth, point out any provision that refers to farms?

Mr. RUTH. Mr. Speaker, I don't think it says anything as to a farm.

Mr. WITKIN. Mr. Speaker, is it in the bill?

Mr. RUTH. Mr. Speaker, I do not think it is. It is clearly understood. Anyone can understand it.

Mr. WITKIN. Mr. Speaker, may I direct the gentleman from Berks, Mr. Ruth's attention to page three, section three and ask whether there is any restriction in his opinion in that section limiting the formation of these corporations to any particular locality or to any particular group of persons who are not now receiving an electrical supply.

Mr. RUTH. Mr. Speaker, I do not think it does. The formation is authorized.

Mr. WITKIN. Mr. Speaker, does the gentleman from Berks therefore agree with me that his explanation made to this House that the meat of this bill and that the main purpose of this bill was to supply electric current to persons who are now unable to procure electric current, is incorrect?

Mr. RUTH. Mr. Speaker, I did not say that. I said that it is to authorize the building of lines or systems to their own farms or territory. That is the purpose.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman from Berks, Mr. Ruth, whether those corporations are subjected to any control of the Public Service Commission, under the terms of this bill?

Mr. RUTH. Mr. Speaker, I do not think under the terms of the bill, but under the terms of the Public Service Company Act.

Mr. WITKIN. Mr. Speaker, does not the gentleman from Berks, agree with me that page seven, section eleven, takes this corporation out of the control of the Public Service Commission by stating that they are subject only, —lines twenty-three and twenty-four,—to the Constitution of the Commonwealth?

Mr. RUTH. Mr. Speaker, the section referred to by the gentleman from Philadelphia, is as the gentleman from Philadelphia has stated.

Mr. WITKIN. Mr. Speaker, I desire further to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be further interrogated?

Mr. RUTH. Mr. Speaker, just one more question. We have a very long calendar to dispose of tonight.

Mr. WITKIN. Mr. Speaker, in view of the limitation as to the number of questions that may be asked of the gentleman from Berks, I do not desire to further iterrogate him.

Mr. Speaker and members of the House, as a loyal

rooter at the baseball game, my voice is bad but I am frank to say that I am astonished, astounded and amazed that the Democratic floor leader of this House has limited the number of questions that can be asked him, when you men on that side of the House introduce legislation that is against every principle of regulation. We have had the cry that the utility companies shall be subject to regulation. For years the people of the Commonwealth have been demanding that people or corporations who furnish light or heat, who are what is known as a public utility company, shall be subject to regulation and to the most rigid regulation possible. Here comes a bill that changes the entire system of public utility companies, and we who seek light seriously upon this subject, find that the Democratic Party is devoid of a single person on their side of the House, who will permit proper interrogation. If you will pardon my modesty I am the person who happens to have been chosen as the leader of the minority party. I have a right to ask questions and you ought to have the knowledge and you ought to have the decency to answer my questions, and if you don't know the answers —

POINT OF ORDER

Mr. JOHN H. BROWN. Mr. Speaker, I object; the gentleman is not discussing the bill.

The SPEAKER. The gentleman will confine his remarks to the bill.

Mr. WITKIN. Mr. Speaker and members of the House, if you don't know about the bill, then you ought to put it on the calendar —

The SPEAKER. The gentleman will confine himself to the provisions of the bill.

Mr. WITKIN. Mr. Speaker, I think that my argument is a proper argument upon this bill. I am seeking light and on account of my lack of knowledge concerning certain portions of this bill, I have asked someone on that side of the House to answer my questions, so that I may intelligently discuss this bill.

The SPEAKER. The Chair wishes to inform the gentleman from Philadelphia, Mr. Witkin, that the bill is on the gentleman's desk and the gentleman can get information by reading the bill.

Mr. WITKIN. Mr. Speaker, I desire to take issue with you respectfully and properly. I have looked at the bill and in my opinion it is so poorly drawn, so impossible of interpretation by reading the bill,—I may be stupid or dumb,—but I cannot by the reading of it alone understand its provisions and if either the Speaker of this House or the other members can, he can do more than I can. I seek light because when I don't know, I admit I don't know.

Members of the House, there are some facts that you do know. Some of the facts that you do know are these; That you are permitting corporations to be formed by three persons, who can go into any municipality in the Commonwealth of Pennsylvania, into any county that you or I belong to, and those three persons pick out fifteen or twenty people in a particular block and set up a Public Utility Company for the purpose of supplying electricity. This corporation becomes omnipotent, it becomes high and mighty. It is bound to no one. It is bound to no Public Service Commission. It is subject to no regulation. They can do as they please. Nobody in the Commonwealth of Pennsylvania can say "stop, you are charging too much". They can issue bonds and nobody can supervise these bond issues. These bonds can be sold to a deluded public and the people can be flim-flammed of their money, and nobody dare scrutinize the bonds. They are tax free. They do not pay a nickel to anybody. If you want that kind of legislation, you can vote for it, but I want to say to the members of the Democratic Party that it seems to me, and I say with all seriousness, that I think it is high time that you knew what you were voting for; it is high time that one of you ought to know the provisions of the bill, that some one of you ought to be able,—

The SPEAKER. The gentlemen from Philadelphia, Mr. Witkin, will confine himself to the bill. The gentleman is out of order in attempting to scold the members of this House. The gentleman will confine himself to discussing the provisions of the bill now before us.

Mr. WITKIN. Mr. Speaker, do I understand that the Speaker is now raising a point of order?

The SPEAKER. The Speaker rules that the gentleman is out of order unless he confines himself to the provisions of the bill now before the House.

Mr. WITKIN. Mr. Speaker, and members of the House, I realize at this particular moment that what I said before about being in the minority is correct. That fact has been brought home to me. I have endeavored to make what I considered a proper argument. I have endeavored to point out to you the fallaciousness of this bill. I have endeavored to point out that nobody has appeared on behalf of the Democrats of this House, who sponsored this legislation, to give us a logical, reasonable argument, why we should vote for this bill. I believe I am not violating the rule that the Chair just made when I say that it seems to me that when a bill of such importance is sponsored that we ought to be told why it is good, we ought to be told why we should vote "aye." I have heard no reason propounded as to why we should vote for it. I have given you reasons why you should not vote for it. These bills are a menace to the Community and I ask the members of this House, particularly my Republican friends, on this side of the House, to vote this bill down.

Mr. MOUL. Mr. Speaker, and members of the House, I recognize all that the minority leader has said. Still there is plenty of reason for voting for a bill of this kind in Pennsylvania. I come from a district, and I know there are others who come from districts similar to mine, where there have been cases time and again where men have been interested in having this service of the Public Utility. They have been interested in having electric light in their homes, light and power. They have been practically denied the use of light and power in their homes because utility companies have prevented them from bringing it into their homes usually due to the high rate, the high contsruction costs of power lines. I have in my own immediate section a case at the present time which has been going on for some years. There have been some twenty people who have been interested in electric light and power. They asked the company to build a line. They had been promised when the line was built and when the company was permitted to build that line, after three years they would be receiving their electric current at the same rate that everyone else got.

The three years have passed. Those people have been denied the privilege. Four years have passed. Still the men who have taken electric current from the company are paying nine and ten dollars a month when they are actually only using current amounting to two dollars per month. With conditions such as these existing throughout the state, our people in the territory have been inter-

ested in the use of electric power. Those interested have seen what has happened to those who have already taken it. They are interested in going alone. I think it is high time to give the man who wants the use of electric current a fair chance to get it. This bill gives a man out in the rural section the opportunity to joint with his fellow citizens in a corporation that will permit them to get electric current. If they can prove that they can save money, as against the rates that now exists and are now being charged by public utilities today, there is no reason why they should not have the opportunity of doing so. I admit all that was said by the minority floor leader about this bill. I ask the members of the House to vote for the bill. This bill has been put before us to give an opportunity to those who have not had a fair chance in the past.

Mr. ANDREWS. Mr. Speaker and members of the House, there is no particular reason why a non-profit corporation organized on a membership basis should be subject to regulation. This act very specifically defines the field in which these non-profit corporations can operate. If the distinguished minority floor leader will peruse the bill he will see that these non-profit corporations can only extend their activities into territory where profit making corporations have refused to serve, and if there are territories which profit making corporations have refused to serve, and there are citizens who desire to organize on a nonprofit basis, then certainly this Legislature should not deprive of them that opportunity.

Mr. OMINSKY. Mr. Speaker and members of the House, I think that the gist of the bill is to be found in sub-section g, of section 11, on page 8. . If you will read the section carefully, you will find that it states, "to accept gifts or grants of money, property real or personal property personal municipality or Federal agency and to accept voluntary and uncompensated services."

The bill is intended to accept monies from the federal agencies which have been set up in Washington for those purposes, and you members know that before you can receive a grant from any federal agency in Washington, you surely must be right and you must be under proper regulation, otherwise you will not receive the money. I believe that the gist of the bill is to accept if possible, under the new provisions of the federal agency in Washington, monies which may properly come to Pennsylvania in those territories where those monies are most needed.

Mr. TURNER. Mr. Speaker, I woul like to interrogate the gentleman from Cambria, Mr. Andrews.

The SPEAKER. Will the gentleman from Cambria, permit himself to be interrogated?

Mr. ANDREWS. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Cambria, where he finds in this bill that these corporations can only be organized in the territories where no public service company serves the people?

Mr. ANDREWS. Mr. Speaker, on page 12, as follows: "In the event that such new territory includes part of the territory of another corporation or corporations then such certificate shall contain a statement to the effect that such other corporation or corporations have been requested in writing to construct the extensions which the corporation wishing to extend its terriory is ready and able to construct and that such other corporation or corporations are not ready and able so to do."

Mr. TURNER. Mr. Speaker, I thank the gentleman from Cambria.

Mr. Speaker and members of the House, the very enlightening, long drawn out and laborious answer of the gentleman from Cambria seems to answer the question that has been concerning me. It does not say that the corporation may not enter that field. It merely says, "unless such other corporation or corporations shall commence construction of such extensions within thirty days after being requested so to do this shall be conclusive evidence" that there is no corporation serving within that field.

We passed a bill this evening that provided that the Public Service Commission could regulate the contracts or could investigate the contracts of public service companies. Now, the purpose of that was not to give us the right, the governmental right, to inquire into those contracts, but was based upon the fact that there might be some public interest which might be involved in the question of contracts entered into by any public service company and only upon that ground had we the right to legislate. The fault in this bill has been very ably brought out by my colleague of Philadelphia, when he said there is no control by the Public Service Commission over these companies, nor over the incorporation of these companies. If there is a public interest that may be involved in the question of contracts, there is also a public interest, especially where the rate payer is concerned in any utility, in the building of a corporation that needs no capital, and that is expected in some way to be able to go out and finance the building of its lines and its operations by the issuance of bonds. The action on the part of any group, any voluntary group, in my mind may set up one of the finest rackets that ever existed in Pennsylvania, by which a legalized blackmail may be imposed, and by the imposition of that blackmail may very readily affect all the rate payers in many communities. I do not doubt the purpose of this act was as stated by the gentleman from York, Mr. Moul. I do not doubt that the purpose was to take care of the rural districts and where they do not have electrification, and where it is hoped that a group of people in that community can get together and by their voluntary action create some corporation as is provided for under this act. But if the public utility already in existence cannot supply electricity to that group without excessive cost, and if it is necessary for that utility under the regulation of the Public Service Commission, and I might say to this House that there has been an order for years in the Public Service Commission, I have just forgotten the number,—in reference to rural electrification, and that there has been a study on the part of the utilities of Pennsylvania for a number of years of rural electrification. If these utilities cannot go into these communities, construct the lines and carry electricity to those communities, except, as the gentleman from York has stated, at excessive costs, and it takes them three years to recover, how in thunder under an act like this can any local group of people create a company that is going to secure, as I would take it, if you believe the visionary plan of this act,—how is it going to snatch from the air the juice and send it over the wires into the homes to supply electricity? Where are the people going to get the juice? They have either got to generate it themselvs,—and can they afford to set up the generating station in competition with the great utilities, that are now carrying it from the dams that have been created in Pennsylvania, or from the great generation stations at a price to equal those?

Are they going to be able to buy it from the utility and build its lines as cheaply as any organization that is already in the business? S, it seems to me, on that basis alone this act is purely visionary, and on the proposition that it allows the organization of these corporations without any restrain on the part of anybody, without going to the Public Service Commission and saying, "We want to organize a corporation to serve a certain community," without any consideration of the general public interest, is without any consideration of the rate payers who are already involved in those communities, leaving the door open to the greatest kind of a flim-flam scheme ever devolved in Pennsylvania under the enactment of the legislature. I think that this bill is vicious. I think that this bill is inconsiderate. I think that this bill is drawn in a manner that does not protect the public interests and does not properly set up the kind of organization that should be set up, and which you would want to represent the people in the rural communities.

Mr. ANDREWS. This bill is by way of being a gun behind the door. The probabilities are that when this bill becomes a law, it wont' be necessary to form the nonprofit corporations in order to serve outlying territories. If this bill becomes a law the public service companies of this Commonwealth will discover to their great surprise that they can move into those territories and still make a substantial profit. They are now devoting their attention to territories in which they are assured an excessive profit.

The gentleman from Delaware wants to know where the nonprofit corporations are going to get their juice. They are either going to get their juice from a corporation, a public service company now doing business, or they are going to get their juice from the national system of distribution, established under Federal auspices, with great generation stations linked up in a giant power system in the Tennessee Valley and other developments. That is a gun behind the door because Uncle Sam will never have to go into that experiment either, because once he shows he is willing to do it, the Public Service Corporations will render service I repeat, Mr. Speaker, that there are no grounds in experience or in law, that sanctions the idea that a non-profit corporation, a little group of neighbors engaged in serving themselves with electricity should be subject to regulation. This is a good bill and if enacted into law it will accomplish its purpose.

Mr. MOUL. Mr. Speaker and members of the House, I want to answer the gentleman from Delaware, Mr. Turner. Mr. Turner stated that it would not be possible for a corporation such as stated in this bill, to compete with the established business. He stated that it could not be done at any cheaper rate. One of the real difficulties to that high rate at the present time in our particular territory is the exhorbitant charges that are being made for the construction of those lines. For instance, in one particular case which we investigated, just recently, we found when we checked to find out what the original cost of that line was they told us that it cost us one hundred dollars to survey for the building of a line one-half a mile in length and they have actually certified to that in a copy to be presented to the Public Service Commission of the State of Pennsylvania. They have also certified to us that it cost them seven dollars to dig a hole into which to set a pole, —seven dollars for a hole. Practically anybody in our territory on a contract basis today, and it could have been done a few years ago, could do it for two dollars a hole and they would have had darn good pay. If you check over the list of costs as I have in my territor, in your territory, it will be a mighty easy proposition to see why it is necessary to charge the minimum of $7.00 to $10.00 a month, and promise them three years and then it will be all off, and at the end of the three year period tell them they didn't tell them any such thing in the first place, and it will have to continue forever.

Mr. JOHN A SMITH. Mr. Speaker, the rural people of Pennsylvania are not prone to take academic questions of law very seriously when it comes to question of public service policy.

For six years our particular community argued with the Public Service Commission to get rural electrification. We were given several excuses and were given several types of rates. We decided that probably the best way for us to get electricity in our community was to establish a Diesel power plant. We were prevented from establishing that Diesel power plant by the public service company exercising the right of franchies in our township by setting up one pole in the township.

A friend of mine who wanted to get an extension of power across his fields dickered for quite some time with the power company to have that extension granted and then when he decided to erect his own line, they placed all types of limitations on the type of pole he was going to use across his own field, and after holding him off for quite a long time, he decided to do the work for himself. He established his line across his own field at a cost of three hundred dollars. Before the public service company would take that line off his hands, they demanded that he represent the cost of it as being over six hundred dollars so that they could build up a substantial rate schedule.

A few weeks ago I drove into the upper part of the state and as I drove by the road side I saw considerable of a pond in a farmer's field. I was told by a guest on that trip that the farmers in that particular community had agreed to furnish their own power to the surrounding communities free of cost from a dam that had been built across a small stream there, and that when they attempted to carry the power across the fields, they were prevented from doing so by a franchise that had been granted by the Public Service Commission.

These academic questions of law do not appeal to us when we so desperately want this service in rural communities, and we certainly feel that this dog-in-the-manger policy exercised by the Public Service Commission is wrong and that this bill in a substantial step in the right direction.

Mr. TURNER. Mr. Speaker and members of the House, I just want to take the time of the House for a moment to call attention to the fact that since I last sat down I have read on page 12 the section to which the gentleman from Cambria called my attention. It does not answer my queestion, because it purely pertains to the question of the extension of territory and does not say that the company or corporation organized thereunder can not enter a field that is already being served.

I have no quarrel with rural members who want to secure electrification, I have no quarrel with any act that might set up in some way a method by which they could secure electrification, but this act does not set up that

particular thing and it extends the proposed field of operation far too wide.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—115

Achterman,	Decker,	Long,	Ruth,
Alexander,	Dent,	Lovett,	Sarraf,
Allen,	Diehl,	Lynch,	Scanlon,
Andrews,	Dilley,	Male,	Schrock,
Arnold,	Downey, G. E.,	McCreary,	Schrope,
Atkins,	Downey, J. J.,	McDermott,	Schwab,
Aukerman,	Eberharter,	McElroy,	Shaw,
Baine,	Eroe,	Melchiorre,	Shepard,
Baker, J. J.,	Falkenstein,	Mentzer,	Siegel,
Barber,	Finnerty,	Merrell,	Simon,
Boose,	Fitch,	Moomaw,	Sinwell,
Boyer,	Flanagan,	Mooney,	Smith, J. A.,
Bradley,	Furman,	Moran,	Smith, W. G.,
Brancato,	Gerard,	Moul,	Snyder, F. E.,
Brown, H. S.,	Haberlen,	Munley,	Stank,
Brown, J. E.,	Hagerty,	Murrin,	Stevens,
Brownfield,	Haluska,	Nagel,	Stone,
Brumbaugh,	Hamilton, F. P.,	O'Keefe,	Sumney,
Burke,	Harkins,	Ominsky,	Tronzo,
Cannon,	Harmuth,	O'Neill,	Tumelty,
Caputo,	Hetrick,	Panton,	VanSickle,
Carr,	Hindman,	Patterson, J. W.,	Walker,
Carson,	Hirsch,	Pearson,	Weiss,
Chervenak,	Hoopes,	Pfaff,	Welliver,
Coakley,	Kelso,	Piole,	Welsh,
Cochran,	Kilroy,	Powers,	Westrick,
Cohen,	Kinney,	Reising,	Wilson,
Coleman,	Klinger,	Robinson,	Yourishin,
Condon,	Kobelak,	Ruffennach,	Sarig,
Coolahan,	LaRue,		

NAYS—62

Altenburg,	Green,	Perry,	Tahl,
Baldi,	Hamilton, R. S.,	Peters,	Trout,
Barnhardt,	Hart,	Phillips,	Turner,
Bernhard,	Hermansen,	Reynolds,	VanAllsburg,
Blumberg,	Hoffner,	Root,	Wall,
Boyd, R.,	Jackson,	Schwartz,	Wasserman,
Castor,	Kane,	Shortz,	Weidemann,
Conner,	Kelder,	Shreiner,	White,
Cordier,	Longaker,	Simpson,	Wickersham,
Davies,	Mason,	Sowers,	Winner,
Denning,	McDevitt,	Spangler,	Witkin,
Ferko,	McKinney,	Sproul,	Wood,
Flynn,	Moore,	Stewart,	Woodside,
Forrest,	Muir,	Stockham,	Yeakel,
Gates,	Nothnagle,	Surface,	Zimmerman,
Gillette,	Parks,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1901, entitled:

An Act regulating the procedure in the court of common pleas in cases where there shall be divers claimants in different rights for all or part of a single award of damages or verdict in favor of any one of such claimants in matters arising under the exercise of the right of eminent domain

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Rosn,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 301, as follows:

An Act to amend section nine of the act approved the thirty first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" modifying the age restriction for applicants who are veterans

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred eight) entitled "An act providing for the appointment promotion reduction removal and reinstate-

ment of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" is hereby amended to read as follows

Section 9 All applicants for any position in the fire department and as fire alarm operators and fire box inspectors in the bureau of electricity shall undergo a physical examination which shall be conducted under the supervision of a commission composed of doctors of medicine appointed for that purpose by the mayor said commission shall certify that an applicant is free from any bodily or metal defects deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations No application will be received if the person applying is less than twenty-one years of age or more than thirty-five years of age except honorably discharged soldiers sailors or marines who served with the Army or Navy of the United States during time of war not over forty-five years of age at the date of his application Provided however That in event any applicant has formerly served in the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity of the city to which he makes application for a period of more than six months and no charges of misconduct or other misfeasance were made against such applicant within a period of two years next preceding the date of his application and is a resident of the city then such person shall be eligible for reinstatement in the discretion of the civil service commission even though such applicant shall be over the age of thirty-five years or over forty-five years of age if such applicant is an honorably discharged soldier sailor or marine who served in the Army or Navy of the United States during time of war Such applicant providing his former term of service so justifies may be reappointed to the fire department or as a fire alarm operator or fire box inspector in the bureau of electricity without examination other than a physical examination If such person is reinstated he shall be the lowest in rank in the department next above the probationers of the department

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. Mr. Speaker, I will.

Mr. TURNER. I would like to ask the sponsor of this bill what change is made in the present act by this bill.

Mr. MOOMAW. The change that is made by this bill to the present act, Mr. Speaker, is to give a ten-year extensiion to ex-service men, who served in the Army or Navy during time of war, for any of these positions.

Mr. TURNER. Mr. Speaker, what would that make the age limit?

Mr. MOOMAW. Mr. Speaker, forty-five.

Mr. TURNER. Mr. Speaker, could any veteran over forty-five secure a position?

Mr. MOOMAW. Not under the terms of this act, Mr. Speaker, except case of reinstatement and then it still must be a ten-year extension. Under the terms of the original act anyone who had formally been in the service, as explained on page three, can re-enter the service even if he is over thirty-five years of age. The provisions of this act as it applies to ex-service men would be the same with the exception that it gives him a ten-year extension.

Mr. TURNER. Mr. Speaker, by that extension of ten years, do I understand the gentleman from Franklin to mean that a man forty-five years of age could be placed in the fire department, for instance?

Mr. MOOMAW. Providing he can pass the physical examination, yes: Mr. Speaker.

Mr. Speaker and members of the House, this measure or this amendment to the present act is to make it possible for a veteran of the World War to become a member of a fire department providing he can pass the physical examination.

Setting the age limit at forty-five is no different from what the age limit is in connection with the war service of the men during the World War, and I submit to you that if a man forty-four or forty-five years of age is physically able, providing he can pass a physical examination to become a member of the army or navy, to serve his country in a time of war, he is certainly physically able to serve in any fire department if he can pass the physical examination.

By setting the age limit at thirty-five they absolutely exclude all but possible about one hundredth of one per cent of those who have served in the World War, because the average age of the World War veteran is now approximately forty-two years.

I see nothing in this measure that will weaken the physical structure of any fire department and I would therefore, ask you members of this House, to support this amendment.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—146

Achterman,	Duffort,	McCreary,	Shugarts,
Alexander,	Eroe,	McDevitt,	Simon,
Allen,	Falkenstein,	McElroy,	Simpson,
Altenburg,	Finnerty,	McHenry,	Sinwell,
Andrews,	Fitch,	McKinney,	Sloan,
Arnold,	Flanagan,	Melchiorre,	Smith, J. A.,
Atkins,	Flinchbaugh,	Mentzer,	Smith, W. G.,
Aukerman,	Flynn,	Merrell,	Snyder, F. E.,
Baker, F. T.,	Forrest,	Moomaw,	Snyder, J. L.,
Barber,	Gates,	Moore,	Spangler,
Bernhard,	Gerard,	Moul,	Sproul,
Boose,	Green,	Muir,	Stevens,
Boyd, R.,	Greenstein,	Munley,	Stewart,
Boyer,	Haberlen,	Murrin,	Stockham,
Bradley,	Hagerty,	Nagel,	Stone,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stott,
Brennan,	Hart,	O'Keefe,	Sumney,
Brown, J. E.,	Hartman,	Ominsky,	Surface,
Brownfield,	Hefferon,	O'Neill,	Tahl,
Brumbaugh,	Hermansen,	Panton,	Terry,
Burke,	Hindman,	Parks,	Trout,
Cannon,	Hirsch,	Patterson, C.,	Tumelty,
Caputo,	Hoffner,	Perry,	VanAllsburg,
Carr,	Horst,	Pfaff,	VanSickle,
Carson,	Jackson,	Reising,	Wall,
Castor,	Jones,	Reynolds,	Welliver,
Chervenak,	Kane,	Rhys,	Welsh,
Coakley,	Kelder,	Rinn,	White,
Cohen,	Kobelak,	Roan,	Wickersham,
Coleman,	LaRue,	Robinson,	Winner,
Condon,	Linderman,	Rooney,	Witkin,
Denning,	Long,	Root,	Wood,
Dent,	Longaker,	Schwartz,	Yeakel,
Diehl,	Lovett,	Shaw,	Yourishin,
Dilley,	Lynch,	Shepard,	Zimmerman,
Downey, G. E.,	Mallen,	Shortz,	Sarig,
Downey, J. J.,	Mason,		

NAYS—56

Baine,	Furman,	Male,	Schrock,
Baker, J. J.,	Gillette,	McDermott,	Schrope,
Bard,	Habbyshaw,	Mooney,	Schwab,
Barnhardt,	Haluska,	Moran,	Shreiner,
Blumberg,	Hamilton, F. P.,	Patterson, J. W.,	Siegel,
Brown, H. S.,	Harkins,	Pearson,	Sowers,
Cochran,	Harmuth,	Peters,	Stank,
Conner,	Hetrick,	Phillips,	Tronzo,
Coolahan,	Holstrom,	Piole,	Turner,
Cordier,	Hoopes,	Powers,	Walker,
Davies,	Kelso,	Ruffennach	Weidemann,
Decker,	Kilroy,	Ruth,	Weiss,
Eberharter,	Kinney,	Sarraf,	Westrick,
Ferko,	Klinger,	Scanlon,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

RECESS

The SPEAKER. The Chair is about to declare a recess for fifteen minutes during which the Democratic members will meet in the House Caucus Room and the Republican members will meet in the regular meeting room. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER. (Wilson G. Sarig) in the Chair.

The time of recess having expired the House will be in order.

BILL ON SECOND READING

Mr. STEWART asked and obtained unanimous consent to call out of order House Bill No. 1418, Printer's No. 1154, on page 17 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1418, entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certan costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on ilquid fuels for a limited period of time providing for the distribution thereof and making an appropriaton

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and ten of the act approved the twenty first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commerically usuable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" are hereby amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax and additional emergency State tax of one cent a gallon or factional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and thirty-seven

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 10 Disposition and Use of Tax (a) One-half cent per gallon of the permanent tax collected under the provisions of this act shall be paid into the liquid Fuels Tax Fund of the State Treasury and such moneys paid into said fund are hereby specifically appropriated for the purpose hereinafter set forth

The moneys so paid into the Liquid Fuels Tax Fund except those that are refunded as hereinafter provided shall be paid to the respective counties of this Commonwealth on the first day of June and December of each year in the ratio that the average return made during the three (3) preceding years to each county bears to the average amount returned to all counties for the three preceding years Provided That the distribution of tax to the counties from the Liquid Fuels Tax Fund that is payable the first day of August one thousand nine hundred and thirty-one shall be made under the provisions of the acts of Assembly repealed by this act

All moneys received by the counties hereunder shall be used only for the purpose of construction reconstruction maintenance and repair of roads highways and bridges including the payment of property damage now due or hereafter to become due occasioned by or the relocation or construction of highways and bridges and for the payment of interest on bonds issued for highways and bridge purposes The county commissioners of each county shall make to the department on or before the first day of May and November of each year on forms prescribed prepared and furnished by the department a report showing the receipts and expenditures of such moneys received during the preceding six months by the county from the

Commonwealth under the provisions of this section Such reports shall be transmitted to the Department of the Auditor General for audit Upon the failure of the county commissioners to file any such report the department shall withold further payments to the county out of the Liquid Fuels Tax Fund until the delinquent report is filed

(b) The remaining two and one-half cents per gallon of the permanent tax collected under the provisions of this act all penalties and interest and all interest earned on deposits of the Liquid Fuels Tax Fund shall be paid into the Motor License Fund and are hereby specifically appropriated for the same purpose for which moneys in the Motor License Fund are appropriated by law

(c) The entire amount of the additional emergency tax of one cent per gallon or fractional part thereof collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury by and through the department and shall be used only for unemployment relief purposes and for such purposes is hereby appropriated and all such tax paid into the State Treasury on and after June first one thousand nine hundred thirty-six shall be credited to the General Fund

On the questnon,

Will the House agree to the section?

Mr. STEWART. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 6, lines 9 and 10, by striking out with dark-faced brackets the words "credited to the General Fund" and inserting in lieu thereof: paid into the Motor License Fund and shall be used only to enable the Commonwealth to take over for maintenance and repair the roads in townships of the second class, to aid counties, cities, boroughs and townships of the first class in the maintenance and repair of roads, streets and highways and to reduce the burden of taxation on real estate.'

On the question,

Will the House agree to the amendment?

Mr. STEWART. Mr. Speaker and members of the House, This bill was submitted March sixth and has had safe keeing until last week when it was brought out of Committee.

Originally the bill for one cent gas tax was credited to the Motor License Fund and was to be used only to enable the Commonwealth to take over for maintenance and repair the roads intownships of the second class, to aid counties, cities, boroughs and townships of the first class in the maintenance and repair of roads, streets and highways and to reduce the burden of taxation on real estate.

The political parties pledged themselves that taxes on real estate would be reduced. If this bill had not been amended it would have assisted greatly in carrying out that pledge. The large majority of those who use gasoline insist that the gas tax should apply on the highways.

This bill is for two years only, and the Committee has so changed the bill that my name, as sponor, is all that is left so far as the revenue is concerned. The first year is credited to relief and the second year to the General Fund.

The amendment that I have offered is to change the revenue for the second year to apply as originally written. With me it is a fifty-fifty proposition, and if the members of this House feel that my request is a just one I will ask them to approve the amendments. I will not expect you to do like the man who applied to Judge of the Court for a license to sell rabbit bologna. The Judge heard that he was putting horse flesh in his bologna and called him to task, telling him that he heard he was putting horse flesh in his bologna. The man said, "Judge, I am, but I am only going fifty-fifty." How is that, replied the Judge. "One rabbit and one horse."

I cannot see why the tax should not apply to roads and thus serve a double purpose by building roads to bring the farmer out of the mud and giving work to those who are on relief.

I ask you to vote for this amendment.

Mr. RUTH. Mr. Speaker, we have already passed a bill providing for the next two years in cities and in boroughs. This bill is one of the compromise bills and has been approved in the compromise. It is to be amended, one year for relief and one year for the General Fund and I ask the members to vote down these amendments.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. STEWART. and Mr. SIMPSON and were as follows:

YEAS—64

Altenburg,	Gillette,	Nothnagle,	Stockham,
Baldi,	Green,	Parks,	Surface,
Barnhardt,	Habbyshaw,	Perry,	Terry,
Bernhard,	Hamilton, R. S.,	Peters,	Trout,
Blumberg,	Hart,	Phillips,	Turner,
Boose,	Jackson,	Reynolds,	Van Allsburg,
Boyd, R.,	Jones,	Root,	Wall,
Boyer,	Kane,	Schrock,	Wasserman,
Castor,	Kelder,	Shortz,	Weidemann,
Conner,	Longaker,	Shreiner,	White,
Cordier,	Mason,	Simpson,	Wickersham,
Davies,	McDevitt,	Sloan,	Winner,
Denning,	McKinney,	Snyder, F. E.,	Witkin,
Duffort,	Merrell,	Snyder, J. L.,	Wood,
Ferko,	Moore,	Spangler,	Woodside,
Forrest,	Muir,	Stewart,	Yeakel,

NAYS—107

Achterman,	Diehl,	Kobelak,	Reising,
Alexander,	Dilley,	LaRue,	Robinson,
Allen,	Downey, G. E.,	Lovett,	Ruffennach,
Andrews,	Downey, J. J.,	Lynch,	Ruth,
Arnold,	Eberharter,	Male,	Sarraf,
Aukerman,	Eroe,	McCreary,	Schrope,
Baine,	Falkenstein,	McDermott,	Schwab,
Baker, J J.,	Finnerty,	McElroy,	Shaw,
Bradley,	Fitch,	McHenry,	Shepard,
Brancato,	Flanagan,	Melchiorre,	Siegel,
Brown, H. S.,	Furman,	Mentzer,	Simon,
Brown, J. E.,	Gerard,	Moomaw,	Sinwell,
Brownfield,	Haberlen,	Mooney,	Smith, J. A.,
Burke,	Hagerty,	Moran,	Smith, W. G.,
Cannon,	Haluska,	Moul,	Stank,
Caputo,	Hamilton, F. P.,	Munley,	Stevens,
Carr,	Harkins,	Murrin,	Sumney,
Carson,	Harmuth,	Nagel,	Tronzo,
Chervenak,	Hermansen,	O'Keefe,	Tumelty,
Coakley,	Hetrick,	Ominsky,	Van Sickle,
Cochran,	Hindman,	O'Neill,	Walker,
Cohen,	Hirsch,	Panton,	Weiss,
Coleman,	Hoopes,	Patterson, J. W.,	Welliver,
Condon,	Kelso,	Pearson,	Welsh,
Coolahan,	Kilroy,	Pfaff,	Westrick,
Decker,	Kinney,	Piole,	Yourishin,
Dent,	Klingler,	Powers,	Sarig,

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. TROUT. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 3, line 19, by striking out with heavy-faced brackets the word "thirty-seven" and insert in lieu thereof "thirty-six"

Amend sec. 1, page 6, lines 7, 8, 9 and 10, by striking out with heavy-faced brackets the words "and all such tax paid into the State Treasury on and after June first, one thousand nine hundred thirty-six shall be credited to the General Fund"

On the question,

Will the House agree to the amendments?

Mr. TROUT. Mr. Speaker and members of the House, I hesitate to take up your time at this late hour, but I do feel that these amendments should receive careful consideration.

This proposed tax on one cent per gallon on gasoline again brings up the question of diversion of Motor Funds for purposes other than the construction and maintenance of highways.

Several weeks' ago I called to the attention of the members of the House what the probable effect would be if monies were diverted from the Motor Fund.

This bill provides a one cent gas tax for a period of two years. The revenues derived during the first year is earmarked for unemployment relief purposes. The revenue derived during the second year is to be paid into the State Treasury and credited to the General Fund. The Amendment proposed will eliminate the tax for the second year entirely so that the bill will provide for a one cent tax for but one year to be used for unemployment relief purposes. There can be no question but that a tax on gasoline placed into the General Fund is recognized as diversion. It is generally admitted, and we believe so interpreted by the Federal authorities, that a tax on gasoline used for unemployment relief will be interpreted as diversion of funds.

Funds available from the recently enacted Federal Relief bill will give Pennsylvania $23,950,000. for highways. For the elimination of grade crossings, $17,703,000. In addition, the regular Federal aid will be $11,000,000; giving a total revenue for the Commonwealth of Pennsylvania from the Federal Government of $52,668,000. The expenditure of these funds will be controlled by the provisions of the Hayden-Cartwright Bill. It is the opinion of men in a position to know that a penalty of one-third of the total amount will be imposed on any State which diverts monies from the Motor Fund. This would mean a loss of $17,000,000 if this bill is enacted.

From the same source we have information to the effect that unless the $9,700,000, already loaned from the Motor Fund, is not repaid, we stand to lose another $3,230,000. The Federal Bureau of Public Roads has officially announced that States which comply with all of the legal requirements of the Hayden-Cartwright Bill will probably receive bonuses as much as twenty per cent of the original allotment. This would give to Pennsylvania another $10,000,000.

It thus appears that if the Legislature diverts Motor Funds they are subject to a penalty of $30,703,000 or a total loss to the Highway Construction Industry of $59,000,000.

Information received from the Pennsylvania Department of Highways,—a construction program of approximately $185,000,000 has been formulated. Of this amount $24,000,000 is to be used for the elimination of railroad grade crossings, and $3,000,000 for the elimination of dangerous highway intersections.

The Department of Highways has given the information that plans are prepared for the construction and reconstruction of highways, costing $109,000,000. Also that there is immediate necessity for the replacement of weak and narrow bridges, amounting to $19,000,000.

It, therefore, appears to me, Ladies and Gentlemen of this House, that we cannot afford to divert one dollar from the Motor Fund for any other purpose than the construction and maintenance of highways. However, that question can be further determined when the bill comes up for final passage, but, at this time, I ask you to support this amendment so that, at least we will have taken one step toward the conservation of the Motor Fund.

Mr. RUTH. Mr. Speaker, this bill is not a diversion of Motor Funds. Under the Hayden-Cartwright act, a certain date was set prior to this date, and any state that diverts from their motor fund, the license taxes or registration fees would be punished. This is not a diversion. It is a new tax for relief purposes only and it is not a diversion. I ask the members to vote down the amendment.

Mr. MASON. Mr. Speaker and members of the House, just briefly amplifying the remarks made by the gentleman from Lancaster, Mr. Trout, I wish to call the attention of the members of the House that when the original gasoline tax act was passed here, they stated it was to be for an emergency purpose. The gentleman from Berks has just finished stating that the monies to be derived from the present bill would be used for unemployment relief purposes. However, they have defined under the act, as it is now before you, a one year period to be used for unemployment relief. That simply means that if we pass the bill in its present form, without taking out the amendment which allows the second year tax proceeds to be used for the General Fund, we are telling the motorists of the State of Pennsylvania that some time in the future the Legislature in its power may decide that the Motor License Fund shall be used to run the State government and that it shall not be used for highway purposes alone. We are taking a step in the wrong direction if we do not amend the present act as submitted to the members of the House and eliminate the second year clause providing that the fund be used for general purposes and deposited in the General Fund.

I urge you to support this amendment

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. TROUT and Mr. GREEN and were as follows:

YEAS—61

Altenburg,	Hamilton, R. S.,	Muir,	Stewart,
Baldi,	Hart,	Nothnagle,	Stockham,
Barnhardt,	Hermansen,	Parks,	Surface,
Bernhard,	Hoopes,	Perry,	Terry,
Blumberg,	Jackson,	Peters,	Trout,
Boyd, R.,	Jones,	Phillips,	Turner,
Castor,	Kane,	Root,	Wall,
Conner,	Kelder,	Shortz,	Wasserman,
Cordier,	Longaker,	Shreiner,	Weidemann,
Davies,	Mason,	Simpson,	Wickersham,
Duffort,	McCreary,	Snyder, F. E.,	Winner,
Ferko,	McDevitt,	Snyder, J. L.,	Witkin,
Forrest,	McKinney,	Sowers,	Wood,
Gillette,	Merrell,	Spangler,	Woodside,
Green,	Moore,	Sproul,	Yeakel,
Habbyshaw,			

NAYS—102

Achterman,	Decker,	LaRue,	Ruffennach,
Alexander,	Dent,	Lovett,	Ruth,
Allen,	Diehl,	Male,	Sarraf,
Andrews,	Dilley,	McDermott,	Shaw,
Arnold,	Downey, G. E.,	McElroy,	Schropp,
Aukerman,	Downey, J. J.,	Melchiorre,	Schwab,

Baine,	Eberharter,	Mentzer,	Shepard,
Baker, J. J.,	Eroe,	Moomaw,	Siegel,
Bradley,	Finnerty,	Mooney,	Simon,
Brancato,	Fitch,	Moran,	Sinwell,
Brown, H. S.,	Flanagan,	Moul,	Smith, J. A.,
Brown, J. E.,	Furman,	Munley,	Smith, W. G.,
Brownfield,	Gerard,	Murrin,	Stank,
Brumbaugh,	Haberlen,	Nagel,	Stevens,
Burke,	Hagerty,	O'Keefe,	Sumney,
Cannon,	Haluska,	Ominsky,	Tronzo,
Caputo,	Hamilton, F. P.,	O'Neill,	Tumelty,
Carr,	Harkins,	Panton,	VanSickle,
Carson,	Harmuth,	Patterson, J. W.,	Walker,
Chervenak,	Hetrick,	Pearson,	Weiss,
Coakley,	Hirsch,	Pfaff,	Welliver,
Cochran,	Kelso,	Piole,	Welsh,
Cohen,	Kilroy,	Powers,	Westrick,
Coleman,	Kinney,	Reising,	Yourishin,
Condon,	Klinger,	Robinson,	Sarig,
Coolahan,	Kobelak,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 4, by striking out with dark-faced brackets the word "and"

Amend Sec. 1, page 2, line 4, by inserting after the word "ten" the following: "and seventeen"

Amend Sec. 1, page 3, lines 26, 27 and 28, by striking out with light-faced brackets all of said lines, and inserting in lieu thereof: "The tax imposed by this section shall be payable by the distributor, but shall be borne by the last purchaser, and the payment by the distributor shall be deemed to have been for the account of such purchaser. However, the intent of this act is to place the ultimate burden resulting from such tax, so far as possible on persons who use liquid fuels for purposes other than agricultural and domestic purposes on farms, and to that end provisions for refunds are made hereinafter where the tax has been paid by a distributor on liquid fuels used on farms for agricultural and domestic purposes."

Amend Sec. 1, page 6, by inserting between lines 10 and 11 the following:

Section 17. Refunds.—The Board of Finance and Revenue may refund to distributors taxes, penalties and interest paid by them on liquid fuels delivered to the United States government or paid as the result of an error of law or of fact or of both law and fact. Claims for [refund] such refunds shall be made under the procedure prescribed by The Fiscal Code.

Any person who shall buy liquid fuels on which the tax imposed by this act shall have been paid, and shall consume the same for agricultural or domestic purposes on a farm, shall be entitled to a refund of the amount of such tax. All such claims for refund shall be made by affidavit in such form and containing such information, and be presented within such time, as the Board of Finance and Revenue, by rules and regulations, shall prescribe, and the claimant shall satisfy the board that he has borne the tax and that the liquid fuels have been consumed by him for agricultural or domestic purposes on a farm. The board may require such further information or proof as it shall deem necessary. Any person making any false or fraudulent affidavit for the purpose of a refund of the tax, shall be guilty of perjury.

All refunds of moneys allowed hereunder shall be paid from the Motor License Fund and the Liquid Fuels Tax Fund in amounts equal to the original distribution and payment of such moneys into said funds.

As much of the moneys from time to time in the Motor License Fund and the Liquid Fuels Tax Fund as may be necessary, is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds, as herein authorized. Estimates of the amounts to be expended from these funds for refunds from time to time by the board, shall be submitted to the Governor of his approval or disapproval as in the case of other appropriations to administrative departments, boards and commissions, and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and Revenue for the expenditure of moneys hereunder in excess of the estimates approvd by the Governor.

On the question,

Will the House agre to the amendments?

The yeas and nays were required by Mr. HABBYSHAW and Mr. WOOD and were as follows

YEAS—58

Altenburg,	Hart,	Muir,	Stewart,
Baldi,	Hermansen,	Perry,	Stockham,
Bernhard,	Horst,	Peters,	Terry,
Blumberg,	Jackson,	Phillips,	Turner,
Castor,	Jones,	Reynolds,	Wall,
Conner,	Kane,	Rhys,	Wasserman,
Cordier,	Kelder,	Schrock,	Weidemann,
Davies,	Linderman,	Shortz,	White,
Denning,	Longaker,	Shreiner,	Wickersham,
Duffort,	Lynch,	Simpson,	Winner,
Ferko,	Mason,	Snyder, F. E.,	Witkin,
Gillette,	McCreary,	Snyder, J. L.,	Wood,
Green,	McKinney,	Spangler,	Woodside,
Habbyshaw,	Merrell,	Sproul,	Yeakel,
Hamilton, R. S.,	Moore,		

NAYS—107

Achterman,	Diehl,	Kobelak,	Ruffennach,
Alexander,	Dilley,	LaRue,	Ruth,
Allen,	Downey, G. E.,	Long,	Sarraf,
Andrews,	Downey, J. J.,	Lovett,	Schrope,
Arnold,	Eberharter,	Male,	Schwab,
Aukerman,	Eroe,	McDermott,	Shaw,
Baine,	Finnerty,	McElroy,	Shepard,
Baker, J. J.,	Fitch,	Mentzer,	Siegel,
Bradley,	Flanagan,	Moomaw,	Simon,
Brancato,	Furman,	Mooney,	Sinwell,
Brown, H. S.,	Gerard,	Moran,	Smith, J. A.,
Brown, J. E.,	Haberlen,	Moul,	Smith, W. G.,
Brownfield,	Hagerty,	Munley,	Stank,
Burke,	Haluska,	Murrin,	Stevens,
Cannon,	Hamilton, F. P.,	Nagel,	Sumney,
Caputo,	Harkins,	O'Keefe,	Surface,
Carr,	Harmuth,	Ominsky,	Tronzo,
Carson,	Hetrick,	O'Neill,	Tumelty,
Chervenak,	Hindman,	Panton,	VanSickle,
Coakley,	Hirsch,	Patterson, J. W.,	Walker,
Cochran,	Holstrom,	Pearson,	Weiss,
Cohen,	Holland,	Pfaff,	Welliver,
Coleman,	Hoopes,	Piole,	Welsh,
Condon,	Kelso,	Powers,	Westrick,
Coolahan,	Kilroy,	Reising,	Yourishin,
Decker,	Kinney,	Robinson,	Sarig,
Dent,	Klinger,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2. This act shall become effective the first day of the month succeeding its final enactment.

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporated surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments

providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE BILL NO. 1418 MADE A SPECIAL ORDER

Mr. RUTH. Mr. Speaker, I move that House Bill No. 1418, Printer's No. 1154, be made a special order of business on final passage on Wednesday, May 22, 1935, at 11:30 a. m.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. RUTH. Mr. Speaker, I desire to call up at this time House Bill No. 2853, Printer's No. 1075, on page 22, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. RUTH

The House resumed the consideration on final passage of House Bill No. 2853, entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and immposing duties on certain State officers and departments making an appropriation and imposing penalties

On the question,

Shall the bill pass finally?

HOUSE BILL NO. 2853 MADE A SPECIAL ORDER

Mr. RUTH. Mr. Speaker, I move that House Bill No. 2853, Printer's No. 1075, be made a special order of business on final passage on Wednesday, May 22, 1935, at 11.45 A. M.

The motion was agreed to.

RECONSIDERATION OF HOUSE BILL NO. 301

Mr. SHAW. Mr. Speaker, I move that the vote by which House Bill No. 301, Printer's No. 1110, entitled

An Act to amend section nine of the act approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; dening the powers and duties of civil service commissions for such purposes; and fixing penalties," modifying the age restriction for applicants who are veterans.

on page 25, of today's calendar, passed finally this evening be reconsidered.

Mr. CAPUTO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Shaw, vote on the final passage of this bill?

Mr. SHAW. Mr. Speaker, I voted in the affirmative.

The SPEAKER. How did the gentleman from Beaver Mrfl Caputo, vote on the final passage of this bill?

Mr. CAPUTO. Mr. Speaker, I voted in the affirmative

On the question,

Will the House agree to the motion?

Mr. MOOMAW. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Shaw.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SHAW. I will, Mr. Speaker.

Mr. MOOMAW. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Shaw, since this bill passed earlier in the evening by a vote of I believe approximately one hundred and fifty to fifteen, the purpose of his motion for a reconsideration of this measure?

Mr. SHAW. Mr. Speaker, there was so much confusion in the House that I don't believe the bill has proper consideration.

Mr. MOOMAW. Mr. Speaker, does not the gentleman from Allegheny know that I as the sponsor of the bill was interrogated by the gentleman from Delaware, Mr. Turner, after which I talked on the bill and that no one else opposed the measure. Was not the attention of the House called to the various provisions of the bill?

Mr. SHAW. Mr. Speaker, I did not hear all of the discussion.

On the question recurring,

Will the House agreed to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for and one hundred and three members having voted in the affirmative and thirty-six members having voted in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. O'KEEFE. Mr. Speaker, I desire to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin, Mr. Moomaw, permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. O'KEEFE. Mr. Speaker, under the provisions of this bill, would not a man be eligible even though he had passed forty-five years of age?

Mr. MOOMAW. Mr. Speaker, I would answer the gentleman "no."

Mr. O'KEEFE. Mr. Speaker, on page 3, line seven does it not say, "even though such applicants shall be over the age of thirty-five years or over forty-five years of age".

Mr. MOOMAW. Mr. Speaker, that is only for the reinstatement of someone who has previously served as a member of a fire department or as a fire alarm operator.

Mr. O'KEEFE. Mr. Speaker, may I ask, for a period of how long?

Mr. MOOMAW. Mr. Speaker, for a period of at least six months; or more than six months.

Mr. O'KEEFE. Mr. Speaker, is it not a fact that if a man had six months service, even though he be past sixty years of age, he could still be reinstated?

Mr. MOOMAW. Mr. Speaker, in answer to the gentleman from Allegheny I would say that this amendment does not in any way change the provision of the act as it existed before this bill was prepared, and I might say in direct answer, that anyone, whether or not a member, or

whether or not a veteran could come back into the service, even though he was seventy years of age.

Mr. O'KEEFE. Mr. Speaker, does not this bill pertain to second and third class cities?

Mr. MOOMAW. Mr. Speaker, it does.

Mr. O'KEEFE. Mr. Speaker, I would like to ask the gentleman from Franklin, Mr. Moomaw, whether he comes from second or third class city?

Mr. MOOMAW. Mr. Speaker, in answer to the gentleman from Allegheny, I would say that I do not.

Mr. O'KEEFE. Mr. Speaker and members of the House, while I realize the intentions of the gentleman from Franklin, I do not believe that he is familiar with the conditions in second class cities, pertaining to the service regulations for firemen, and I believe that this bill, while its intentions may be good, would be harmful to such cities. I believe that they should know best the regulations which they require which will give the people of that city service for which they pay and for that reason I ask the members to vote "no" on this bill.

MOTION TO POSTPONE BILL

Mr. MOOMAW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was not agreed to,

On the question recurring,

Shall the bill pass finally?

Mr. TRONZO. Mr. Speaker and members of the House, I think there are several very injurious matters in this bill that have not as yet been taken out. I believe Mr. O'Keefe touched on the matter pertaining to second and third class cities. If I am not mistaken, our pension fund system in some of those cities would be very hard hit if a man at this age of life were permitted to get back into the fire department. Another point, that we realize that the fire department is a very strenuous place, and it requires young men, young men who are very very strong and healthy, and a man getting in above the age of forty-five would not elevate the standards of that department very much.

Coming to the third point on this bill, the sponsor of this bill gives the soldier much leeway. There is today, in some of our cities our rating gives them a fifteen per cent increase in their examination markings and before they start off. The moment they say they are soldiers or sailors we increase their standards 15 per cent, and at this time I don't think we should elevate the age limit. After all the world war did end in 1917; that is eighteen years ago, and we cannot go through life giving to the soldiers and the sailors.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Tronzo.

The SPEAKER. Will the gentleman from Allegheny, Mr. Tronzo, permit himself to be interrogated?

Mr. TRONZO. Mr. Speaker, I will.

Mr. TUMELTY. The gentleman from Allegheny made a statement that they give fifteen per cent exemption in civil service. Where?

Mr. TRONZO. Mr. Speaker, in Pittsburgh, for example, the second class city.

Mr. TUMELTY. Mr. Speaker, may I ask is this fifteen per cent given to a man who has been disabled in the war?

Mr. TRONZO. Mr. Speaker, yes I am fairly sure that this is given to anyone that is either a soldier or a sailor.

Mr. TUMELTY. Mr. Speaker, whether such a condition exists in Pittsburgh or not, I do not know, but if it does I think it is the only city in the world where it does. There is five per cent and ten per cent if he is hit with a bullet but I don't think he should make the statement that all get fifteen per cent.

Mr. DENT. Mr. Speaker and members of the House, this bill only tries to raise the age limit at which a man seeking employment in a favored field can get it. Not long ago I was laughed at and scoffed at by some of the very men who are up here now defending a thirty-five year age limit when I said that persons over the age of fifty might be considered as probable cases to be retired. They laughed at the idea, and yet they come in here and say that a man over thirty-five years of age cannot serve in a fire company. The same is true in the factories, the same is true in the mills, at the age of forty, at the age of thirty-eight, or thirty-seven or thirty-six, they will tell you you are too old. You come here as members of the Legislature and exclude anyone over the age of thirty-five from a fire company. There are fire companies that are kept by public funds, and persons who are physically fit,—and I defy any man to say that there isn't some man over the age of thirty-five in Pennsylvania that is physically fit to be a fireman. I would hate to think that there are not some men over the age of forty-five who could be firemen. The only bad thing about the bill is that we restrict it to soldiers and sailors and marines, and so forth.

Any person over the age of forty-five who passes an examination should be able to be a fireman.

This bill passed fairly and squarely a while ago. A group caucussed or met together somehow and got together for a vote.

Now, you gentlemen of convictions, stand by your convictions; vote the way you did the first time and do not be stampeded by any foolishness.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—59

Alexander,	Duffort,	McDevitt,	Smith, W. G.,
Allen,	Fitch,	McHenry,	Snyder, F. E.,
Altenburg,	Flanagan,	McKinney,	Spangler,
Arnold,	Haberlen,	Mentzer,	Stevens,
Aukerman,	Hagerty,	Merrell,	Stewart,
Bernhard,	Hermansen,	Moomaw,	Stockham,
Brown, J. E.,	Hirsch,	Moore,	Sumney,
Cannon,	Jackson,	Moul,	Trout,
Carson,	Kane,	Muir,	Tumelty,
Castor,	Kelder,	Murrin,	Van Allsburg,
Coleman,	LaRue,	Panton,	Van Sickle,
Dent,	Longaker,	Simon,	Wall,
Diehl,	Lovett,	Simpson,	Yourishin,
Downey, G. E.,	Lynch,	Sinwell,	Sarig,
Downey, J. J.,	McCreary,	Smith, J. A.,	

NAYS—87

Andrews,	Gillette,	Moran,	Shreiner,
Baine,	Habbyshaw,	Munley,	Siegel,
Baker, J. J.,	Haluska,	Nothnagle,	Sowers,
Baldi,	Hamilton, F. P.,	O'Keefe,	Stank,
Barnhardt,	Hamilton, R. S.,	Ominsky,	Surface,
Blumberg,	Harkins,	O'Neill,	Tahl,
Brancato,	Hart,	Patterson, J. W.,	Terry,
Brown, H. S.,	Hindman,	Pearson,	Tronzo,
Burke,	Holstrom,	Perry,	Turner,
Caputo,	Hoopes,	Peters,	Weidemann,
Carr,	Horst,	Pfaff,	Weiss,
Coakley,	Jones,	Phillips,	Welsh,

Cochran,	Kelso,	Piole,	Westrick,
Cohen,	Kilroy,	Powers,	White,
Coolahan,	Kinney,	Reising,	Wickersham
Cordier,	Klingler,	Robinson,	Winner,
Davies,	Kobelak,	Ruffennach,	Witkin,
Decker,	Male,	Ruth,	Wood,
Eberharter,	McDermott,	Sarraf,	Woodside,
Eroe,	McElroy,	Schwab,	Yeakel,
Furman,	Melchiorre,	Shaw,	Zimmerman,
Gerard,	Mooney,	Shepard,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

LEAVE OF ABSENCE

Mr. SHREINER asked and obtained leave of absence for himself for tomorrow.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Pensions and Gratuities will meet immediately after tomorrow morning's session in the Conference Room.

The Committee on Education will meet tomorrow at 9.15 A. M. in room 326.

The Committee on State Government will meet tomorrow at 10.00 A. M. in room 323.

The Committee on Insurance will meet tomorrow at 10.00 A. M. in room 325.

The Committee on Railroads and Railways will meet tomorrow at 10.00 A. M. in room 521.

The Committee on Counties will meet tomorrow at 10.30 A. M. in room 324.

The Committee on Judiciary Local will meet immediately after tomorrow morning's session in room 325.

The Committee on Municipal Corporations will meet immediately after tomorrow morning's session in room 324.

The Committee on Judiciary Special will meet immediately after tomorrow morning's session in room 323.

The Committee on Ways and Means will meet tomorrow at 10.15 A. M. in room 326.

The Committee on Elections will meet tomorrow at 10.00 A. M. in room 326.

The Committee on Boroughs and Townships will not meet tomorrow.

The Committee on Military Affairs will not meet tomorrow.

The Committee on Public Utilities will hold a public hearing on House Bill No. 2043, at 3.00 P. M. tomorrow in room 521.

There will be an important meeting of the bi-partisan committee, comprised of twenty-six members of the House, for the relief of real estate taxation on Wednesday, May 22nd, at 9.30 A. M. in room 521. It is urged that every member of the committee be present.

ADJOURNMENT

Mr. LONGAKER. Mr. Speaker, I move that this House do now adjourn until 11.00 A. M.

The motion was agreed to, and (at 12.58 A. M.) the House adjourned until Wednesday, May 22, 1935, at 11.00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MAY 22, 1935 No. 66

SENATE

WEDNESDAY, May 22, 1935.

The Senate met at 11 o'clock, A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

New mercies come to us from Thy hand, O God, with each new day. And as each night falls we are thankful for the sense of divine protection thrown about us during our hours of slumber. Of Thy power and goodness "day unto day uttereth speech and night unto night showeth knowledge." As we advance in years may we also advance in faith and loyalty to Thee.

Not only do we trust Thee for eternity, but also for time. The use we make of the days allotted to us in this life fixes our destiny for eternity and the life to come.

Lead these men, O God, to so employ the days they spend here in legislative activity that they and the citizenship they serve may be blest and uplifted. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL NO. 1289

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 21, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 1289, Printer's No. 410, entitled, "An Act making an appropriation to the State Emergency Relief Board for unemployment relief."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellancy, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 22, 1935

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

S. J. Moran, 1877 Jancey St., Pittsburgh.
Herman Regenstein, 2009 Center Ave., Pittsburgh.

DELAWARE COUNTY

Lee Shepard, Media.

ERIE COUNTY

William R. Harris, Albion.

NORTHUMBERLAND COUNTY

Thomas H. Williams, Shamokin.

PHILADELPHIA COUNTY

Robert Dalgliesh, 5613 Germantown Ave., Philadelphia.
Walter J. Schwoyer, 1125 Sansom St., Philadelphia.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1901 (Senate Bill No. 1419), entitled:

An Act regulating the procedure in the court of common pleas in cases where there shall be divers claimants in different rights for all or part of a single award of damages or verdict in favor of any one of such claimants in matters arising under the exercise of the right of eminent domain.

Which was committed to the Committee on Judiciary General,

House Bill No. 2416 (Senate Bill No. 1420), entitled:

An Act to further amend section fifty-eight of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "Fiduciaries Act of 1917," by repealing clause (c) and otherwise changing and revising said section.

Which was committed to the Committee on Judiciary General

House Bill No. 2525 (Senate Bill No. 1421), entitled:

An Act to further amend sections one hundred two, five hundred eleven, five hundred twelve and six hundred ten of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1005), "Tractor Code" by including certain vehicles in the definitions of tractors and vehicles; imposing cancellation fee and exempting certain persons from special hauling permit fees and revising existing regulations relative to permits for excessive size and weight.

Which was committed to the Committee on Highways.

House Bill No. 2661 (Senate Bill No. 1422), entitled:

An Act to amend the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," as amended, by imposing the tax upon manufacturers selling goods, wares and merchandise from the place of manufacture and upon certain venders or dealers heretofore exempt; clarifying the provisions relating to appeals; and repealing inconsistent acts.

Which was committed to the Committee on Finance.

House Bill No. 2673 (Senate Bill No. 1423), entitled:

A Supplement to an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "Public Service Company Law," giving to the Public Service Commission the power and authority to vary, reform or revise, on a fair and equitable basis, contracts to which a public service company is a party and the subject-matter whereof concerns or affects a public right, benefit, privilege, duty or franchise; providing for a hearing and determination of the matter of a variance, reformation or revision of such contracts, and providing for the issuance and service of orders by the Public Service Commission varying, reforming or revising such contracts and the effective date of such orders.

Which was committed to the Committee on Public Utilities.

House Bill No. 2682 (Senate Bill No. 1424), entitled:

An Act providing for the formation of non-profit membership corporations to be known as electric membership corporations for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to the inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management of the business of such corporations; providing for the rights, powers and duties of such corporations; authorizing and regulating the issuance of bonds by such corporations; and providing for the payment of such bonds and the rights of the holders thereof.

Which was committed to the Committee on Public Utilities.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 609.

Mr. REED (Dauphin) offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 21, 1935.

Resolved (if the House of Representatives concur), that Senate Bill 609, Printer's No. 276, entitled "An act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania:
Governor's Office, Harrisburg, May 20, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following appointment:

Clair S. Buchart, of Yoe, York County, as Justice of the Peace in the Borough of Yoe, York County, vice John W. Snyder, deceased, until the first Monday in January, 1936.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Nell M. Cusick, 235 4th Avenue, Pittsburgh.

BLAIR COUNTY

Woodrow W. Filler, Altoona.

DELAWARE COUNTY

John L. Hamthorne, Jr., Glenolden.

ERIE COUNTY

Harry C. Edy, Erie.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

MONTGOMERY COUNTY

Alfonse L. Nicholson, Ardmore, May 25, 1935.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Norton,	Salus,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Daly,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RANKIN. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. STAUDENMEIER from the Committee on State Government reported as committed, Senate Bill No. 1248, entitled:

An Act to amend section nine of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture; and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties;" extending the time within which certificates of registration may be issued without examination.

Mr. McCLURE from the Committee on County Government reported as amended, Senate Bill No. 988 (House Bill No. 1615), entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred and fifty-three) entitled "An act relating to taxation designating the subjects properly and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of these municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships

Mr. HARVEY from the Committee on Forests and Waters reported as amended Senate Bill No. 1363, entitled:

An Act to classify certain surface lands as auxiliary forest reserves, to prescribe the term and conditions of their continuance in such classification, or removal therefrom; defining the duties of the Secretary of Forests and Waters, of the county commissioners and of the county treasurer of the respective counties in connection therewith; providing for the appointment of viewers and appraisers; providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers, and from the action of the Secretary of Forests and Waters; providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom; permitting the removal of certain trees from lands so classified, by the owners thereof; providing that lands so classified may be sold only subject thereto; prescribing the method of assessment of such lands during their continuance in such classification; making it a misdemeanor to cut, fell and remove trees from lands so classified and defining the punishment therefor; validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly; and repealing all acts or parts of acts inconsistent herewith.

Mr. WOODWARD from the Committee on State Government reported, as amended, Senate Bill No. 1247, entitled:

An Act requiring persons selling, attempting to sell, or soliciting the Pennsylvania Liquor Control Board to purchase, vinous and spiritous liquors for sale in Pennsylvania Liquor Stores to register in a record or book provided for such purposes; and providing penalties.

Mr. RANKIN from the Committee on Corporations reported as committed, Senate Bill No. 1110 (House Bill No. 2236), entitled:

An Act for the protection of the public and the prevention of fraud, by prohibiting any person individually or in association or partnership with another person or persons, to practice as an accountant, auditor, certified public accountant or public accountant under a false, assumed, fictitious or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such, and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

Mr. SONES from the Committee on Game and Fisheries, reported as committed, or as amended, Senate Bill No. 1024, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending, revising, consolidating, and changing the law, relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," providing for the issuing of permits to take fish from licensed propagating ponds.

Mr. THOMPSON (Centre) from the Committee on State Government reported as committed, or as amended, Senate Bill No. 645 (House Bill No. 665), entitled:

An Act to amend clause twenty-five as amended and renumbered Clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or

belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Water Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund

Mr. REED (Dauphin) from the Committee on Corporations reported as committed, Senate Bill No. 1243, entitled:

An Act to amend section one thousand and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain state departments, commissions, and officers, authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain cast and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

Mr. HUFFMAN from the Committee on Game and Fisheries reported as committed, Senate Bill No. 1362 (House Bill No. 2315), entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals, and amending, revising, consolidating and changing the law relating thereto," prohibiting the breeding, selling, possessing and using of fitches or weasels for hunting purposes, providing for the licensure of persons breeding, selling, possessing and using fitches or weasels, and imposing additional penalties.

Mr. STAUDENMEIER from the Committee on State Government reported as amended, Senate Bill No. 1280 (House Bill No. 2491), entitled:

An Act to variously amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, boards, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, the committees having all made their reports I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. PRESIDENT when this Senate convened almost five months ago, the eyes of the public were upon us to see what course we would pursue to bring about a proper adjustment of the many problems left to us by the collapse of the industrial and political structures.

Non-partisan men and women of sound minds who are scrupulously prudent in the pronouncement of judgment are unanimous in the opinions that the collapse was brought about by the stupid, unpatriotic and predatory leadership of industrial and political leaders of the nation in all branches of the government—legislative, executive and judicial.

There can be no doubt that the times and the environment dictate the industrial and political standards of nations. History relates that when the times are calm and the environment fat, the industrial morals of men and communities falter and deteriorate.

But when the times are turbulent and the environment lean the moral irresponsibility of men to the common industries and politics of the land becomes a proper subject for public scrutiny and correction.

Industrial and political moral responsibility is not found in trees, or rocks or rambling brooks.

It is an intangible essence that flavors the deeds of men with good or evil. Wherever man may ply his earthly deeds, will the times and the environment that grace his mortal senses forever set the standards of his morals.

Whether in the home, on the street, in the shop or on the floor of this Senate, shall our industrial and political moral responsibility be to God or to Mammon?

Mr. President, the stupid, unpatriotic and predatory industrial and political leaders of the last score years have almost made it axiomatic that men must make greed and lust an essence of their deeds.

It is indeed calamitous to the industrial and political regeneracy of our Commonwealth for members of this Senate to defiantly snub the premptory public demand that we purge from this Capitol Hill—the industrial and political influences of leaders that brought about the crisis

the people are even at this hour exerting their utmost energies to overcome.

Mr. President it was sovereign will of the people that drove the hirelings of those leaders from the Executive Mansion and Administrative Offices of this Commonwealth on Nov. 6 last. It was the sovereign will of the people that drove them and Grundyism from the chamber and committee room of the House of Representatives. And Mr. President, it is the sovereign will of those same people that now stands battling with that monster on the floor of this Senate.

Now and then the monster throws his voice and viciously spurs his hirelings here and there to bring to final passage bills and resolutions that gratify the monster's greed upon the ruins of our industrial and political moral responsibility. Brave and courageous men tramp the floor of this Senate chamber ready to pierce the monster's head with righteous retribution. But vain are their efforts, for the monster has escaped the floor of this Senate and now rests securely guarded within the walls of committee rooms.

There he lurks and gloats while the hirelings tend the moats. There he holds in abortive grip many a bill and resolution introduced by brave members of this Senate or forwarded here by the loyal House of Representatives.

There he holds all the bills and resolutions that contain the essence of moral responsibility we constitutionally owe to the people of this Commonwealth.

Mr. President, the three tyrants, Judas, Nero and Benedict Arnold, all had their defenders, and we should not be alarmed today to hear the cunning, tactful tongue of statesmen raise a stately, saintly psalm to this heartless, brutal monster and his hirelings in all the branches of our government.

Paraphrasing Cato, that great Roman statesman—and ere this Commonwealth shall again behold the figure of moral responsibility on the floors of its legislative halls let the password of patriots be "Delendo undyism est."

Mr. President, we can no longer tolerate the blocking of the many controversial bills and resolutions that are now in the clutches of committees of this Senate. In their hands they hold measures such as the

Chain Store Bill,
Workmen's Compensation Bill,
Full Crew Bill,
Miners' Certificates Bill,
Train Limit Bill,
Coal and Iron Police Bill,
Checkweighmen Bill,

Bill against privately paid deputy sheriffs, and many other bills that should have been reported to this Senate many weeks ago.

Let there now be notice, Mr. President, that unless these highly controversial bills are promptly reported favorably or unfavorably by the Committees that hold them, the moral responsibilities due the people of this Commonwealth will require that the Committees be discharged from their further consideration. Let us trust that the Chairmen and members of those Committees will not find it arduous to discharge their moral responsibility to their colleagues on the floor of this Senate by reporting these bills without further delay.

Mr. WOODWARD. Mr. President, I am very much intrigued by the speech by the Senator from Fayette, Mr. Cavalcante. I would like to make one criticism, however, and that is, I have never yet heard anyone defend the memory of Nero. I think that ought to be stricken from the speech.

Mr. CAVALCANTE. Mr. President, it appears to me that we have been following so persistently some of Nero's tactics that I think his name is appropriate at this time, because we have been fiddling a whole lot of time away while many things are burning right now.

BILL ON SECOND READING

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 150 (House Bill No. 147), on second reading, entitled:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

Mr. GELDER. Mr. President, I second the motion. The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, I understand we are now proceeding to act on Senate Bill No. 150 (House Bill No. 147), which is before us on second reading. I desire to speak about this bill.

Speaking on the subject of Constitutional Revision, I may say I do not speak with the direct authority of any group or body of citizens. It is my belief, however, that I am expressing the sentiments of a decided majority of our people, who have too long remained quiet under the propaganda of vociferous minorities. In more conservative times, I might perhaps be called a liberal, but a study of history has convinced me that the radical tendencies of today, if not curbed or controlled by proper leadership, can only result finally in the wildest orgies in finance and government, and in the eventual destruction of the liberties of the people. It seems to me, therefore, the duty of some one to sound a warning, feeble though it may be, and suggest more contemplation of the logical results of our actions.

It has been assumed by some that it is necessary to arrange for a Constitutional Convention in order to carry out the platform pledges of the major parties. I am surprised that any advocate of the so-called "New Deal" would refer to platform pledges, in view of the action of the leader of that party not only in disregarding the platform which he promised to support, but in violating his solemn pledges for sound government, sound money and economy.

If it be argued that the Republican platform calls for immediate revision of the Constitution, which it does not, I may say that in my district, that plank, if considered at all, was considered unfavorably by my supporters, who knew my views thereon.

Indeed the Constitutional planks in the party platforms had no bearing whatever on the results of the election last fall. Republican candidates generally did not emphasize the subject and I am sure that was not the platform on which the Democrats were elected.

When in the seventh and eighth centuries after Christ the Arabs and Turks and Moors pressed upon Europe, their cry was that Mohammed was the prophet of Allah and that they fought in his name. So the Democratic platforms in Pennsylvania was "Roosevelt is our genial president and he has specially selected us for the particular offices which we seek." As the Mohammedans won in the name of Allah and with the sword of Mohammed, so the Democrats won in the name of Roosevelt and by the most lavish expenditure of public monies that we have ever seen.

There is some agitation for a new Constitution, it is true, but it has always been thus since the adoption of our present one in 1874. In 1919, the Legislature went so far as to pass an act authorizing the Governor to appoint a committee to draft a proposed new Constitution to submit to a convention to be called. The committee labored for about a year, but its work was in vain, for while we elected delegates to the proposed convention, at the same time the majority of voters refused to sanction such convention. Some of the ideas of the committee were afterwards added to our present Constitution by amendment, some have perhaps become obsolete; but, as Pennsylvania continued to prosper under its old fundamental law, so it is not presently necessary that a new Constitution be adopted.

If there are certain changes which are desirable in our present Constitution, they can be made more certainly by the passage of amendments at this session of the Legislature and in 1937 and the same can be submitted to the people in 1938. This method should be pursued at any rate for we are not sure that the people will not reject a Convention for the purpose of drastically changing their Charter.

But it is said we must immediately enlarge the borrowing power of our State. It has been proposed to limit this power to $50,000,000. It seems to me a useless thing to try to limit the power of a Constitutional Convention over the subject matter of the Constitution to be proposed by it. The bringing into being of a Constitutional Convention is a revolutionary proceeding, and such convention when constituted becomes a law unto itself, subject only to the right of the people to approve or reject its final work.

And what avail will a borrowing capacity of $50,000,000 for relief be! New York has already borrowed $130,000,000 for that purpose and must now provide $15,000,000 annually for debt service on that sum. As the relief workers are planning to make relief a permanent thing, if funds are provided for that purpose, $500,000,000 will not prove too great a Constitutional limit to the State's borrowing powers if we would satisfy their demands. Fortunately, Pennsylvania has had a so-called "antiquated" Constitution. It has been old fashioned enough in this respect to keep the State still financially solvent.

If any argument were needed to prove the wisdom of the framers of our present Constitution in limiting the power of the Legislature to borrow money, one need only look at the vast orgy of spending of the Federal government. When President Roosevelt was campaigning for office he repeatedly decried the deficit of the National government, and he said at Albany on July 30, 1932, "Let us have the courage to stop borrowing to meet continuing deficits. Stop the deficits." Roosevelt underestimated the great financial stability of the National government built up by the careful management of the prior Republican administrations. He is now about to start on the expenditure of $5,000,000,000. If manufactured into dollar bills $5,000,000,000 would go around the world, at the Equator, about four times. The expenditure of this sum will undoubtedly exhaust all the credit which the successive administrations since the Civil War have built up. Then, of course, will come inflation and chaos. Pennsylvania should certainly not encourage such financing.

But it is said that the Federal Government may cut off appropriations for relief in Pennsylvania. It would, of course, be disastrous if this should happen immediately, since a vast bureaucratic system has been built up under Federal regulations, and since the National Administration is taking vast sums in taxes from Pennsylvania for relief in other states. Since, likewise, the National Government has helped to destroy our foreign market; has caused a rise in the prices of food by limiting the acreage of crops, by destroying hogs and cattle, and by the passage of laws in violation of our National Constitution and in destruction of business.

We must, however, provide against the very thing suggested. Federal relief cannot be maintained always. Business conditions will not permanently improve under Federal methods. The end must come in time. Federal spending may re-elect Roosevelt, but it will also in the end wreck private business, destroy the independence of the States and pave the way for a dictatorship.

Let Pennsylvania prepare for the eventual, not by borrowing money, but by putting relief on a solid basis. Take Lancaster County for instance, the garden spot of the United States. Does any one doubt that, if a wall were erected around that County, keeping out food supplies, all people in the County would receive sufficient food to keep from starving. If we would cease talking about the more abundant life and provide in a business way for simple and substantial living then might we make reasonable appropriations, which would maintain our unemployed without undue burdens upon the already overtaxed.

And this is not the time to change, by Convention method, our basic Constitution.

I have been disturbed by the attitude of the State Administration toward the whole subject of Constitutional powers and Constitutional revision.

The Governor becomes impatient because the Senate does not follow obediently all his suggestions on various subjects. If the duty of the Legislature would be to ratify merely the Executive's desires as has been done by the legislative branch in Italy or as Congress has done for Roosevelt, it would be a vain thing to continue this division of the government. The Legislature, however, is a coordinate arm of the government under the present Constitution. A Convention might change this and give all the power to the executive, but the government formed under such plan would not be a republican form of government.

The Governor likewise feels that the Senate should follow his desires because he says that State at the last election gave him a certain mandate. This again shows an entirely wrong conception of our plan of government. The framers of the Constitution in their wisdom gave a longer term to Senators in order that this branch of the Legislature might act as a break upon unwise legislation. What the people want today they will discard tomorrow.

A holdover Senate is intended to allow the people an opportunity to reflect on the advisability of enacting into law some of the things which at first seem good but which in time frequently prove detrimental. To try to coerce the Legislature against its better judgment and against the principles upon which the members conceive they were elected is in violation both of the spirit and letter of our Constitution.

The greatest fact in the history of the 19th Century was the rise and development of the United States. At the beginning of that century it was a feeble State facing on the Atlantic seaboard starting a new experiment in democracy. At the close of that century it had crossed the continent, taken an outlying empire in Alaska, had even reached clear across the Pacific, and become a World Power. That development was made possible largely through the stability given to its government by a written Constitution upheld and regarded by the people as almost sacred. During that period of a century our government was almost the only one in the world that was not changed or overthrown by violence. Ours is said to be the oldest flag.

The Constitution was a compact between the government and the people whereby the people supported the government but in turn were protected against the government—and a tradition of stability, of trust, and of independence, had grown up.

So the State Constitutions followed the Federal Constitution and made for security and permanence. Judge Jeremiah S. Black, a native of my county, one time Justice and Chief Justice of the Supreme Court of Pennsylvania, later Attorney General and Secretary of State under President Buchanan, while occupying the Supreme bench in Pennsylvania, in referring to the majority opinion of the Court from which he dissented and which he said completely reversed a well known policy of law, declared derisively that if changes were to be so lightly made a Mexican Constitution would be a long-lived thing as compared to rules of law in Pennsylvania.

What would this great jurist who held our own State and National Constitutions in such high regard think of a bill which proposed in a short summer to re-write completely our State Constitution by a convention called without popular authority and which proposed to have such Constitution submitted to the people for approval after only a possible ten days study; and all in a time of political unrest and under the great stress of economic difficulties. The Ruth bill should be called the Ruth-less plan for destroying the principles underlying democratic government.

If I thought the people of Pennsylvania earnestly desired a new Constitution or that they would be allowed to express their unbiased opinion in a fair and free election uninfluenced by the vast expenditure of public monies so lavishly poured forth I would certainly vote to submit this question to their decision, but a proper determination at this time is well nigh impossible.

The attitude of the "New Dealers" at Washington in disregarding the Constitutional provisions for protection of the property and personal liberty of the individual citizens gives pause to any one interested in our Country's welfare when the subject of Constitutional revision arises.

Former Senator James A. Reed of Missouri, a prominent Democrat, in referring to the gold seizure says:

> "Our Constitution provides no citizen's property shall be taken except by due process of law and for just compensation rendered.
>
> "The citizen forced to surrender his gold dollars was paid in paper representing 49 per cent of the gold taken from him and the government, with hypocritical and smiling countenance, boasts that it made two billion eight hundred million dollars by the transaction.
>
> "What the government took it took by force. What the government made in profits it made by force The citizen, therefore, was despoiled by force; that is to say, was robbed by his own government."

But the seizure of gold was only one of the many acts of petty tyranny which are gradually bringing us nearer and nearer to the time when as individuals and States we will be helpless under the domination of the Executive at Washington.

The "Brain-Trusters" at Washington declare their purpose to be a redistribution of the wealth of the country. Mr. Hopkins says that this is a fight between those who have and those who have not. If, however, we take half of what George has and give it to John, each does not retain the same amount, for when it becomes necessary to make another distribution, we must take part of what George has left as John will have already dissipated what was given to him. This is so simple a truth that I cannot easily believe that the brain-trusters do not discern it. I can more readily think that they do see it and know that thus the sooner will chaos result and there will come the dictatorship in which they hope to have a prominent part.

As a reason for a new Constitution, I have frequently heard persons advocating some new or fancy idea of reform, declaring that Pennsylvania is behind the other states of the Union. Those who thus speak disparagingly of our Commonwealth usually have some ulterior motive in view.

Statistics may be adjusted to prove almost anything but I do not find our citizens going elsewhere because the state fails to provide for education, for the health of its people, or because living conditions are worse or there is less happiness here than in other states. So the United States is compared with Russia to our disadvantage. Communistic theories run riot. But Emma Goldman, the arch-communist has fled from Russia in horror at the excesses committed by its government.

And Bob Ripley (of Believe-it-or-not fame) after referring to the conditions in Russia under which millions starved to death says: "Yes, I've mingled with the people of 178 different countries of the world in my travels and I know that despite the depression, which is world wide, the United States still has more prosperity, more freedom, more tolerance, and more happiness than any other nation in the world."

What I am trying to do is to show that our American institutions and methods have not failed despite all the propaganda to the contrary and that we should not permit any chance for any tampering with our basic principles of government.

Honorable William R. Pattagall, Chief Justice of the Supreeme Judicial Court of Maine, a prominent democrat of that State said:

> "The American people have grown so accustomed to the enjoyment of civil . . . liberty, so used to living their own lives in their own way, to being protected in their property rights, to looking upon government and law as a protective force rather than as an imposition of the will of others on them, that just as

> [illegible] forget the value of the air they breathe, the water they drink, so have they ceased to regard the great privileges of American citizenship in their true light . . . The danger of today is not the loss of liberty by use of force. Rather it lies in a supine surrender of the rights of freedom to a seductive program of paternalism, gradually changing the form of our government from a representative republic to a bureaucratic State, mildly despotic in action, dangerously experimental, in which human rights and property rights cease to rest upon the firm foundation of established law and come to depend upon the whim of the temporary majority.

and—

> "When the judiciary strive to find reason for upholding laws enacted at the behest of noisy minorities; when the plain and simple language of Federal and State Constitution is given new and strange meaning in order to meet assumed existing emergencies; when the sovereignty of the individual States is disregarded; when men are denied the right to buy and sell the products of their labor in the open market place, fixing the prices of the goods in which they deal by bargain with their fellows; when the farmer is forbidden to sow and reap on the land he owns according to his own best judgment; when every detail of the daily business life of the citizeen is ordered by officials, not of his choosing; when written agreements cease to have a binding force, even upon government itself—the Nation which the Civil War was fought to preserve will have ceased to be . . . . "

Judge Offutt of Maryland has raised the finger of warning with these words:

> "If the American people prefer socialism to democracy, or collectivism to individualism, or a government of men to a written constitution, a few judges and an ancient document will never stand in the way. The American Constitution derives its force and its influence from the sanction and approval of the American people. When that is withdrawn it fails."

The Sun-Telegraph of Pittsburgh, referring to a recent book by Mr. Tugwell, quotes from the book as follows: "'For many years,' says Tugwell (page 541), 'the technical task of devising plans for regulating our complex economic interests was too difficult to attempt. But today we know that this is no longer true, for Russia has shown that planning is practicable.'" And the paper comments, "What do the free people of America think of that statement of Tugwell's?"

The article goes on to quote further from this book, and says: "This Tugwell, on another page, speaks of the difficulty in attaining the 'experimental habit of mind.' He explains it as due to 'the UNREASONING, almost HYSTERICAL ATTACHMENT of certain Americans TO THE CONSTITUTION.'"

Is it any wonder that I hesitate to submit to a convention the subject of the revision of our Constitution when men in such high authority express such views? They would even take away from us our Bill of Rights.

Therefore, let us give up Constitution-making until we thoroughly regrasp the true principles upon which America was founded, and which made and have kept Pennsylvania the Keystone of the Nation. Let us re-dedicate ourselves, Democrats and Republicans, to the task of saving our nation from Facism and Communism alike. This can only be done by protecting inviolate the basic principles of our fundamental laws both from attacks of government and of individuals or groups. One of the best methods of protecting these principles is to deny the radicals of our State an opportunity to destroy them.

And so, at a time when the air is poisoned with the propaganda of radical [illegible] are corrupted by the vast out-pouring of relief and doles, on this subject of Constitutional Revision, Mr. President, I shall vote "no".

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 150 (House Bill No. 147), entitled:

An Act relating to the preparation of a new or revised Cnstitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation

The first to the eighteenth sections inclusive, of the bill were read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That at the municipal election in November one thousand nine hundred thirty-five there shall be elected by the qualified electors of this Commonwealth delegates to a constitutional convention to draft a new Constitution for or revise the present Constitution of this Commonwealth if such convention shall have been called by the electors pursuant to the question herein required to be submitted

At the fall primary election in the year one thousand nine hundred thirty-five the following question shall be submitted to the electors of the Commonwealth in the following form in which the number of this act shall be filled in

Shall a constitutional convention be called in accordance with and subject to the limitations contained in act number of the one thousand nine hundred thirty-five session of the Legislature to prepare a new or revised Constitution of this Commonwealth	Yes	
	No	

Such question shall be submitted on a separate ballot at the said primary election and one such ballot prepared by the county commissioners in the manner provided by the election laws shall be handed to each qualified voter regardless whether he or she is enrolled in a political party Where voting machines are used said question may be voted on such machines if the machines can be so protected that each enrolled voter can vote for such question and only candidates of the party in which he or she is enrolled or if a voter is not enrolled in a party so that he or she can vote only on said question Returns of the votes cast on said question shall be made to the county commissioners who shall compute the vote for the whole county and certify the same to the Secretary of the Commonwealth who shall compute the vote on said question for the entire Commonwealth and certify the result to the Governor If a majority of the votes cast on said question in the entire Commonwealth are in favor of calling said convention the Governor shall issue his proclamation to that effect

Section 2 The constitutional convention if called by the electors shall consist of fifty district delegates one to be elected from each senatorial district and twenty delegates-at-large who shall be elected from the Commonwealth at large

Section 3 In choosing the delegates for each senatorial district each elector shall be entitled to vote for one candidate for delegate from the district and the candidate receiving the highest number of votes shall be declared elected In choosing the delegates-at-large each elector shall be entitled to vote for not more than ten of the candidates for delegates to be chosen from the Common-

w[illegible] large and the twenty candidates receiving the highest number of votes shall be declared elected

Section 4 Each candidate for delegate shall have been a citizen of the United States of America for at least ten years and a qualified elector of this Commonwealth for at least five years prior to the day of the municipal election in the year one thousand nine hundred thirty-five Each candidate for district delegate also shall be a qualified elector of the senatorial district from which he or she shall be a candidate

Section 5 All political parties required by law to nominate their candidates for public office at primary elections may in the manner hereinafter set forth nominate one candidate from each senatorial district as district delegate to the constitutional convention and ten candidates from the Commonwealth at large as delegates-at-large Such political parties shall nominate their candidates for delegates-at-large by State-wide conventions composed of the members of their State committees and their candidates for district delegate shall be nominated in senatorial districts by conventions called in each senatorial district which except in the senatorial districts located within cities of the first class shall be composed of the members of the county committees who represent the election districts or divisions within the particular senatorial district In the case of senatorial districts within cities of the first class such conventions shall be composed of the members of the ward committees of the election divisions within the particular senatorial district

Conventions for the nomination of delegates-at-large and district delegates shall be convened by the State chairmen of the respective State committees of the political parties at such times not later than October fifth one thousand nine hundred thirty-five and such places as shall be designated by the chairmen

The presiding officer and secretary of each nominating convention shall prepare certificates of nomination for the candidates nominated which shall be sworn to or affirmed by them before an officer authorized to administer oaths to be true and correct to the best of their knowledge and belief More than one nomination may be included in one certificate of nomination Such certificates of nomination shall be filed with the Secretary of the Commonwealth within the time hereafter required in this act

Section 6 Any body of qualified electors not entitled to make nominations of candidates for public office at the primary election may make nominations for delegates-at-large and district delegates to the constitutional convention by nomination papers in the manner provided by law for the nomination by nomination papers of candidates for State offices of for members of the Senate of Pennsylvania except that such papers or objections thereto shall be filed within the priods of time hereinafter provided in this act A qualified elector may sign nomination papers for not more than one candidate for district delegate and for not more than ten candidates for delegates-at-large

Section 7 All nomination certificates or nomination papers shall be filed with the Secretary of the Commonwealth at least twenty-seven days before the date of the municipal election in one thousand nine hundred thirty-five Blank forms for certificates of nomination and nomination papers shall be prescribed and furnished by the Secretary of the Commonwealth and no forms other than the ones so prescribed shall be used for such purposes Objections to nomination papers may be made and shall be disposed of in the manner provided by law for objections to nomination papers except that obligations to such papers must be filed in the Court of Common Pleas of Dauphin County and with the Secretary of the Commonwealth at least twenty-two days before the date of said municipal election

Section 8 Any person whose name has been presented as a candidate may cause his or her name to be withdrawn from nomination by request in writing signed by him or her and acknowledged before an officer qualified to take acknowledgements of deeds and filed in the office of the Secretary of the Commonwealth at least twenty-two days previous to the day of said municipal election No name so withdrawn shall be printed upon the ballots

Section 9 The Secretary of the Commonwealth shall at least fourteen days prior to the date of said municipal election transmit to the county commissioners and the sheriff in each county duplicate official lists stating the names and residences of and parties or policies represented by all candidates whose nomination certificates or nomination papers have been filed with him under the provisions of this act and have not been found or declared to be invalid and who are to be voted for at such election

Section 10 The names of the candidates for delegates-at-large to the constitutional convention shall be printed upon the official ballots or ballot labels used at the municipal election in one thousand nine hundren thirty-five in a separate column or row under or following the heading "Delegates-At-Large to Constitutional Convention" with the party affiliation of each candidate following the name of the candidate The names of candidates for district delegate to the constitutional convention shall be printed upon the official ballots or ballot labels in a separate column or row under or following the heading "District Delegate to Constitutional Convention" with the party affiliation of each candidate following his name A vote in the party column provided for at the left of the official ballot shall constitute a vote for each candidate of the party for delegate-at-large and for the candidate of the party for district delegate and where voting is done by voting machines a straight party vote shall have a like effect

Section 11 The votes cast at said municipal election for district delegate shall be counted canvassed returned and certified as is now provided by law in the case of elections of members of the Senate of Pennsylvania at general elections.

Section 12 The votes cast at the said municipal election for delegates-at-large shall be counted canvassed certified and returned as is now provided by law in the case of elections of United States Senators.

Section 13 The Secretary of the Commonwealth upon the completion of the computation of the election returns of the delegates-at-large and the receipt by him of the certificates of the proper election officials showing the district delegates elected in the several senatorial districts of the Commonwealth and in all events within fifteen days after said municipal election shall certify to the Governor the names of all district delegates and delegates-at-large to the constitutional convention elected at the municipal election in one thousand nine hundred thirty-five. The Governor shall forthwith issue his proclamation declaring the names of the persons chosen as delegates to the convention and the Secretary of the Commonwealth shall issue a certificate of election to each delegate so chosen.

Section 14 The members of the constitutional convention shall each receive for the payment of their traveling and other expenses the sum of One Thousand Dollars ($1,000) payable in four equal installments.

Section 15 Any vacancy occurring in the nomination for the office of district delegate or delegate-at-large prior to the election may be filled by the party or group on whose ticket such vacancy occurrs at any time before the ballots for such election are printed in such manner as the convention or rules of such party or group may prescribe. Any vacancy occurring in the office of district delegate or delegate-at-large after the election shall be filled by the vote of the delgates-at-large of the party or group of which the delegate whose place is to be filled was a representative.

Section 16 The delegates to the constitutional convention shall convene at twelve o'clock noon on the first Monday of December one thousand nine hundred thirty-five in the Hall of the House of Representatives in the City of Harrisburg Pennsylvania and shall immediately organize by electing a president and secretary and shall from time to time elect such other officers and assistants as may be deemed necessary for the transaction of the business of he convention. The convention shall have the power to adopt rules of procedure and to determine the qualification of delegates and to adjourn to such time or times and place in the City of Harrisburg as it shall determine.

Section 17 The convention shall have the power to fix the compensation of the secretary other officers and assistants and shall also have the right to call upon the

Legislative Reference Bureau for such aid and assistance as it may require.

Section 18 It shall be the duty of the convention subject to the Constitution of the United States of America to draft prepare and propose a new or revised Canstitution for the Commonwealth of Pennsylvania. The convention in the proposed constitution shall not authorize the future creation of indebtedness for any purposes other than those enumerated in article nine section four of the existing Constitution of the Commonwealth as originally adopted by the people on December sixteenth one thousand eight hundred seventy-three unless the General Assembly shall at the time the indebtedness is authorized be required to enact legislation estimated to produce sufficient revenue to pay the interest on such indebtedness and provide for the retirement thereof at maturity. The indebtedness authorized to be created for the purpose of supplying casual deficiencies in revenue shall never together with any existing indebtedness created for such purpose exceed in the aggregate at any one time fifty million dollars.

If the convention shall not observe the limitations imposed by this section any taxpayer may proceed by bill in equity in the Court of Common Pleas of Dauphin County to restrain the submission to the electors of the proposed Constitution and for this purpose jurisdiction is hereby conferred upon the Court of Common Pleas of Dauphin County. The convention may be a majority vote submit the proposed new or revised Constitution to the qualified voters of the Commonwealth for their adoption or rejection at the spring primary election in the year one thousand nine hundred thirty-six or at the general election in the year one thosand nine hundred thirty-six as the convention may designate.

On the question,

Will the Senate agree to the sections?

Mr. HUFFMAN. Mr. President, I move to amend section 1, page 2, line 8, by striking out the words "in which the number of this act;" also page 2, line 9, by striking out all of said line; also page 2, line 11, by striking out the words "in accordance with and"; also page 2, line 12, 13 and 14, by striking out all of said lines; also page 2, line 15, by striking out the words "session of the Legislature"; also section 18, page 11, line 12, by striking out the words "The convention"; also page 11, lines 13 to 28, both inclusive, by striking out all of said lines; also page 12, lines 1 to 4, both inclusive, by striking out all of said lines; also page 12, line 5, by striking out the words "Dauphin County".

Mr. RICE. Mr. President. I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. HUFFMAN. Mr. President, the matter before the Senate is the Constitution Revision Bill introduced in the House and passed there, and which has been in the Senate Committee for upwards of two months. It is now on second reading in the Senate.

I am very glad to hear, from the Senator from Somerset, Mr. Ealy, that he is in favor of submitting this question of Constitutional Revision in a clear and explicit manner, so that the public may vote on whether they are for a Constitutional Convention or whether they are against it.

Now, both political parties, the Democratic Party and the Republican Party, last year declared themselves unequivocally for a Constitutional Convention. All of the conditions leading up to that warranted the parties in so declaring; and the conduct of the Legislature up to this time in this session warrants us in believing that there is real reason in Pennsylvania for a revision. In this Senate alone yesterday we acted upon three separate resolutions to amend the present Consitution. There are nine additional resolutions pending in the House, at this time, to amend this Constitution.

The records show that to put a vote upon one resolution in Pennsylvania costs the State $25,000.00. The cost, therefore, for the twelve propositions we have before the Legislature at the present time will pretty nearly be equal to the cost of a Convention to revise the Constitution.

I am offering an amendment to the early part of this bill, which provides a question in this form: "Shall a Constitutional Convention be called in accordance with, and subject to, the limitations contained in this Act?" I am offering an amendment to this proposition, so that the voter may vote "yes" or "no" on the question of a Constitutional Convention.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, I should like to ask the Senator from Monroe, Mr. Huffman, whether the amendments he now proposes merely strike out the limitations provided in this bill (Printer's No. 869) and submit to the people the question, solely, "Shall there be a Constitutional Convention called?"

Mr. HUFFMAN. Mr. President, that is all.

Mr. OWLETT. Mr. President, is that the sole purpose of the amendments?

Mr. HUFFMAN. Mr. Presideent, that is part. I will offer another amendment to submit the question.

Mr. OWLETT. Mr. President, I ask the Senate to vote down these amendments, and I would like, for just a moment, to call the Senate's attention to what this means. Under the bill as drafted he question submitted to the people is this, "Shall a Constitutional Convention be called in accordance with, and subject to, the limitations contained in the Act?"

Now, on page 11 of the Act I want to call the Senate's attention to what those limitations are: "The Convention in the proposed Constitution shall not authorize the future creation of indebtedness for any purposes other than those enumerated in article nine, section four, of the existing Constitution of the Commonwealth, as originally adopted by the people on December sixteenth, one thousand eight hundred seventy-three, unless the General Assembly shall at the time the indebtedness is authorized be required to enact legislation estimated to produce sufficient revenue to pay the interest on such indebtedness and provide for the retirement thereof at maturity."

now, Mr. President, that limitation mereely says that, when this Convention convenes, if they provide for additional borrowing power by the State of Pennsylvania the Constitution shall require the Legislature to enact tax laws sufficient at the time of the creation of that indebtedness to pay off the indebtedness when it is due. In other words, that limitation would require that when the Legislature creates an indebtedness of this Commonwealth they must provide the revenues to pay it. It would prevent, Mr. President, the spectacle we are having in Washington now of doling out money for any purpose that for the moment seems justifiable, without thought as to how it is going to be paid back, without regard to who is going to pay it, with no thought of the future whatever; and I say, Mr. President, that if we are to have any orderly crea-

tion of makes no sense any brakes on wild spending in this country, you are only going to get it by requiring that when that indebtedness is created there are taxes levied to pay it back; and that is the purpose of that limitation.

It does not say you cannot borrow money for any purpose whatsoever, but it does say that if money is borrowed you must levy taxes to pay it back; and I submit, Mr. President, that if any such limitation were in our Federal Constitution today we would not have the spectacle that we have now of the creation, during four years, of indebtedness more than we had during wartime, with no thought or no regard of how that is going to be paid back.

Now, the additional limitation which is contained in this bill, and which this amendment would eliminate, provides that any indebtedness authorized to be created for the purpose of supplying casual deficiencies in revenue shall never, together with any indebtedness created for such purposes, exceed in the aggregate, at any one time, $50,000,000.00.

Now, there seems to have been some misapprehension as to what that limitation means. It means merely this, Mr. President, I submit: That at no time shall the Legislature—or shall our Constitution authorize the creation of indebtedness for casual, ordinary expenses of government in excess of $50,000,000.00

Now, our present Constitution provides a limitation, for that same purpose, of only $1,000,000.00. It does not say that indebtedness cannot be created for any other purpose exceeding $50,000,000.00, but it does say that sound business judgment requires that the current expenses of the government shall be paid out of current revenues, that we shall balance our budget; and it says that only to the extent of $50,000,000.00 shall we ever be permitted to borrow money to balance our budget for the ordinary expenses of the government.

Now, this provision which they seek to strike out also contains a clause that "If the Convention shall not observe the limitations imposed by this section any taxpayer may proceed, by bill in equity in the Court of Common Pleas of Dauphin County to restrain the submission to the electors of the proposed Constitution and for this purpose jurisdiction is hereby conferred upon the Court of Common Pleas of Dauphin County." In other words, it sets up the machinery to prevent the Constitutional Convention, if called, from exceeding that limitation.

Now, this limitation does not consider wiping out all our courts; it does not consider the wiping out of our Senate, making a unicameral system; it does not contemplate doing anything the New Deal suggests; it is all up to this Convention. But it does say that if they borrow money they must provide the taxes to pay it back; and I ask the Senate, Mr. President, to vote down these amendments.

Mr. WOODWARD. Mr. President, I simply want to advise the Senate that what the Senator says comes much nearer home. We voted an appropriation of $50,000,000.00 for the Soldiers' Bonus and made no provision for paying it back. If you will look in the budget you will find $15,000,000.00 for that purpose.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to.

Mr. CAVALCANTE. Mr. President, I have great respect for the Senator from Tioga, Mr. Owlett, because I have been informed of his legal learning, and that he is a very capable attorney-at-law, and that he is familiar with the laws and the Constitution of these United States; but I would ask, under what Constitutional theory does the Senator from Tioga justify the restrictions and limitations, imposed upon the Constitutional Convention, contemplated in the bill?

Mr. OWLETT. Mr. President, I shall be very glad to answer that to the best of my ability. It perhaps involves a declaration of the fundamental theory of the adoption of a Constitution. I take it that all authority, and all powers of government, ultimately come from the people. The theory of this restriction is this: If the people go to the polls in September, as provided in this Act, and say, in answer to this question: "Shall a Constitutional Convention be called in accordance with, and subject to, the limitations contained in this Act?"—and the people, who are the sovereign power, walk into those polls and vote "yes", the people have said the Constitutional Convention shall be called, but they shall be limited as provided in this Act. In other words, the limitation then becomes a limitation placed upon this Convention by the people, who hold the sovereign power, and who are the ones that in the last analysis create the Constitution and the Constitutional Convention.

Therefore I say, Mr. President, that, from all fundamental considerations, the people, who hold this fundamental power, have the right—and will use it, under this Act—to place any limitation they please on this Constitutional Convention. If they do no want the Convention called with this limitation, they can vote "no".

Mr. CAVALCANTE. Mr. President, assuming that the citizens of this Commonwealth desire a Constitutional Convention without a limitation, does the bill as proposed by the Senator from Tioga permit the people to exercise that sovereign power?

Mr. OWLETT. Mr. President, it only permits the people to vote on a Constitutional Convention with the borrowing power limited as I have just read.

Mr. CAVALCANTE. Mr. President, by what authority does this Assembly undertake to dictate to the sovereign people of Pennsylvania what nature of a Constitution they shall have?

Mr. OWLETT. Mr. President, we do not attempt to dictate to the people in any respect whatever; but we say to them, "we are giving you an opportunity to say whether you want a new Constitution subject to these limitations." If they do not want it subject to those limitations, they can vote "no".

Mr. CAVALCANTE. Mr. President, we have talked here this morning of dictators and of Russia and of every other kind of undemocratic government, and here, at this time, we are trying to jam down the throats of the people of this Commonwealth that very principle; we are going to take from them the right to give a Constiuional Convention unlimited power to write a Constitution as the people might want it; we are going to put a question to them that they are either going to take a Constitution such as the gentleman from Tioga and his cohorts wish to give them or they will take no Constitution at all; and if that isn't dictatorship in the highest degree, Mr. President, I don't understand the word "dictatorship" in the English language.

Mr. OWLETT. Mr. President, I just want to say that it does not come with very good grace from those who advocated the calling of a Constitutional Convention without asking the people whether they wanted it at all or not.

Mr. LAW. Mr. President, in order that the minds of the Senators may not be confused on the issue here in regard to limitations, I want to call attention to the fact that the striking out of this limitation clause only says that we are going to give the people a chance to vote definately on whether they want a Convention. That is, as one issue, not a limited issue or a complete issue; the Convention will have the power, in the Constitution which they create, to set any limitation which the Convention may desire, and then the people, on the basis of that, will have an opportunity to exercise their franchise as to whether they are willing to accept a Constitution with whatever limitation the Convention may set; or, in case the Convention may not set a limitation, the people will have the right to refuse that Constitution because it does not set a limit.

Mr. THOMPSON (Centre). Mr. President, I am very much inclined to see the reasonable aspect of the remarks of Senator Cavalcante. We have heard a good deal about dictatorship here this morning, and yet I repeat that for the Senate of Pennsylvania to attempt to dictate to the people of the Commonwealth of Pennsylvania the frame of government that they should have, is of itself the highest sort of dictatorial manipulation of legislative machinery. We see right here in this Ruth Bill, as it has been butchered up by the Committee on Constituitonal Changes that the people of this State, under the terms of this bill, as it now appears on the calendar, have no right to say what frame of government they shall have, except such as is dictated by the Senate of Pennsylvania, and we have constitutionally and governmentally the situation under the provisions of this bill where the 'tail is wagging the dog". Of course, this is not the real reason that provisions of this kind are put in this bill as it exists today. I do not believe that it is so much the idea of the members of this Committee which has reported out this bill nor the people who offer these amendements. I would hesitate to think that they would set themselves up as a dictatorship for the people of this State. I rather prefer to think of these provisions of the bill as simply calculated to so befuddle the issue in connection with the revision of this Constitution that the people of this State at large cannot understand what they are voting on, and that the framers of these amendments thereby hope to have the Constitution as a whole, or the calling of the Convention defeated by these master strategists of the art of confusion, because I have never seen that so well demonstrated as it has been in the provisions of these amendments.

Now let us look at this question of the borrowing capacity of the State. What has the borrowing capacity of the State of Pennsylvania to do with the calling of a Constitutional Convention? The people of this State have the right in the Constitutional Convention after calling, to say what borrowing capacity, if any, they want, this State government to have. Maybe the people of this State, after the Convention convenes, if it ever does convene, will not want the State to have any borrowing capacity. Then do we have to be dictated to by this Committee and say we must have a current borrowing capacity of fifty million dollars? It is not a question that the borrowing capacity of this State that is important at this time. The question before the people is, shall we have a Constitutional Convention? The distinguished gentleman who heads this Committee on Constitutional Changes knows as well as I do that the Supreme Court of this State has never dared to say that the Legislature could limit in any respect what a Constitutional Convention could do with respect to the provisions of such a Constitution as might be reported out of this Convention. This is one of those attempts again to confuse the minds of the people of the State of Pennsylvania on these issues.

Now this question of capital borrowing capacity. Can the most estute lawyers in this Senate say whether under the provisions of these amendments the State of Pennsylvania would have any Constitutional borrowing capacity for capital purposes apart from the alleged limitation for current purposes? No, it cannot from thee terms of this bill. Another demonstration of the art of confusion, and why is it done? So that if anything should come out of this Constitution not in conformity with the will of the Committee on Constitutional Changes, any taxpayer could step into the Courts of Dauphin County and again confuse the issue, or can do it before the Convention even convenes under these circumstances, or, while the Convention is in Session, and hold up the whole works and confuse the issue, so that ultimately all attempts at revision might be destroyed by the demonstration of this masterful art of confusion.

Mr. President and members of the Senate, I say to you what we have got to make our minds to do on this is, do we want to call a Constitutional Convention? If we do, let us call a Constitutional Convention. If we do not, if we want to revise this Constitution ourselves, when we are ready to adjourn this Session of the Senate, let us resolve ourselves into a Constitutional Convention, if we want to do the revising and not leave it up to the people of this State. If we want to do the revising, why don't we come out in the open and say to the people of the State of Pennsylvania, "here is a Constitution such as we would give you", instead of trying to hide behind these subterfuges to kill it? Again I say, Mr. President, to confuse the minds of the people, and that is another issue.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I desire to ask just one question, whether or not the Ruth Bill, the Democratic Administration bill, when it came to this body, provided any way in which the people could express themselves as to whether or not they wanted a Convention?

Mr. HUFFMAN. Mr. President, yes.

Mr. HARRIS. Mr. President, I would like to ask the Senator from Monroe whether he said that the Ruth Bill provided a way in which the people could express themselves on this important subject.

Mr. HUFFMAN. Mr. President, yes.

Mr. HARRIS. Mr. President, I disagree with the Senator from Monroe, Mr. Huffman, and I ask him to explain how and where in the bill it provided any way in which the people of this State could vote on this subject.

Mr. HUFFMAN. Mr. President, I do not think I understand the question.

Mr. HARRIS. Mr. President, I will repeat the question:

When the Democratic Bill, the Administration Bill, came to this body, after passing the House, whether or not it provided in that bill any way in which the people of this State could express themselves as to whether or not they wanted a Constitutional Convention.

Mr. HUFFMAN. Mr. President, I recall the bill now. I think the bill originally provided how the Convention should be called, and provided that the Constitution, if adopted by the Convention, should be submitted to the people at the end.

Mr. HARRIS. Mr. President, the question has not been answered. I still ask the question as to whether or not the people had a right to vote on the question in the original Ruth bill.

Mr. HUFFMAN. Mr. President, I am advised they had the right to vote on that at the same time they elected delegates.

Mr. HARRIS. Mr. President, that is not correct, and I would like the Senator from Monroe, Mr. Huffman to read that part of the bill which gives the people the right to vote.

Mr. HUFFMAN. Mr. President, it seems to me that the Senator from Allegheny, Mr. Harris, has more information on the original bill as drawn and submitted to the House than I have.

Mr. HARRIS. Mr. President, I did say that the people of Pennsylvania, under the original Ruth bill, would not have the right to vote on this question.

Mr. HUFFMAN. Mr. President, it is not material to me, and I think it is not material to the Senate, what was contained in this bill when it started in the House; we are dealing with the bill as it is today. I am offering amendments to this bill so that the public in Pennsylvania may vote 'yes' or 'no' on the question whether they shall have a Constitutional Convention, and it does not matter to me what it contained in the past. We amend these bills one way or another, both in the House and in the Senate, and what I do say is the public voted on this question a year ago. The two big parties in Pennsylvania declared for a Constitutional Convention, not with restrictions, and, as this bill is before the Senate now, there is nothing to present to the public so that they can vote "yes" or "no" on this question. There has never been a Constitutional Convention held in Pennsylvania from 1776 down to the present when any such question as this has ever been submitted to the people. As was said by the Senator from Centre, this undoubtedly is an attempt to confuse the voters so that they will vote this proposition down. It is not fair; it is not fair to the men and women who are for a Constitutional Convention. It contains three propositions. If a man is for a restriction of less than fifty million dollars, he must vote 'no', yet he may be for a Constitutional Convention; and, if another man is for a limitation of greater than fifty million dollars, he must vote 'no', though he may be for a Constitutional Convention.

I say these people are not for a Constitutional Convention of any character, and this is a design to kill this bill, if not in the Senate, it is designed to kill it before the public. We are taking it in our hands and doing here the things that the public should have the right to do. They have the right to build up the fundamental law of this State and we promised to give them that chance in this bill. It does not do it.

Mr. SHAPIRO. Mr. President, I am one of those who believe that the Senate is a deliberative body, and on a question of such importance as this I am not in favor of shutting off debate. I think the subject matter is one of the most vitally important to the interest of the public, and any time you start fooling with the laws, we are bound to endanger the structure, and for that reason I should like to ask the Senator from Monroe a question.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I desire to ask the Senator from Monroe whether he is in favor of the suggestion that a Constitutional Convention shall limit the borrowing capacity of the Governor in the Constitution?

Mr. HUFFMAN. Mr. President, that would be my personal view, if I expressed an opinion. I am for a Constitutional Convention free and untrammeled, so that the public may say 'yes' or 'no', whether they want this revision of the Constitution.

Mr. SHAPIRO. Mr. President, again I repeat the question, whether the Senator from Monroe thinks that any Constitutional Convention at all should limit the borrowing capacity, or whether the borrowing capacity of the State should be limited without regard to whether or not the State is able to pay back.

Mr. HUFFMAN. Mr. President, if I were elected as a delegate to the Constitutional Convention, I then would be able to answer that question.

Mr. SHAPIRO. Mr. President, will the Senator from Monroe answer it now, or give his personal opinion on the matter?

Mr. HUFFMAN. Mr. President, I do not think it is very material to me whether you have borrowing capacity or not, that is not the question involved.

Mr. SHAPIRO. Mr. President, so far as a can see, the important question has not yet been answered on this floor. There has been a great deal of discussion and charges made about camouflage and subterfuge. I, as a member of this Senate, in order to be able to vote intelligently on the suggested amendment, I think I am entitled to a definite answer on the purpose and the reason back of the suggested amendments. Therefore, I am going to express my views if I cannot get the answers from these members.

I say that no State should give unlimited power to borrow money which has governed itself and gone along for a period of sixty years, as the Commonwealth of Pennsylvania has, through emergencies almost as great as we are passing through now, without a borrowing capacity. We have gotten along up until three or four years ago with a borrowing capacity limited to one million of dollars. If the objection to this Constitutional Convention with the suggestive restrictions upon it is that it is illegal, then my answer to that is that the people elected to the Convention can disregard it and there will not be any trouble. If these people say that we have no right to question the authority of the people when they do convene, then they need have no concern over this limitation. If they contend that the Convention should be limited and that it is right and proper that when borrowing be done by the State as well as business, that the State should govern its affairs just as any sane businessman will, that he will not borrow money without any idea of how he is going to pay it, then the limitation is a good one.

If my friends fear that the issue might be confused, again I say to them, that they are admitting that they have an inferior complex, because I think with their position in Pennsylvania today, they can easily go out and tell the people to vote for this Constitution, "these fellows who put this limitation in did not know anything about Constitutional Law, you vote for the Convention, and at the Convention you do whatever you want. You are the power."

If it is criticism of our method, then I say that this bill shows on its face that we are not disregarding the rights of the people and that the people who framed this bill disregarded the rights, because after all, whether a Constitutional Convention is wanted or not depends on what the people say about it, not what the Legislature, nor the individual who draws the bill for any particular member say about it. This bill, when in its original form, directed that an election should be held for the purpose of electing delegates to a Constitutional Convention, the date of which is fixed in the bill, and there is nothing in this bill which ever gave the people, in its original form, the right to say whether they wanted the Constitutional Convention or not. I do not know whether the people want a Constitutional Convention. I have not had any agitation in my district on it, nobody has approached me to say they want me to vote for or against a Constitutional Convention. I have heard the candidates for the two political parties discuss it, but I have not heard any people getting worked up about it. I admit, however, personally, that there is reason for a Constitutional Convention for the purpose of enabling us to borrow money to meet an emergency. I have said that before, and I maintain that position, but I have also said before, and still maintain, that there should be no borrowing by a State unless there is a provision made for repaying the borrowed money. It is easy to borrow money and easy to give away the money that we borrow, but the difficult proposition is to know how you are going to pay it back. Nobody is objecting to the borrowing, but when it comes to paying back, the real question arises. It seems to me the safe and sane manner of legislating when we authorize or suggest that a Convention be called, that we say to these people that when you are amending the Charter in this one particular phrase, "you remember our experience, we could get along without borrowing for seventy years, now, if we got through those emergencies, we want the people to know how they are going to pay the money back, so that when they vote on borrowing, they will be voting on the paying back at the same time."

I make the suggestion now, that if the people who are going to vote for this Convention are not intelligent enough to understand the provisions of this Act, then I am afraid to trust them with a Convention, and with the Constitution of this great State. I have faith in the people, faith enough to know that those who are asked to vote on this Constitutional question will understand that they are asked to vote only in one way, that the representatives whom they send shall not only use the vernacular phrase 'haywire' and not simply upset their form of government upon which they have come to rely, and I say to my friends that this is a time not to call names or to talk about subterfuge, but to discuss openly and frankly what is the real objection to this bill in the form in which we have it. We are going to have a Constitutional Convention if the people want it, it does not make any difference whether the Democrats want it, or the Republicans do not want it, the question is, whether the people want it, and when they want it, to say to these delegates, as we say here, "restrict the borrowing power." I have looked around the various States in dealing with this subject, and I find our sister State, New York, when they authorized borrowing, limited it, my recollection is, that State of New York limits the borrowing capacity to one-half of the regular anticipated revenue. They saw fit to limit the borrowing capacity, because from their experience and the experience of other States they found it is unwise to allow unlimited borrowing, and I see no reason why there should be a single objection to the bill in its present form, on that one question, because in my mind I have confidence in the understanding of the people who are being asked to vote on it.

Mr. THOMPSON (Centre). Mr. President, I still believe that a great many of the arguments that are made in favor of the provisisions in the bill as it now stands are beside the issue on Constitutional Revision. The Senator from Philadelphia who has just spoken, Mr. Shapiro, has stated that the people of this State have gotten along for seventy years without borrowing. Mr. President, that is not a fact. The people of this State in the past seventeen years have borrowed hundred of millions of dollars, and that indebtedness is the indebtedness, or a large part of it, is still the indebtedness of this State today, and that indebtedness was borrowed under the terms of the present Constitution by a vote of the people. Now, if the Senator from Philadelphia, Mr. Shapiro, believes that the people should borrow, why should he not likewise believe that the people should have the say as to what the borrowing capacity of the State should be, and not this Senate, or the Committee which reframed this bill, or any other particular group of persons? I think perhaps that we lose sight of the real purpose of a Constitutional Convention. I think everyone in this Senate will agree with me that apart from such restrictions as are imposed in the Federal Constitution, if we had no form of organic law in this State, that our State government would be substantially unlimited in borrowing under the sovereign character of a State. Secondly, when we call a Constitutional Convention, the only reason that a Constitutional Convention can be called or gathered is to restrict the powers of the government. Of course, one might say that it is to create a frame of government; naturally it is so. I doubt seriously whether any group in the State of Pennsylvania really feels that a change should be made in our frame of government, but outside of that, the only purpose that a Constitutional Convention could be called for under any circumstances, is to limit the operation of that frame of government. Naturally when we call a Constitutional Convention, or when a Constitutional Convention gathers, it is for the purpose of limiting the powers of such frame of government as may be created by that gathering.

Now the amendments to this bill are only calculated for one purpose. Let us get that clear in our minds, and that is, to call a Convention to revise the Constitution. We will call together a body to limit the powers of the frame of government that that body created or continued. That is all these amendments do. They simply strike out the attempted limitations upon the powers of that body, and I say again, that when we tie up in a measure of this kind a limitation of this sort, we only

again create confusion for the people, for the Convention, when called, for ourselves, for our Courts, for the interpretation by counsel and parties interested, and for everybody who is affected by any organic form of law which may be adopted by the people of this State, and I ask the members of this Senate to vote for the adoption of these amendments.

Mr. SHAPIRO. Mr. President, I am glad my friend brought up the question of borrowing one hundred million dollars. I said that up until three years ago, the Commonwealth had not borrowed any money, except more than one hundred million dollars, which it borrowed from the Highway Fund. If my friend will look at the Act, he will find that it specifically provides for the repayment of that money out of the Motor Fund, and that is the only safe and sane way to borrow money, and that is why the people voted for one hundred million dollars. I say that we have a Soldiers' Bonus that is giving us the trouble we have today, because none of the Senators had the courage of their convictions, I say, to see to it that there shall be no borrowing until we would have a fund set up to pay it back. It is because of the stress brou to bear upon the Senate by those who were particularly interested in that bill, and because the members of this Senate frankly were afraid to meet that issue, that I contend that this Charter being reframed, should have a limitation in it to protect us from our own weakness. Look at the budget of the Governor today and you will find that is the amount of the increased indebtedness, and there is no money to pay it, because when we borrowed the money for the Soldiers' Bonus, we were not business men enough and did not have the courage of our convictions to stand on the floor of the Senate and say "no", there is to be no borrowing until we know where the money is coming from to pay it back. Today we are confronted with borrowing money for a payment of relief emergency and borrowing money to pay for a funded debt that we created, and it is a very unbusinesslike manner, that is why I say I am glad my friend brought that up. Those two are the illustrations that convinced me that the only way to handle the situation is to put in the Constitution that protection against stress or pressure that we do not have the courage of our conviction to withstand.

Mr. OWLETT. Mr. President, I do not want to prolong this discussion, I just want to make one observation. When this great agitation for a new Constitution started in this Commonwealth, many of us were very much afraid of the motive back of it, and the real motive back of it was to tap the great resources of this Commonwealth to give them money to spend, and if they saw fit, without regard to how it was to be paid back. The feeling with which our friends on the other side fight this sound limitation, it is only, it seems to me, pretty convincing proof that our fears were justified. When they stand here and, vociferously as they do, object to a limitation which merely makes them find the money to pay the debt back when they create it, it is pretty good evidence that our fears were justified.

Mr. LAW. Mr. President, it seems to me that we have overlooked the possible end to which this limitation may go. It not only affects the limitation on borrowing power which the Convention may set up but it goes further, or may go further. The Convention may set up a different form of amending the new Constitution than we now have for amending our present Constitution, and if it does, is that question of the limitation of borrowing power still going to affect those amendments? Or are they going to protect the right to provide for a changed method of amending? Under this Act can a taxpayer come back and say that the new Constitution provides for a method of amending which may take only two or three years instead of four or five, and that because of that there is a possibility that at some time in the future this provision will be broken? And can they, because of that change, say that this provision of this Act has been violated?

I say we have a great many things to consider, not only on the question of whether a Constitutional Convention shall be called but on the question of the future amending of the Constitution. I think this Senate is facing an issue; I believe that a Convention to change the Constitution of Pennsylvania would place a restriction on the borrowing power, and possibly, in view of the experience we have had, go so far as to not only place that restriction as to the amount we shall be allowed to borrow but also the restriction that we must find the funds to repay it. But I believe that should be left to the intelligence of the Convention—of the delegates selected by the people of Pennsylvania, and not set up in advance, which would serve only to confuse the issue as to whether we shall or shall not have a Convention.

Mr. REED (Washington). Mr. President, I see nothing wrong with the amendment the Senator from Monroe, Mr. Huffman, has offered. It puts the clean-cut question up to the people as to whether or not they want a Convention. If the people want a Convention, then they elect the delegates; and they will surely elect delegates that will do the thing that is right; and even if the delegates do not do what the people want them to do, the people, Senator Harris, in the final analysis, have the right to review or reject what the delegates do; and I think that is a nice system of procedure. The people, in the first place, decide whether they want a Convention; then, in the next step, they elect the delegates; and then, in the final analysis, they decide whether what the delegates have done is in accordance with their wishes or not.

So the whole thing, my friends, is up to the people; and I have always been a Democrat for the sole and only reason that I believe in the sovereign power of the people. I am willing in this case to leave the whole question to the decision of the people; and I favor Senator Huffman's amendments.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, yes sir.

Mr. CAVALCANTE. Mr. President, if the people of this Commonwealth desire to call a Convention without any restrictions or limitations upon their functions, does the bill now under consideration, without the amendments, permit such a Convention?

Mr. SHAPIRO. Mr. President, yes. I am taking the Democratic view of it—that the provision is illegal; all they have to do is, vote for the Convention and disregard the restriction.

Mr. CAVALCANTE. Then, Mr. President, the Senator from Philadelphia, being a highly reputed and well learned ——

Mr. SHAPIRO. Well learned, Mr. President, —but the reputation is bad.

Mr. CAVALCANTE. Member of the legal profession of this Commonwealth, upon what theory, upon what principle of common sense, upon what principle of reason should we then include in this bill a matter that, he will agree with us, is of doubtful legality?

Mr. SHAPIRO. Mr President, I am trying to fathom the involved portion of the question of the Senator from Fayette, Mr. Cavalcante. I should say, common sense has very little to do with the reason, if I had been listening with any ear to the discussion.

Mr. CAVALCANTE. Mr. President, I am asking, as to my contention that the people who must vote upon this Constitutional Convention shall vote upon whether they shall have a Constitutional Convention with limitations or no Convention at all—as to the opinion of the Senator from Philadelphia, Mr. Shapiro.

Mr. SHAPIRO. Mr. President, my answer is that I do not think the Democrats have a monopoly on intelligence any more than the Republicans do; and when this question comes before the people—to vote upon, it is the expression of the Legislature, to say to them, "We would like to have an answer to a question we are putting to you." After all, my thought is that the Legislature initiates the calling of a Convention, and the Legislature has the right to say to the people, "We ask you this question." And when we get an answer to it, we will know what the people want; and if the people say they do not want this kind of a Convention, we will let the Democrats come here and try to coerce us into giving them another kind of a Convention.

Mr. CAVALCANTE. Mr. President, that is all right, but if they are going to try to jam down the throats of the people of this Commonwealth a Constitution to their liking, and if the people vote it down, then we can give them the kind of a Constitutional Convention that the people of this Commonwealth, under representative constitutional government, have the right to demand right now, at this very moment, upon the floor of this Senate.

Mr. SHAPIRO. Mr. President, is that a question?

Mr. CAVALCANTE. Mr. President, I am afraid that if it were the gentleman from Philadelphia would not understand it any way, because he does not understand any language that means the proper invocation of the sovereign will of the people of this Commonwealth.

Mr. SHAPIRO. Mr. President, I confess, frankly—I do not want to get into personalities, but I want to make a confession—I do not understand any language that comes from Fayette County.

Mr. CAVALCANTE. Mr. President, the only language that my friend from Philadelphia understands probably is the language that has the nomenclature of Mr. A. W. Mellon attached to it.

Mr. SHAPIRO. Mr. President, he is my uncle.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. RICE and were as follows, viz:

YEAS—18

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Huffman,	McGinnis,	Rice,	Thompson,
Kahle,	Miller,	Roberts,	(Centre)

NAYS—31

Aron,	Gelder,	McClure,	Shapiro,
Batchelor,	Graff,	Norton,	Sordoni,
Bean,	Harris,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland)
Chapman,	Howell,	Reed,	Trainer,
Clark,	Hunsicker,	(Dauphin)	Woodward,
Coyne,	Mallery,	Salus,	Ziesenheim,
Ealy,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the sections?

Mr. HUFFMAN. Mr. President, I move to amend section 1, page 2, by inserting between lines 18 and 19 the following paragraph: "Below such question shall appear the words "voters favoring the holding of a constitutional convention will mark a cross (x) to the right of the word 'Yes'. Those opposing the holding of a convention will mark a cross (x) to the right of the word 'No'.": also page 3, line 1, by inserting after the word "question" the following: "otherwise a separate ballot containing such question shall be supplied each voter"; also page 3, line 10, by inserting after the word "effect the following: "and thereafter the convention shall be constituted and convened as hereinafter provided in this act"; also section 4, page 4, line 1, by inserting after the word "shall" the following: "be a qualified elector of this Commonwealth and shall"; also page 4, line 3, by striking out the words "qualified elector" and inserting in lieu thereof: "resident."

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Monroe, Mr. Huffman, kindly explain to the Senate the purpose of these amendments?

Mr. HUFFMAN. Mr. President, this substitutes certain language so that you may vote "yes" or "no." It is a part of the amendment affecting the first portion of the bill.

Mr. OWLETT. Mr. President, does the Senator from Monroe mean that the amendment goes with the one just previously offered?

Mr. HUFFMAN. Mr. President, yes.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman, whether, in view of the defeat of the previous amendments by the Senate, there is any purpose of adopting the amendment just offered.

Mr. HUFFMAN. Mr. President, no.

Mr. OWLETT. Mr. President, I ask the Senate to vote "no" on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. RICE and were taken as follows, viz:

YEAS—18

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Huffman,	McGinnis,	Rice,	Thompson,
Kahle,	Miller,	Roberts,	(Centre)

NAYS—31

Aron,	Gelder,	McClure,	Shapiro,
Batchelor,	Graff,	Norton,	Sordoni,
Bean,	Harris,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland
Chapman,	Howell,	Reed,	Trainer,
Clark,	Hunsicker,	(Dauphin)	Woodward,
Coyne,	Mallery,	Salus,	Ziesenheim,
Ealy,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the sections?

The nineteenth to twenty-fourth sections inclusive of the bill were read as follows:

Section 19 Such Constitution as may be proposed by the constitutional convention shall be engrossed and signed by the President and Secretary of the convention and shall if possible be delivered to the Secretary of the Commonwealth not later than the tenth day of March if it is to be submitted at the spring primary in one thousand nine hundred thirty-six and not later than the fifteenth day of September if it is to be submitted at the general election in one thousand nine hundred thirty-six The Secretary of the Commonwealth shall enter the proposed Constitution upon the records of his office He shall cause the proposed Constitution to be published in three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred twenty-nine (P. L. 784) in every county of the Commonwealth wherein such number of newspapers may be published three times before the date of the election at which the proposed Constitution is to be submitted to the electors The newspapers selected in each county shall be those having the largest bona fide circulation He shall also publish the same in convenient form for distribution and shall send a copy thereof to every elector of the Commonwealth making application therefor

Section 20 The Secretary of the Commonwealth shall prepare the proposed Constitution on a special ballot to be designated as "Constitution Ballot" for submission to the voters of the Commonwealth in such form and with such instructions as will enable each voter to indicate by a "yes" or "no" vote his approval or rejection of the proposed Constitution as a whole Such ballots shall be bound into books of convenient numbers with stubs and the ballot and the stub shall bear the name of the county in which the ballot is to be used The stubs shall be numbered consecutively beginning with the number one in each county Each ballot shall have at the upper right-hand corner of the back of the ballot a diagonal perforated printed line and upon the corner of the ballot and included within such line shall be printed the same number as appears on the stub to which the ballot is attached Such number so printed on the ballot shall be removed by the voter in the manner provided by the election laws for removal of such numbers before the ballot is deposited in the ballot box

Section 21 The Secretary of the Commonwealth shall cause to be printed a sufficient number of official "Constitution Ballots" for all the voters of this Commonwealth and at least ten days before the election at which such proposed Constitution is submitted shall distribute the same to the county commissioners of the several counties of the Commonwealth The county commissioners shall at the time distribution is made of the usual ballots for such election distribute the constitution ballots to each of the several voting precincts in their respective counties in sufficient quantities to provide such ballots for the voters of each respective county

Section 22 A majority of the electors voting upon the adoption or rejection of the proposed Constitution shall be necessary for its adoption Such proposed Constitution if approved by a majority of electors voting thereon shall become effective unless the proposed Constitution or the schedule thereto shall otherwise provide upon the first day of June one thousand nine hundred thirty-six if voted on at the spring primary in one thousand nine hundred thirty-six and on the first day of January one thousand nine hundred thirty-seven if voted on at the general election in one thousand nine hundred thirty-six Returns of the vote cast for and against the proposed Constitution shall be counted canvassed and returned by election officers and return boards as provided by law in the case of votes cast on proposed amendments to the Constitution and shall be certified by the prothonotary of each and every county to the Secretary of the Commonwealth who shall compute the same and certify the result to the Governor If from such certificate it shall appear that the proposed Constitution shall have been adopted by the people the Governor shall immediately make proclamation thereof

Section 23 The sum of One Million Dollars ($1,000,000.00) or so much thereof as may be necessary is hereby appropriated out of the General Fund of the State Treasury for the payment of the compensation of members of the constitutional convention and the compensation of the officers and assistants of the convention for the payment of all the expenses lawfully incurred by the Commonwealth and for the payment of postage telegraph telephone advertising printing and express charges and all incidental and miscellaneous expenses lawfully incurred by the convention or its officers or the Secretary of the Commonwealth to carry out the provisions of this act All payments from this appropriation shall be made on the warrant of the Auditor General upon requisition of the President of the convention or of the Secretary of the Commonwealth as the case may be

Section 24 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the sections?

Mr. HUFFMAN. Mr. President, I move to amend Section 2, page 3, line 12, by striking out the word "fifty" and inserting in lieu thereof: "one hundred two"; also page 3, line 13, by striking out the word "one" and inserting in lieu thereof: "three"; also page 3, line 14, by striking out the word "senatorial" and inserting in lieu thereof: "congressional"; also page 3, line 14, by striking out the word "twenty" and inserting in lieu thereof: "twenty-seven"; also section 3, page 3, line 17 to 27, both inclusive, by striking out all of said lines; also section 4, page 4, line 1, by striking out the figure "4" and inserting in lieu thereof: "3"; also page 4, line 8, by striking out the word "senatorial" and inserting in lieu thereof: "congressional"; also section 5, page 4, line 10, by striking out the figure "5" and inserting in lieu thereof: "4"; also page 4, line 12, by striking out the words "in the manner hereinafter set"; also page 4, line 13, by striking out the word "forth" and inserting in lieu thereof: "at the fall primary election for the year one thousand nine hundred thirty-five"; also page 4, line 13, by striking out the words "one candidate" and inserting in lieu thereof: "two candidates"; also page 4, line 14, by striking out the word "senatorial" and inserting in lieu thereof: "congressional"; also page 4, line 15, by striking out the word "delegate" and inserting in lieu thereof: "delegates"; also page 4, line 15, by striking out the word "ten" and inserting in lieu thereof: "eighteen"; also page 4, line 17, by striking out the words "Such political parties shall nominate their candi-"; also page 4, lines 18 to 29, both inclusive, by striking out all of said lines; also page 5, lines 1 to 17, both inclusive, by striking out all of said lines, and inserting in lieu thereof the following new paragraphs:

"Nomination petitions for district delegates shall be in the form required by law for the nomination of candidates for the office of representative in Congress, and shall be signed by at least two hundred qualified electors of the

congressional district within which the respective candidates shall reside. Nomination petitions for delegates-at-large shall be in the form required by law for the nomination of candidates for the office of United States Senator, and shall be signed by at least one hundred qualified electors in each of at least ten counties of the Commonwealth.

"In nominating the delegates for each congressional district, each elector shall be entitled to vote for not more than two of the candidates for delegates from the district, and the two candidates of each party receiving the highest number of votes shall be declared nominated. In nominating the delegates-at-large, each elector shall be entitled to vote for not more than eighteen of the candidates for nomination as delegates from the Commonwealth at large, and the eighteen candidates of each party receiving the highest number of votes shall be declared nominated.

"The votes cast at the said primary election for the nomination of district delegates and delegates-at-large shall be counted, canvassed, returned, tabulated and certified in a manner provided by law in the case of votes for candidates for nomination at primary elections for the office of Representative in Congress or United States Senator, as the case may be.

"Nominations for district delegates and delegates-at-large, made as herein provided, shall be in full force and effect in the event that the electors at the said primary election shall authorize the holding of a constitutional convenion, but in the event that the electors at such primary election shall not authorize the holding of a constitutional convention, the nominations for delegates made at said primary election shall be void and of no force or effect whatsoever"; also section 6, page 5, line 18, by striking out the figure "6" and inserting in lieu thereof: "5"; also page 5, line 26, by striking out the words "Senate of Pennsylvania except that such"; also page 5, line 27, by striking out all of said line; also page 5, line 28, by striking out the words "period of time hereinafter provided in this act" and inserting in lieu thereof: "House of Representatives of the United States"; also page 6, line 1, by striking out the words "one candidate"; also page 6, line 2, by striking out the words "for district delegate" and inserting in lieu thereof: "two candidates for district delegates"; also page 6, line 3, by striking out the word "ten" and inserting in lieu thereof: "eighteen"; also section 7, page 6, lines 4 to 18, both inclusive, by striking out all of said lines; also section 8, page 6, line 19, by striking out the figure "8" and inserting in lieu thereof: "6"; also page 6, line 19, by striking out the words "whose name" and inserting in lieu thereof: "who"; also page 6, line 19, by striking out the word "presented" and inserting in lieu thereof: "nominated"; also page 6, line 24, by striking out the words "at least twenty-two"; also page 6, line 25, by striking out the words "days previous to the day of"; also page 6, line 25, by striking out the words "said municipal"; also page 6, line 26, by striking out the word "election" and inserting in lieu thereof: "within the time and in the manner provided by law for the withdrawal of candidates nominated at fall primary elections"; also section 9, page 6, line 28, by striking out the word "9" and inserting in lieu thereof: "7"; also page 6, line 29, by striking out the figure "fourteen" and inserting in lieu thereof: "thirty"; also page 7, line 2, by striking out the words "and the sheriff"; also page 7, line 4, by striking out the word "duplicate"; also page 7, line 5, by striking out the word "whose"; also page 7, line 6, by striking out all of said line; also page 7, line 7, by striking out the words "with him" and inserting in lieu thereof: "nominated"; also page 7, line 7, by striking out the words "and have"; also page 7, line 8, by striking out the words "not been found"; also page 7, line 8, by striking out the words "or declared to be invalid"; also section 10, page 7, line 12, by striking out the figure "10" and inserting in lieu thereof: "8"; also page 7, line 20, by striking out the word "delegate" and inserting in lieu thereof: "delegates"; also page 7, line 24, by striking out the word "Delegate" and inserting in lieu thereof: "Delegates"; also page 8, line 2, by striking out the word "the" where it appears before the word "candidate" and inserting in lieu thereof: "each"; also page 8, by inserting between lines 24 and 25 the following new section: "Section 9 In choosing the delegates for each congressional district, each elector shall be entitled to vote for not more than two of the candidates for delegates from a district, and the three candidates receiving the highest number of votes shall be declared elected. In choosing the delegates-at-large, each elector shall be entitled to vote for not more than eighteen of the candidates for delegates to be chosen from the Commonwealth at large, and the twenty-seven candidates receiving the highest number of votes shall be declared elected"; also section 11, page 8, line 25, by striking out the figure "11" and inserting in lieu thereof: "10"; also page 8, line 26, by striking out the word "delegate" and inserting in lieu thereof: "delegates"; also page 9, line 3, by striking out the words "Senate of Pennsylvania at"; also page 9, line 4, by striking out all of said line, and inserting in lieu thereof: "House of Representatives of the United States"; also section 12, page 9, line 5, by striking out the figure "12" and inserting in lieu thereof: "11"; also section 13, page 9, line 11, by striking out the figure "13" and inserting in lieu thereof: "12"; also page 9, line 15, by striking out the word "senatorial" and inserting in lieu thereof: "congressional"; also page 9, line 16, by striking out the words "and in all events within fifteen"; also page 9, line 17, by striking out the words "days after"; also page 9, line 17, by striking out the words "said municipal election"; also section 14, page 9, line 26, by striking out the figure "14" and inserting in lieu thereof: "13"; also section 15, page 10, line 3, by striking out the figure "15" and inserting in lieu thereof: "14"; also page 10, line 10, by striking out the words "convention or"; also section 16, page 10, line 16, by striking out the figure "16" and inserting in lieu thereof: "15"; also section 17, page 11, line 2, by striking out the figure "17" and inserting in lieu thereof: "16"; also section 18, page 11, line 9, by striking out the figure "18" and inserting in lieu thereof: "17"; also section 19, page 12, line 15, by striking out the figure "19" and inserting in lieu thereof: "18"; also section 20, page 13, line 15, by striking out the figure "20" and inserting in lieu thereof: "19"; also section 21, page 14, line 8, by striking out the figure "21" and inserting in lieu thereof: "20"; also section 22, page 14, line 23, by striking out the figure "22" and inserting in lieu thereof: "21"; also section 23, page 15, line 25, by striking out the figure "23" and inserting in lieu thereof: "22"; also section 24, page 16, line 14, by striking out the figure "24" and inserting in lieu thereof: "23"; also amend section 18, page 12, line 8, by inserting after the word "determine" the following: "as a whole or may submit separately such parts thereof

as it may determine"; also section 20, page 13, line 21, by striking out the bracket before the word "or"; also page 13, line 23, by striking out the bracket after the word "separately"; also section 21, page 14, line 14, by striking out the word "is" and inserting in lieu thereof: "or any parts thereof are"; also section 22, page 14, line 24, by striking out the bracket before the word "or"; also section 22, page 14, line 25, by striking out the bracket after the word "separately"; also page 14, line 26, by striking out the bracket before the word "and"; also page 14, line 27, by inserting after the word "parts" the word: "thereof"; also page 14, line 27, by striking out the word "thereof"; also page 15, line 7, by striking out the bracket before the word "and"; also page 15, line 8, by striking out the bracket after the word "separately"; also page 15, line 16, by striking out the bracket at the beginning of the line, before the word "or"; also page 15, line 16, by striking out the bracket after the word "separately".

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Monroe, Mr. Huffman.

The President. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman, whether these amendments change the districts from Senatorial to Congressional.

Mr. HUFFMAN. Mr. President, they do.

Mr. OWLETT. Mr. President, I desire to ask the Senator from Monroe whether that is all these amendments do.

Mr. HUFFMAN. Mr. President, yes.

Mr. OWLETT. Mr. President, will the Senator from Monroe explain why then, on page three, this provision is in the amendment? "Nominations for district delegates and delegates-at-large, made as herein provided, shall be in full force and effect in the event that the electors at the said primary election shall authorize the holding of a Constitutional Convention."

If the delegates are not to be elected in November, as this Act provides, what is the purpose of having that provision in these amendments now offered?

Mr. HUFFMAN. Mr. President, I do not think I get the Senator's question.

Mr. OWLETT. Mr. President, in the bill as now drawn, the question of calling a Constitutional Convention is submitted to the electors at the September primaries. If the people vote in favor of a Constitutional Convention, delegates are then nominated as provided in the Act, and they are elected at the Fall November election, Why, then, do these amendments do what the Senator very properly says they do, is there a necessity for this provision, namely, that "nominations for district delegates shall be in full force and effect in the event that the electors at said primaries shall authorize the holding of a convention, but in the event that the electors at such primary election shall not authorize the holding of a Constitutional Convention, the nomination for delegates made at said primary election shall be void and of no force or effect whatsoever."

There would not be any delegates nominated if the people had not previously voted for a Convention. Now, the second set of amendments, I would like to ask the Senator from Monroe, if they did not provide for the submitting of the work of this Convention piecemeal to the people, as the original Ruth bill provided.

Mr. HUFFMAN. Mr. President, as I understand it, it provides that they may be submitted either way, piecemeal or in whole.

Mr. OWLETT. Mr. President, I ask that the Senate vote down the amendments offered.

Mr. HUFFMAN. Mr. President, the bill as it is before the Senate this morning provides for the election of one delegate in every Senatorial District. The amendment provides that there be three delegates elected in every Congressional District. The obvious reason for that is that since they had the right to vote for the two, that the minority in the State shall have representation. If there be but one man elected in a district, it follows, of course, that the minority has no representation in that district. A majority might be elected by fifty and a fraction per cent. and the minority, therefore, would have no representation. If, however, the amendments were adopted, there would be three candidates in the district, with the right to vote for two and in that event the minority would have an opportunity to express itself in the Convention.

It has another feature about it. The Senatorial districts are unevenly divided as to population, and, it seems to me, manifestly unfair, that we elect the delegates from the Senatorial districts. Some of the Senatorial districts in Pennsylvania at the present time, several of them, have upwards of 300,000 population; at least one of them has more than 400,000 population; at least two of the districts have less than 100,000 population. There has been a more recent districting in the Congressional districts than have been in Senatorial districts, and, therefore, from that angle, it seems to me that it is fairer to the voters.

There is one other item. Under the bill as it is before the Senate, there are twenty delegates-at-large to be elected, ten to be nominated by each party. Under the proposed amendment there will be twenty-seven delegates elected, with the right to the voter to vote for but eighteen, again giving the minority in Pennsylvania representation in the Convention.

Mr. OWLETT. Mr. President, I understand from the explanation that these amendments are seem to reinstate the provision of the Ruth bill. Under the provisions of the Ruth bill there were one hundred and two district delegates and twenty-seven delegates-at-large. Under the provisions of the bill as now amended and now before the Senate, there are twenty delegates-at-large and one from each Senatorial District, making a total convention of seventy. It was considered by the Committee that a Convention of seventy was much preferable to the larger Convention provided for under the Ruth bill. In addition to that, a considerable study was made and it was ascertained that there were a number of delegates provided under the Ruth bill, in practically no districts of the State could the voting machine be used on account of the large number of candidates whose names would appear. In Lackawanna and Luzerne counties, it was pointed out, it would add tremendous expense, and in many counties of the State the expense to the taxpayers would be great. The Committee thought a Convention

of seventy was large enough for a deliberative body such as this.

I want to call the attention of the Senate again to the fact that this bill as amended by this Committee, provides for twenty delegates at large, ten to be voted for with the result that ten nominated by the Democratic State Committee will undoubtedly be elected, as well as the ten nominated by the Republican State Committee, that each Senatorial District elected one. The complexion of the Convention will be determined by the outcome of the Senatorial contest. Now, perhaps, the Senator from Monroe does not know that when the Senate decided on the Senatorial districts—when the Committee decided on it—it was only after consulting many of the Democratic and Republican members, and many of the Democratic, as well as the Republican members preferred the Senatorial districts. It made a well-rounded Convention, and that is why that was chosen.

I, therefore, ask the Senate to vote down the amendments.

Mr. THOMPSON (Centre). Mr. President, as a citizen of Pennsylvania, apart from my official capacity, I am very much opposed to placing in the hands of Harvey Taylor, the Republican State Chairman, the right to name one-seventh of the personnel of a Constitutional Convention. I do not think that the provisions of this bill, as it stands now, are in any sense representative with respect to the election of the delegates-at-large and only smally representative concerning the election of district delegates. I have here the numbers of the residents of the different congressional and senatorial districts in our State, and I just want to read you the first seven of each:

Senatorial District No. 1	270,668
Senatorial District No. 2	121,263
Senatorial District No. 3	95,843
Senatorial District No. 4	411,558
Senatorial District No. 5	141,873
Senatorial District No. 6	359,359
Senatorial District No. 7	198,327

You can see, Mr. President, that the Fourth Senatorial District of this State has practically five times as many people as the Third Senatorial District. Now let us compare those figures with the first seven congressional districts of the State.

Congressional District No. 1	286,462
Congressional District No. 2	247,068
Congressional District No. 3	298,539
Congressional District No. 4	274,376
Congressional District No. 5	269,564
Congressional District No. 6	291,642
Congressional District No. 7	283,310

The same comparative average carries all throughout the thirty-four congressional districts, and the same disparity of representation is carried out practically throughout the fifty senatorial districts; and I say to you, Mr. President, that by adopting this bill in its present form, calling for the election of delegates from senatorial districts, you will substantially disfranchise almost half the people of the State of Pennsylvania, when you put them into comparison with other senatorial districts

I think one of the safeguards of the government of this State, and one of the safeguards of the government of the United States, is minority representation; and that is something that this bill, as it appears on this calendar today, absolutely lax with respect to the election of district delegates; we are completely ignoring the vast portion of the population who will be represented by a minority in connection with these constitutional problems.

And so I say to you again, Mr. President, that this is only a demonstration, a part of the general scheme not only to confuse the people of Pennsylvania in their vote on Constitutional Revision, or the calling of a Constitutional Convention, but it is a deliberate attempt to take out of the hands of a large portion of the population of this State the right to have a voice in this Constitutional Convention.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON (Centre). Mr. President, I will.

Mr. OWLETT. Mr. President, I ask, if he objects to Mr. Taylor's picking out one-seventh of the delegates, whether he wants them to be selected by Mr. David Lawrence.

Mr. THOMPSON (Centre). Mr. President, in answer to the question of the Senator from Tioga County, which as a matter of fact, Mr. President, I was hoping he would ask me, I am just as much opposed to the Democratic State Chairman picking one-seventh of the members of this Constitutional Convention as I am to the Republican State Chairman picking out a seventh of the members of this Constitutional Convention. This problem of representation in the Convention as well as these other problems connected with representation, is a problem for the people and not a problem for either party, not a problem for the Chairman of any committee, and not a problem even for this Senate as a whole; it is a people's problem.

Mr. OWLETT. Mr. President, does the Senator from Centre know that the method of the selection of delegates is the method provided under the original Ruth Bill by the Democratic Caucus and this Democratic Administration?

Mr. THOMPSON (Centre). Mr. President, I do not think that these public problems should be compared to any suggestions of any caucus, as far as that goes, whether it is a Democratic caucus or a Republican caucus.

Mr. OWLETT. Mr. President, I would like to have the Senator answer the question, if he will.

Mr. THOMPSON (Centre). Mr. President. I frankly say, I do not know that it is.

Mr. OWLETT. Mr. President, I state that the method of selecting delegates is precisely the method in the original Ruth Bill, for which this Administration has been clamoring ever since this session started.

Mr. THOMPSON (Centre). Mr. President, in answer to the Senator from Tioga, Mr. Owlett, I will say that if that method is wrong that method should be eliminated from this scheme. If we believe it is wrong, we should eliminate it.

Mr. SORDONI. Mr. President, I desire to correct the Senator from Centre, Mr. Thompson, on the question of the Senate representing such a wide difference as compared to the Congressmen. In our County, Luzerne, as you know, Mr. President, our Congressman represents approximately 450,000 people, and that county is divided between my colleague, Senator Harvey, and myself, as representatives here in the Senate.

Mr. HARRIS. Mr. President, this argument today is a fine argument for reapportionment. I am going to vote

for the election of delegates by Congressional districts, because the Constitution of Pennsylvania provides for the reapportionment every ten years. This was done in the case of the Congressional districts, but the provisions of the Constitution, which I contend are mandatory, were ignored in the case of the Senatorial districts. My district has a population of 350,000. My friend Senator Buckman has 90,000. So I think the fairest way is the election of delegates by Congressional districts.

Mr. LAW. Mr. President, I think the question here has been raised as to the reasons in the original Ruth Bill for the original picking of delegates by action of the political committees. I might say, in answer to that, that one of the reasons at that time, for that suggestion, was that at that time we contemplated a special election, and we did not want two of them—one in the Primary and one for the General Election. The reason for that has ceased to exist, and with it, I think, we should discard the idea originating with the idea of the special election.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. RICE and were as follows, viz:

YEAS—23

Baumer,	Law,	Reed,	Sones,
Cavalcante,	McCreesh,	(Washington)	Thompson,
Frey,	McGinnis,	Rice,	(Centre)
Harris,	Miller,	Roberts,	Trainer,
Huffman,	Prince,	Rodgers,	Woodward,
Kahle,	Rankin,	Rupp,	Ziesenheim,
Lanius,			

NAYS—26

Aron,	Ealy,	Mallery,	Salus,
Batchelor,	Gelder,	McClure,	Shapiro,
Bean,	Graff,	Norton,	Sordoni,
Bennett,	Harvey,	Owlett,	Staudenmeier,
Buckman,	Homsher,	Pierson,	Thompson,
Chapman,	Howell,	Reed,	(Westmoreland)
Clark,	Hunsicker,	(Dauphin)	
Coyne,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the sections?

Mr. HUFFMAN. Mr. President, I move to amend section 19, page 12, line 28, by striking out the word "three" and inserting in lieu thereof "two;" also page 13, line 2, by striking out the word "every" and inserting in lieu thereof "each;" also page 13, line 7, by striking out the wrod "three" and inserting in lieu thereof "two;" also page 13, line 9, by striking out the word "The" at the end of the line; also page 13, line 10, by striking out all of said line; also page 13, line 11, by striking out the words "the largest bona fide circulation"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated.

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman, if the purpose of these amendments is not to take out the provision about the newspapers selected in each county, especially those having the largest bona fide circulation.

Mr. HUFFMAN. Mr. President, the purpose of the amendment is to reduce, first, the number of newspapers used from three to two, and to eliminate those having the largest circulation.

Mr. OWLETT. Mr. President, I would like to ask the Senate to vote down these amendments. These amendments were inserted so that the people would fully understand the situation before they voted on it. It is the standard provision for advertising that has been enacted in our law when advertising is required. The provision with reference to the selection of those newspapers having the largest bona fide circulation was inserted for the purpose of seeing that bona fide newspapers had this advertising and not "mushroom" papers that had grown overnight to do Democratic advertising, and I, therefore, ask that these amendments be voted down.

Mr. HUFFMAN. Mr. President, I do not know what the Senator from Tioga means by "mushroom" newspapers. We all know that the Constitution provides that a newspaper shall receive this advertising. It does not say "mushroom" newspapers.

Mr. OWLETT. Mr. President, it merely provides that it shall be the newspapers having the largest bona fide circulation in each county.

Mr. REED (Washington). Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. REED (Washington). Mr. President, I would like to ask the Senator from Monroe, Mr. Huffman, whether under that amendment the cost will be reduced.

Mr. HUFFMAN. Mr. President, yes, that is the purpose.

Mr. REED (Washington). Mr. President, does the Senator from Monroe, know how much?

Mr. HUFFMAN. Mr. President, no, I do not.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. CAVALCANTE and Mr. THOMPSON (Centre) and were as follows, viz:

YEAS—18

Baumer,	Lanius,	Rankin,	Rodgers,
Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Huffman,	McGinnis,	Rice,	Thompson,
Kahle,	Miller,	Roberts,	(Centre)

NAYS—31

Aron,	Graff,	McClure,	Shapiro,
Batchelor,	Gelder,	Norton,	Sordoni,
Bean,	Harris,	Owlett,	Staudenmeier,
Bennett,	Harvey,	Pierson,	Thompson,
Buckman,	Homsher,	Prince,	(Westmoreland)
Chapman,	Howell,	Reed,	Trainer,
Clark,	Hunsicker,	(Dauphin)	Woodward,
Coyne,	Mallery,	Salus,	Ziesenheim
Ealy,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the sections?

Mr. HUFFMAN. Mr. President, I have one more amendment to offer. This provides for a reduction of the appropriation from one million dollars to three hundred and fifty thousand dollars to hold the proposed convention.

Mr. OWLETT. Mr. President, we have no objection.

Mr. HUFFMAN. Mr. President, I move to amend sec-

tion 23, page 15, line 25, by striking out the words and figures "One Million Dollars ($1,000,-"; also page 15, line 26, by striking out the figures "000.00)" and inserting in lieu thereof: "three hundred fifty thousand dollars ($350,-000.00)"; also page 15, line 28, by striking out the word "compensation" and inserting in lieu thereof: "expenses"; also page 16, line 2, by striking out the words "for the payment of all the"; also page 16, line 3, by striking out the words "expenses lawfully incurred by the Commonwealth"; also page 16, line 8, by striking out the word "to"; also page 16, line 9, by striking out the word "carry" and inserting in lieu thereof: "in carrying."

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe what is the purpose of the other amendments here, other than the reduction in the appropriation from one million to three hundred and fifty thousand dollars, the other amendments accompanying this amendment—what is the purpose of striking out of lines two and three the words for the payment of all the "expenses lawfully incurred by the Commonwealth?"

Mr. HUFFMAN. Mr. President, I do not know whether I can answer in detail. These amendments were prepared by the Legislative Reference Bureau. The substance of the amendment is that we do not think it is necessary to spend a million dollars for holding this Convention.

Mr. OWLETT. Mr. President, I want to explain that I have here amendments reducing the appropriation as put in the bill by the Democratic Administration, one million dollars, which would have been the expense had there been a special election. Through an error this was not reduced and it should be reduced. If that is the only purpose of the amendment offered by the Senator from Monroe, it is merely carrying out what I intended to do myself in the way of amendments to be offered here at this time. If the amendments do what he says they do, and I think they will, I think it is correct, and I suggest that the amendments be adopted.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. OWLETT. Mr. President, I move to amend section 7, page 6, line 15, by striking out the word "obligations" and insert in lieu thereof: "objections."

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. RICE and were as follows, viz:

YEAS—32

Aron,	Ealy,	McClure,	Salus,
Batchelor,	Gelder,	Norton,	Shapiro,
Baumer,	Graff,	Owlett,	Sordoni,
Bean,	Harris,	Pierson,	Staudenmeier,
Bennett,	Harvey,	Prince,	Thompson,
Buckman,	Homsher,	Rankin,	(Westmoreland)
Chapman,	Howell,	Reed,	Woodward,
Clark,	Hunsicker,	(Dauphin)	Ziesenheim,
Coyne,	Mallery,		

NAYS—16

Cavalcante,	Law,	Reed,	Rodgers,
Frey,	McCreesh,	(Washington)	Rupp,
Huffman,	McGinnis,	Rice,	Sones,
Kahle,	Miller,	Roberts,	Thompson,
Lanius,			(Centre)

So the question was determined in the affrmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention and making an appropriation.

On the queston,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend title, page 1, line 7 of title by inserting after the word "convention" the following: "with limited powers, conferring jurisdiction on the Court of Common Pleas of Dauphin County."

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. HUFFMAN and Mr. RICE and were as follows, viz:

YEAS—32

Aron,	Ealy,	McClure,	Salus,
Batchelor,	Gelder,	Norton,	Shapiro,
Baumer,	Graff,	Owlett,	Sordoni,
Bean,	Harris,	Pierson,	Staudenmeier,
Bennett,	Harvey,	Prince,	Thompson,
Buckman,	Homsher,	Rankin,	(Westmoreland)
Chapman,	Howell,	Reed,	Woodward,
Clark,	Hunsicker,	(Dauphin)	Ziesenheim,
Coyne,	Mallery,		

NAYS—16

Cavalcante,	Law,	Reed,	Rupp,
Frey,	McCreesh,	(Washington)	Sones,
Huffman,	McGinnis,	Rice,	Thompson,
Kahle,	Miller,	Roberts,	(Centre)
Lanius,		Rodgers,	

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 609

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 22, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 609, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

be recalled from the Governor for the purpose of amendment.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 181

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 22, 1935.

Resolved (if the Senate concur), That House Bill No. 181, Printer's No. 1033, entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" as amended, permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 953

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 953, entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 22

He also presented communications from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate to Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries, and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, county commissioners, registrars, inspectors of registration, and other appointees of county commissioners, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties

and has appointed Messrs. Hoopes, O'Keefe and Eroe as a Committee of Conference to confer with a similar committee of the Senate (already appointed), to consider the differences existing between the two Houses in relation to said bill.

BILL ON THIRD READING

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1128, on third reading, entitled:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1128, entitled:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments

And said bill having been read at length the third time.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend title, page 1, line 1 of title, by inserting after the word "by" the following: "restricting the right to proceed against certain property and persons and;" also amend section 1, page 1, line 4, by striking out the word "whenever" and inserting in lieu thereof: "in all cases where a bond and mortgage is or has been given for the same debt, the real property bound by such bond and mortgage shall first be proceeded against and sold on execution, and the amount of the deficiency judgment ascertained as hereinafter provided before any other property, real or personal, of the mortgage debtor may be attached levied on or sold for the debt secured by such bond and mortgage, and before any other person bound by any obligation securing the payment of said mortgage debt may be proceeded against, or any property, real or personal, of any such other person may be attached levied on or sold for the debt secured by such bond and mortgage. Section 2. Whenever;" also section 2, page 1, line 13, by striking out the figure "2" and inserting in lieu thereof: "3;" also section 3, page 2, line 18, by striking out the figure "3" and inserting in lieu thereof: "4;" also section 4, page 3, line 3, by striking out the figure "4" and inserting in lieu thereof: "5;" also section 5, page 3, line 20, by striking out the figure "5" and inserting in lieu thereof: "6;" also section 6, page 3, line 27, by striking out the figure "6" and inserting in lieu thereof: "7"; also section 7, page 4, line 17, by striking out the figure "7" and inserting in lieu thereof: "8;" also section 8, page 5, line 1, by striking out the figure "8" and inserting in lieu thereof: "9;" also section 9, page 5, line 20, by striking out the figure "9" and inserting in lieu thereof: "10;" also page 6, by inserting between lines 4 and 5, the following section: "Section 11. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein;" also section 10, page 6, line 5, by striking out the figure "10" and inserting in lieu thereof: "12;" also section 11, page 6, line 7, by striking out the figure "11" and inserting in lieu thereof: "13"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

RECONSIDERATION OF SENATE BILL NO. 946

Mr. OWLETT. Mr. President, I move to reconsider the vote by which Senate Bill No. 946, entitled:

An Act relating to the buying, selling and transportation of live and dressed poultry; requiring poultry dealers to be licensed; requiring records of sales and purchases of poultry to be kept; imposing duties and liabilities on poultry dealers, poultry producers and other persons buying and selling poultry, and on county farm agents and the Department of Agriculture; and prescribing penalties

was defeated.

The PRESIDENT. How did the Senator vote?
Mr. OWLETT. Mr. President, I voted "no."
Mr. EALY. Mr. President, I second the motion.
The PRESIDENT. How did the Senator vote?
Mr. EALY. Mr. President, I voted "no."
The motion was agreed to.
And the question recurring,
Shall the bill pass finally?
Mr. OWLETT. Mr. President, I move to reconsider the vote by which the bill passed third reading.
The PRESIDENT. How did the Senator vote?
Mr. OWLETT. Mr. President, I voted "no."
Mr. EALY. Mr. President, I second the motion.
The PRESIDENT. How did the Senator vote?
Mr. EALY. Mr. President, I voted "no."
And the question recurring,
Will the Senate agree to the bill on third reading?

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 946 be recommitted to the Committee on Agriculture.
Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.
The PRESIDENT. Is there objection? The Chair hears none.
Mr. THOMPSON from the Committee on State Government reported as amended, Senate Bill No. 1241, entitled:

An Act to amend section four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled " An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment funr, and adding to said board a member of the Pennsylvania Historical Commission.

Mr. HARRIS. Mr. President, I ask unanimous consent to make report from committee at this time.
The PRESIDENT. Is there objection? The Chair hears none.
Mr. HARRIS from the Committee on Elections reported as committed, Senate Bill No. 66, entitled:

An Act to amend section three of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended; by prescribing a cash deposit as a condition precedent to the validity and effectiveness of a nomination paper; prescribing the amount of such deposit and the officer with whom it is to be made in each case; providing that it shall either be returned to the political body making the same, or shall be allocated among and retained by the counties interested, depending upon the number of votes polled by the nominee or the most successful nominee presented by such political body; imposing duties upon the State Treasurer, the Secretary of the Commonwealth, county treasurers, and county return judges, and return boards; fixing the date when the act shall become effective; and repealing inconsistent legislation.

BILLS INTRODUCED

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to read a bill in place at this time.
The PRESIDENT. Is there objection? The Chair hears none.
Mr. THOMPSON read in place and presented to the Chair Senate Bill No. 1425, entitled:

An Act giving owners the right to elect to pay delinquent taxes on seated lands for one thousand nine hundred and thirty-four and prior years in instalments; abating penalties and interest on taxes for such years upon the payment of such instalments, together with the taxes for current years and in certain instances of accrued costs; extending the period for redemption of lands sold to counties where it has not already expired; providing for sales of lands already advertised for sale for delinquency in payment of taxes; providing for sales of land to which the owner has not performed; the requirements of the act after an election, and for the sale of lands as to which no election has been made by the owner, and repealing inconsistent laws.

Which was committed to the Committee on Judiciary General.

Mr. BEAN. Mr. President, I ask unanimous consent to read a bill in place at this time.
The PRESIDENT. Is there objection? The Chair hears none.
Mr. BEAN read in place and presented to the Chair Senate Bill No. 1426, entitled:

An Act prohibiting others than members of the Bar to practice law; and providing penalties.

Which was committed to the Committee on Judiciary General.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to read a bill in place at this time.
The PRESIDENT. Is there objection? The Chair hears none.
Mr. REED (Dauphin) read in place and presented to the Chair Senate Bill No. 1427, entitled:

An Act regulating the removal or dismissal of police officers and detectives in cities of the second class.

Which was committed to the Committee on State Government.

BILLS RECOMMITTED

Mr. ROGERS. Mr. President, I move that Senate Bill No. 759 (House Bill No. 371) on third reading, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

be recommitted to the Committee on Labor and Industry for corrections.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1252 (House Bill No. 910) on third reading entitled:

An Act to further amend section one of the act approved the twenty-sixth day of April one thousand eight hundred and fifty-five (Pamphlet Laws three hundred nine) entitled "An act relating to damages for injuries producing death" by giving personal representatives the right to recover damages for hospital nursing medical funeral expenses and expenses of administration

be recommitted to the Committee on Judiciary General for the purpose of amendment.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO DEFER CONSIDERATION OF CALENDAR

Mr. BUCKMAN. Mr. President, I move that the Senate defer the consideration of the remainder of the Calendar until Monday, May 27, 1935.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 953, entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and propery for charitable, religious, benevolent, humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused.

House Bill No. 1147, entitled:

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and records, or portions thereof, under circumstances of poverty, and providing penalties for falsehood in applying for the benefits thereof.

House Bill No. 1204, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

House Bill No. 1220, entitled:

An Act to amend clause (e) of section five of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "Industrial Rehabilitation Law," by providing for furnishing artificial limbs to children over ten years of age.

House Bill No. 1734, entitled:

An Act providing for the laying out, widening, extending and relocating by cities of the first class of highways and streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state, and for construction thereof and of appurtenances thereto; authorizing the acquisition by gift, purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction; providing for the acquisition of a fee simple title; authorizing the use, sale, or leasing, subject to restrictions, by the city of additional land and property acquired, and the erection, occupation, use, sale, or leasing of buildings and structures thereon by the city; and authorizing and prescribing the procedure for the assessment of damages and benefits.

House Bill No. 1738, entitled:

An Act to amend the title and sections one, two, three and four of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682) entitled "An act relating to domestic animals, and providing for their appraisement when about to be slaughtered to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," providing for the appraisement of condemned animals; denying compensation for dying and dead animals, regulating the disposition of appraised animals, the payment of salvage and the rendering of statements thereof; and empowering the Department of Agriculture to adopt rules and regulations.

House Bill No. 2302, entitled:

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.

House Bill No. 2477, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight) entitled "Fish Law of 1925," by making it unlawful to interfere with dams, deflectors, retards or similar devices.

House Bill No. 2601, entitled:

An Act to amend sections two and four of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties, as a public park and pleasure-ground, to be known as "Bucktail State Park"; and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth," further defining the control rights of the Department of Forests and Waters over privae lands; and providing for the acquisition thereof.

House Bill No. 2637, entitled:

An Act imposing duties upon the Department of Health, and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances.

Whereupon, The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senat signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. BUCKMAN. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 66, entitled:

An Act to amend Section three of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended; by prescribing a cash deposit as a condition precedent to the validity and effectiveness of a nomination paper; prescribing the amount of such deposit and the officer with whom it is to be made in each case; providing that it shall either be returned to the political body making the same, or shall be allocated among and retained by the counties interested, depending upon the number of votes polled by the nominee or the most successful nominee presented by such political body; imposing duties upon the State Treasurer, the Secretary of the Commonwealth, county treasurers, and county return judges, and return boards; fixing the date when the act shall become effective; and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 645 (House Bill No. 665), entitled:

An Act to amend clause twenty-five as amended and renumbered Clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 988 (House Bill No. 1615), entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1024, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," providing for the issuing of permits to take fish from licensed propagating ponds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1110 (House Bill No. 2236), entitled:

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant auditor certified public accountant or public accountant under a false assumed fictitious or trade name prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1241, entitled:

An Act to amend section four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled "An act authorizing the Pennsylvania Historical commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park, in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund, and adding to said board a member of the Pennsylvania Historical Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1243, entitled:

An Act to amend section one thousand and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1247, entitled:

An Act requiring persons selling, attempting to sell, or soliciting the Pennsylvania Liquor Control Board to purchase, vinous and spirituous liquors for sale in Pennsylvania Liquor Stores to register in a record or book provided for such purposes; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1248, entitled:

An Act to amend section nine of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture; and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties;" extending the time within which certificates of registration may be issued without examination.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1280 (House Bill No. 2491), entitled:

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1362 (House Bill No. 2315), entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1383, entitled:

An Act to classify certain surface lands as auxiliary forest reserves, to prescribe the terms and conditions of their continuance in such classification, or removal therefrom defining the duties of the Secretary of Forests and Waters, of the county commissioners and of the county treasurer of the respective counties in connection therewith; providing for the appointment of viewers and appraisers; providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers, and from the action of the Secretary of Forests and Waters; providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom; permitting the removal of certain trees from lands so classified, by the owners thereof; providing that lands so classified may be sold only subject thereto; prescribing the method of assessment of such lands during their continuance in such classification; making it a misdemeanor to cut, fell and remove trees from lands so classified, and defining the punishment therefor; validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly; and repealing all acts or parts of acts inconsistent herewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1418 (Senate Bill No. 1428), entitled:

An Act to amend section four of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," imposing an additional tax on liquid fuels.

Which was committed to the Committee on Finance.

House Bill No. 2853 (Senate Bill No. 1429), entitled:

An Act imposing a state tax upon checks, drafts, assignments and other written evidence for the payment and transfer of money honored by banks, by payment or by receipt for deposit, imposing duties and liabilities on banks, bank and trust companies, trust companies, private banks, savings funds, savings institutions, savings banks and national banking associations, conferring powers and imposing duties on certain State officers and departments, making an appropriation and imposing penalties.

Which was committed to the Committee on Finance.

ANNOUNCEMENT

The PRESIDENT. On behalf of the President Pro Tempore, the Chair announces the appointment of the Senator from Delaware, Mr. McClure as a member of the Committee of Conference on the part of the Senate, on House Bill No. 862, instead of the Senator from Tioga, Mr. Owlett.

ADJOURNMENT

Mr. BUCKMAN. Mr. President, I move that the Senate do now adjourn.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:15 P. M. until nine o'clock Monday evening, May 27, 1935.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 22, 1935.

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

Our Heavenly Father, we come to Thee this morning. We thank Thee that Thou hast given us the strength and courage to stand up for those things which we believe to be right. We pray that Thou will help us, that even though what we do and say here may not be pleasing to everyone but Thy spirit will guide us and what we do and say will be pleasing to Thee. We ask Thee to guide us during this day. As we go home over the week, we pray Thee to help us to do those things in our homes that will be pleasing to Thee and to guide us that we may come back and do Thy will here. In the Master's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. LaRUE the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 39. (HOUSE BILL No. 2881).

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

Referred to the Committee on Labor.

SENATE BILL No. 1007. (HOUSE BILL No. 2882).

An Act to amend sections nine hundred one and one thousand eighty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs," as amended; providing for the collection of county, borough and school taxes by the county commissioners in certain cases; conferring powers on boroughs and school districts with respect to the collection of their taxes; and providing that the bonds of borough tax collectors shall be fidelity bonds.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1235. (HOUSE BILL No. 2883).

An Act to further amend section ten of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highways Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointetes; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof: conferring authority on the

State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

Referred to the Committee on Highways.

SENATE BILL No. 1239. (HOUSE BILL No. 2884).

An Act making an appropriation to the Department of Public Instruction for the payment of the claim of the plumbing subcontractor in connection with certain work at the California State Teachers College

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred and thirty dollars ($130) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the payment of the claim with interest thereon of the plumbing subcontractor employed during the year one thousand nine hundred and twenty-nine in connection with the erection of a Day Students' Room at the California State Teachers College moneys for the payment of which claim were retained by the Commonwealth out of the amount payable to the general contractor and which moneys have since been lapsed into the General Fund

Payment of such claim shall be made on requisition of the Department of Public Instruction upon proof of such claim to the satisfaction of the Secretary of Property and Supplies

Referred to the Committee on Appropriations.

SENATE BILL No. 1262. (HOUSE BILL No. 2885).

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class

Referred to the Committee on Counties.

SENATE BILL No. 1287. (HOUSE BILL No. 2886).

An Act to amend section one thousand and twenty-five of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, authorizing the Secretary of Revenue in certain cases to offer and pay rewards for information resulting in the arrest and conviction of hit and run drivers, and requiring such drivers to pay the amount of such rewards in addition to the existing penalties.

Referred to the Committee on Highways.

SENATE BILL No. 1288. (HOUSE BILL No. 2887).

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highmay Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work to be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing

contracts are not effected by provisions of this act," as amended, requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

Referred to the Committee on Highways.

SENATE BILL No. 1298. (HOUSE BILL No. 2888).

An Act prohibiting anyone engaged in the distribution of Federal and State Relief from attempting to influence the vote of a recipient of such relief and imposing a penalty

Referred to the Committee on Elections.

SENATE BILL No. 1316. (HOUSE BILL No. 2889).

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens' fees for use of pound nets

Referred to the Committee on Fisheries.

SENATE BILL No. 1345. (HOUSE BILL No. 2890).

An Act making an appropriation to the Department of Property and Supplies to erect a monument or memorial to Brigadier General Casimir Pulaski.

Referred to the Committee on Appropriations.

SENATE BILL No. 1347. (HOUSE BILL No. 2891).

An Act making an appropriation to the Lancaster General Hospital Lancaster Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1348. (HOUSE BILL No. 2892).

An Act making an appropriation to the Lancaster County Tuberculosis Society Rossmere Lancaster County Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1349. (HOUSE BILL No. 2893).

An Act making an appropriation to the Thaddeus Stevens Industrial School of Lancaster Pennsylvania

Referred to the Committee on Appropriations.

SENATE BILL No. 1350. (HOUSE BILL No. 2894)

An Act making an appropriation tc the Home of Friendless Children of Lancaster Pennsylvania.

Referred to the Committee on Appropriations.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 13, 1935.

Resolved if (the House of Representatives concurs), That on thousand copies of the proceedings of the memorial service, held in honor of the late Honorable James S. Boyd, be printed for the use of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Represntatives to Senate Bill Numbered and entitled as follows, viz:

SENATE BILL No. 752.

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, February 26, 1935.

Resolved (if the Senate concur), That the Legislative Reference Bureau is hereby directed to have printed, as a legislative document, three thousand copies of the First Class Township Law of June 24th, 1931 (P. L. 1206), with all amendments thereto, up to and including the regular session of one thousand nine hundred thirty five to be distributed as follows: 500 copies for the use of the Senate, 1,000 copies for the use of the House of Representatives, 300 copies for the use of the Legislative Reference Bureau, and the remaining copies to be distributed and sold by the Division of Documents, of the Department of Property and Supplies, in the manner provided by law.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1220.

An Act to amend clause (e) of section five of the act approved the eighteenth day of July one thousand nine hundred and nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation" by providing for furnishing artificial limbs to children over ten years of age.

HOUSE BILL No. 1734.

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and on additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits

HOUSE BILL No. 2637.

An Act imposing duties upon the Department of Health and providing for the furinshing of anti-rabic serum and treatment without charge in certain circumstances

HOUSE BILL No. 1147.

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof

HOUSE BILL No. 1738.

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 682) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations.

HOUSE BILL No. 2477.

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

HOUSE BILL No. 1204.

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

HOUSE BILL No. 2302.

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

HOUSE BILL No. 2601.

ation of Senate Bill No. 1341 (House Bill No. 2601), en-

An Act to amend sections two three and four of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1415), entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as Bucktail State Park and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Holstrom asked and obtained leave of absence for Mr. ZAPPALA for the remainder of the week.

Mr. FLANAGAN asked and obtained leave of absence for himself for the remainder of the week.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 22.

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 22, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties of bodies of electors county commissioners registrars inspectors of registration and other appointees of county commissioners election officers municipal officers departments and bureause police officers courts judges prothonotaries peace officers county treasurers county controllers of vital statistics and boards of school directors and imposing penalties

And has appointed Messrs. Reed (Dauphin), Norton and Baumer a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 22

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 22, Messrs. Hoopes, O'Keefe and Eroe.

Ordered, That the Clerk inform the Senate accordingly.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The Chair lays before the House the special order on third reading and final passage on House Bill No. 1418, fixed for this hour.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1418, entitled:

An Act to amend section four of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors, providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TROUT. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. TROUT. Mr. Speaker, in discussing the provisions of this bill last night the gentleman from Berks, Mr. Ruth, made the statement that this was not a diversion of the Motor Fund. I would like to ask the gentleman from Berks, Mr. Ruth, upon what grounds and by what authority that statement was made.

Mr. RUTH. Mr. Speaker, I would answer that question by saying that this is a new tax; a one cent increase on gasoline for the purpose of unemployment relief, and is the bill that is to take the place of the two cent gas tax bill which we sent over to the Senate and which was defeated there. When they couldn't get the necessary two-thirds to suspend the rule to bring the bill back, they asked us to bring this bill out and amend it, so that it would take care of that part of the program. It is in the nature of a compromise. It is not a diversion of the Motor Fund, because it is an additional one cent tax on gas for relief.

Mr. TROUT. Mr. Speaker and members of the House, I have made further investigation since last night and the information has come to me from sources which I believe are entirely reliable and who ought to know and they insist this will be considered a diversion of the Motor Fund.

It is a tax on gasoline, and I want to say to the members of the House that I am not opposing this bill, because it is an increase in the tax on gasoline.

We thoroughly realize that the price of gasoline is fixed arbitrarily by the oil companies. A few days ago or a few weeks ago a bill in the Senate to increase the tax for the second year, designating it for the General meantime the oil companies without any particular reason that I have been able to find out put a one cent tax on their product. It is not a question so far as the cost of gasoline is concerned, but Mr. Speaker, I am afraid that this tax on gasoline even though it is to be used for relief purposes, and especially when it goes into the general fund, the second year, will be interpreted as a diversion of Motor Funds.

I am in perfect sympathy with the policy of raising money for relief, but I am afraid that the Commonwealth of Pennsylvania and the program of the Highway Department is going to be greatly interfered with if we pass this bill as it is now.

I presented last night an amendment asking that the tax for the second year, designating it for the General Fund be stricken out, and I think this House should have done that, so that no chances would be taken so far as the second year is concerned. We might have had some argument so far as the one cent tax for one year for relief is concerned, but I am agraid of this situation so far as the highway program is concerned. That is the reason I am opposed to the bill as it now stands.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nas were taken and were as follows, viz:

YEAS—114

Achterman,	Downey, G. E.,	Lovett,	Ruffennach,
Alexander,	Downey, J. J.,	Lynch,	Ruth,
Allen,	Eberharter,	Male,	Sarraf,
Arnold,	Eroe,	McCreary,	Scanlon,
Aukerman,	Falkenstein,	McDermott,	Schrope,
Baine,	Finnerty,	McElroy,	Schwab,
Baker, J. J.,	Fitch,	McHenry,	Shaw,
Bradley,	Flanagan,	Melchiorre,	Shepard,
Brancato,	Flinchbaugh,	Mentzer,	Shugarts,
Brown, H. S.,	Furman,	Moomaw,	Siegel,
Brown, J. E.,	Gerard,	Mooney,	Simon,
Brownfield,	Haberlen,	Moran,	Sinwell,
Brumbaugh,	Hagerty,	Moul,	Smith, J. A.,
Burke,	Haluska,	Munley,	Smith, W. G.
Cannon,	Hamilton, F. P.,	Murrin,	Stank,
Caputo,	Harkins,	Nagel,	Stevens,
Carr,	Harmuth,	O'Keefe,	Stone,
Carson,	Hetrick,	Ominsky,	Sumney,
Chervenak,	Hindman,	O'Neill,	Tronzo,
Coakley,	Hirsch,	Panton,	Tumelty,
Cochran,	Holstrom,	Patterson, C.,	VanSickle,
Cohen,	Kane,	Patterson, J. W.,	Walker,
Coleman,	Kelso,	Pearson,	Weiss,
Condon	Kilroy,	Pfaff,	Welliver,
Coolahan,	Kinney,	Piole,	Welsh,
Decker,	Klingler,	Powers,	Westrick,
Dent,	Kobelak,	Reising,	Yourishin,
Diehl,	LaRue,	Robinson,	Sarig,
Dilley,	Long,	Rooney,	

NAYS—75

Altenburg,	Forrest,	Moore,	Stewart,
Atkins,	Gates,	Muir,	Stockham,
Baker, F. T.,	Gillette,	Nothnagle,	Surface,
Baldi,	Green,	Parks,	Tahl,
Barber,	Habbyshaw,	Perry,	Terry,
Barnhardt,	Hamilton, R. S.,	Peters,	Trout,
Bernhard,	Hefferon,	Phillips,	Turner,
Blumberg,	Hermansen,	Reynolds,	VanAllsburg,
Boose,	Hoffner,	Roan,	Wall,
Boyd, R.,	Hoopes,	Root,	Wasserman,
Boyd, R.,	Horst,	Schrock,	Weidemann,
Brennan,	Jackson,	Shortz,	White,
Castor,	Jones,	Simpson,	Wickersham,
Conner,	Kelder,	Sloan,	Winner,
Cordier,	Linderman,	Snyder, F. E.,	Witkin,
Davies,	Longaker,	Snyder, J. L.,	Wood,
Duffort,	McDevitt,	Sowers,	Woodside,
Ferko,	McKinney,	Spangler,	Yeakel,
Flynn,	Merrell,	Sproul,	

The majorit required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for consurrence.

REASONS FOR VOTE

Mr. FINNERTY. Mr. Speaker, I vote "aye" and desire to file my reasons.

In voting in the affirmative for this bill I am motivated by the emergency of the situation and the fact that it was one of the compromise tax measures which the Senate leaders, the House leaders and the Governor have agreed upon.

Mr. KANE. Mr. Speaker, I vote "aye" and desire to file my reasons.

I understand that the majority in the Senate, which is controlled by my party, has agreed to this tax. I do not feel that I can justifiably oppose many other taxes on grounds of sound principle and then refuse to cast my vote in favor of the necessary tax bills to give our state government the funds it must have to operate—especially when a compromise agreement in an amount greatly reduced through the efforts of the Republican party has been reached.

Mr. McCREARY. Mr. Speaker, I vote "aye" and desire to file my reasons.

I vote "aye" on this Bill, because no substitute to raise relief funds has been presented.

Mr. STEWART. Mr. Speaker, I vote "no" and desire to file my reasons.

The original bill was introduced by me, but the bill has been changed in its entire purpose, hence I am voting against the bill.

Mr. SURFACE. Mr. Speaker, I vote "no" and desire to file my reasons.

My reasons for voting "no" on House Bill No. 1418, Printer's No. 1154, are that it is an unnecessary tax measure in view of the fact that in the Democratic Committees of the House (i. e. with Democratic Chairman), I have at present two Bills, (No. 244 and No. 137), providing an estimated income of $28,000,000 per biennium, and I do not think it necessary to make any new taxes until the above are acted on and made possible. No. 244 provides for a graded reduction of all higher state salaries and No. 137 provides $22,000,000 from a flat income tax.

Mr. PARKS. Mr. Speaker, I vote "no" and desire to file my reasons.

I am voting "no" because I oppose the diversion of Motor Funds from other than road work.

QUESTION OF PERSONAL PRIVILEGE

Mr. HERMANSEN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Luzerne, Mr. Hermansen, will state his question of personal privilege.

Mr. HERMANSEN. Mr. Speaker and members of the House, there is a bill on the Governor's desk that requires correction. The Governor is leaving town immediately and the time for the bill expires on Sunday. Therefore, I would like to ask permission to introduce at this time a resolution recalling the bill.

RESOLUTION

RECALLING HOUSE BILL NO. 181 FROM THE GOVERNOR

Mr. HERMANSEN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted.

In the House of Representatives, May 21, 1935.

Resolved (if the Senate concur), That House Bill No. 181, Printer's No. 1033, entitled "An act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' as amended permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 21, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 609, Printer's No. 276, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SPECIAL ORDER ON THIRD READING AND PASSAGE

The SPEAKER. The Chair lays before the House the special order on third reading and final passage on House Bill No. 2853, fixed for this time.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2853, entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilitieson banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. GATES. Mr. Speaker, I would like to interrogate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. I will, Mr. Speaker.

Mr. GATES. Mr. Speaker, I would like to ask the gentleman if any amendments have been added to this bill?

Mr. RUTH. Mr. Speaker, there have not.

Mr. GATES. Mr. Speaker and members of the House, when this bill was up before, I offered some objections from the standpoint of the small depositor in a bank. If there is any bill that has been presented to this House during this session that does nothing else but sock the poor, it is this bill, because the housewife who pays her monthly bills, her gas and her electric light and her other bills has to pay two cents on each and every check issued against her small account, while the large corporations who draw their checks payable against their own treasuries pay nothing but two cents on one thousand, five thousand, or ten thousand dollar checks which come in in that particular form drawn against their own treasurer and cannot be construed under this bill as a draft.

Therefore, I would ask the members of this House either to vote this bill down or have amendments offered to take care of the small depositor in the State of Pennsylvania.

Mr. RUTH. Mr. Speaker, in answer to the argument of the gentleman from Armstrong, Mr. Gates, I will just read

a part of the conversation or debate in the Conference Committee held in the Governor's reception room, consisting of seven members of each party of each House, where Mr. Witkin says that it does not sock the poor man because the poor man does not issue checks and I believe in that statement one hundred per cent.

Mr. WITKIN. Mr. Speaker, I am very complimented that I finally have the gentleman from Berks agreeing with me on something, and when he is able to quote and say on this bill that he is in accord with me on a particular matter, then it is quite an innovation to this House.

With respect to what I said and with respect to this tax, I want to say that I do not retract the conversation that I had at that conference, which was being stenographically taken, and I want to say that I knew this was being stenographically taken when this statement was made. I do not intend now to debate this tax bill. There are arguments for it and there are arguments against it. As far as I am concerned, I am opposed to it despite the statement I made at the Conference and I shall vote "no" on this bill.

The Republican Caucus in this House did not take any definite action against this bill. The membership of the Republican party will vote as they see fit. I merely want to say in conclusion that there is merit in my opinion to the argument of the gentleman from Armstrong, Mr. Gates, and I am not so conceited that I believe that any statement that I made should be cited for the benefit of this House in order to determine whether the answer I gave is correct or incorrect. I have been right and I have been wrong, but as far as the Democrats of this House are concerned, I think I have been right oftener than I have been wrong, and the only time I have been wrong has been on the vote.

Mr. GATES. Mr. Speaker, I answer to the gentleman from Berks, Mr. Ruth, may I inform the members of this House that at least seventy-five per cent of all the checking accounts in all the country banks in the state of Pennsylvania average less than five hundred dollars. The gentleman's statement is wrong—absolutely wrong. This bill will absolutely sock the poor depositor in the banks, not the big fellow.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—116

Achterman,	Dilley,	LaRue,	Ruffenach,
Alexander,	Downey, G. E.,	Long,	Ruth,
Allen,	Downey, J. J.,	Lovett,	Sarraf,
Arnold,	Eberharter,	Lynch,	Scanlon,
Aukerman,	Eroe,	Male,	Schrope,
Baine,	Falkenstein,	McCreary,	Schwab,
Baker, J. J.,	Finnerty,	McDermott,	Shaw,
Barber,	Fitch,	McElroy,	Shepard,
Bradley,	Flanagan,	McHenry,	Shugarts,
Brancato,	Flinchbaugh,	Melchiorre,	Siegel,
Brown, H. S.,	Furman,	Mentzer,	Simon,
Brown, J. E.,	Gerard,	Moonaw,	Sinwell,
Brownfield,	Haberlen,	Mooney,	Smith, J. A.,
Brumbaugh,	Hagerty,	Moran,	Smith, W. G.,
Burke,	Haluska,	Munley,	Stank,
Cannon,	Hamilton, F. P.,	Murrin,	Stevens,
Caputo,	Harkins,	Nagel,	Stone,
Carr,	Harmuth,	O'Keefe,	Sumney,
Carson,	Hindman,	Ominsky,	Tronzo,
Chervenak,	Hirsch,	O'Neill,	Tumelty,
Coakley,	Holland,	Panton,	VanAllsburg
Cochran,	Holstrom,	Patterson, C.,	VanSickle,
Cohen,	Hoopes,	Patterson, J. W.,	Walker,
Coleman,	Kane,	Pearson,	Weiss,
Condon,	Kelso,	Pfaff,	Welliver,
Coolahan,	Kilroy,	Piole,	Welsh,
Decker,	Kinney,	Powers,	Westrick,
Dent,	Klinger,	Reising,	Yourishin,
Diehl,	Kobelak,	Robinson	Sarig,

NAYS—77

Altenburg,	Gates,	Moore,	Spangler,
Atkins,	Gillette,	Muir,	Sproul,
Baker, F. T.	Green,	Nothnagle,	Stewart,
Baldi,	Habbyshaw,	Parks,	Stockham,
Barnhardt,	Hamilton, R. S.,	Perry,	Stott,
Bernhard,	Hart,	Peters,	Surface,
Blumberg,	Hartman,	Phillips,	Tahl,
Boose,	Hefferon,	Reynolds,	Trout,
Boyd, R.,	Hermansen,	Rhys,	Turner,
Boyer,	Hetrick,	Roan,	Wall,
Brennan	Horst,	Rooney,	Wasserman,
Castor,	Jackson,	Root,	Weidemann,
Conner,	Jones,	Schrock,	White,
Cordier,	Kelder,	Shortz,	Wickersham,
Davies,	Linderman,	Simpson,	Winner,
Denning,	Longaker,	Sloan,	Witkin,
Duffort,	McDevitt,	Snyder, F. E.,	Wood,
Ferko,	McKinney,	Snyder, J. L.,	Woodside,
Flynn,	Merrell,	Sowers,	Yeakel,
Forrest,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. CAPUTO. Mr. Speaker, I desire to vote "aye" and file my reasons.

Under ordinary conditions I would unalterably opposed to a tax as proposed by the provisions of House Bill No. 2853, Printer's No. 1075, however, in view of the fact that the Governor of the Commonwealth was forced to accept this measure as a compromise measure offered by the Republican Senate in conferences held for the purpose of arriving at an agreement regarding the tax program of the Commonwealth, I am obliged to vote in favor of the bill in order that I may, as a member of the Democratic Caucus assist the Governor in the performance of his agreement.

Mr. FURMAN. Mr. Speaker, I vote "aye" and desire to file my reasons.

Although I am opposed to this measure in principle, I am voting favorably on it, for the reason that it was one of the measures agreed upon by the Democratic Administration with the Republican Senate, to their proposal of this tax measure, as a compromise in solving the current tax problem.

Mr. HALUSKA. Mr. Speaker, I desire to vote "aye" and file my reasons.

Being engaged in the banking business, I find that voting for this bill will affect my position at the bank, that I am now serving. But since the additional tax must be raised to feed the needy, I am willing to sacrifice my banking interests to provide for the needy of our Commonwealth.

Mr. KANE. Mr. Speaker, I desire to vote "aye" and file reasons.

In addition to my reasons for supporting the preceding bill. I wish to record that I understand the valid objections of my friend, Mr. Gates, can and will be taken care of by amendment in the Senate if necessary.

Mr. SURFACE. Mr. Speaker, I desire to vote "no" and file my reasons.

My reasons for voting "no" on House Bill 2853 are the same as those just filed for voting against House Bill No. 1418.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 815

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 815, Printer's No. 1152, entitled, "An act to amend sections two hundred seven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' requiring certain qualifications for the Adjutant General."

GEORGE H. EARLE.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 752.

An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties.

Whereupon,

The SPEAKER, in the presence fo the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 953.

To further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and propery for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, last line, by inserting after the word "refused" the words "withdrawn or not proceeded with."

Amend Section 4, page 6, line 6, by striking out after the word "registration" the words "is refused" and inserting in lieu thereof the words "has been applied for but the application is thereafter withdrawn or not proceeded with"; also in line 10, by inserting after the word "appropriated" the words "but nothing herein contained shall authorize a refund where an application for registration has been refused".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	VanAllsburg,
Castor,	Hoopes,	Phillips,	VanSickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Rinn,	Welliver,
Conner,	Kilroy,	Roan,	Welsh,
Coolahan,	Kinney,	Robinson,	Westrick,
Cordier,	Klinger,	Rooney,	White,
Davies,	Kobelak,	Root,	Wickersham,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zimmerman,
Duffort,	Mallen,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 953.

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (P. L. 644) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused withdrawn or not proceeded with

HOUSE BILL No. 1147.

An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying fo the benefits thereof

HOUSE BILL No. 1204.

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

HOUSE BILL No. 1220.

An Act to amend clause (e) of section five of the act approved the eighteenth day of July one thousand nine hundred and nineteen (P. L. 1045) entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accomodations and making an appropriation" by providing for furnishing artificial limbs to children over ten years of age

HOUSE BILL No. 1734.

An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of apurtenances thereto authorizing the acquisition purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorozing and prescribing the procedure for the assessment of damages and benefits

HOUSE BILL No. 1738.

An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 682) entitled "An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations

HOUSE BILL No. 2302.

An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor

HOUSE BILL No. 2477.

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by making it unlawful to interfere with dams deflectors retards or similar devices

HOUSE BILL No. 2601.

An Act to amend sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1415) entitled "An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as 'Bucktail State Park' and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth" further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof

HOUSE BILL No. 2637.

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. MOUL from the Committee on Insurance reported as committed House Bill No. 2375, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws increasing the requirements for foreign companies to do business

Mr. DIEHL from the Committee on Education reported as amended House Bill No. 1861, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; further regulating the compensation of and contracts with teachers.

Mr. CLIFF S. PATTERSON from the Committee on State Government reported as amended, House Bill No. 2691, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointlent of certain administrative officers, and of all deputies, and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind, and extending the powers of the Council with respect to the blind; authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms; modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriations of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of anf minimum wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria; extending the supervision of the Department of Welfare to provide homes for the care of the aged; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Mr. TUMELTY from the Committee on Insurance, reported as committed, House Bill No. 2403, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-two (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workman's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies, others than life, for admission to do business in this Commonwealth.

Mr. WESTRICK from the Committee on Ways and Means, reported as committed, House Bill No. 1341, entitled:

An Act imposing a State tax upon certain butter substitutes; providing for the collection thereof; requiring distributors to be registered; imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State, and the Department of Agriculture; and prescribing penalties.

Mr. SHUGARTS from the Committee on State Government, reported as amended, House Bill No. 785, enttitled:

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth at a salary or compensation of any married person whose spouse is regularly employed in a gainful occupation, and providing for certain exceptions.

Mr. KELSO from the Committee on Education, reported as amended, House Bill No. 719, entitled:

An Act ratifying, confirming and validating transactions by boards of school directors involving defects and errors of law, but where there was no fraud, corruption, dishonesty or conspiracy to violate the law; and exonerating school directors from surcharge or removal from office in such cases.

Mr. KELSO from the Committee on Education, reported as committed, House Bill No. 1994, entitled:

An Act to validate contracts for the erection and construction of school buildings, additions to, and improvements of existing school buildings, and improvements of the grounds appurtenant to the same, and orders for extra work and material in connection therewith, and to authorize payment therefor by the school districts, where there is no evidence of fraud or conspiracy.

Mr. HARKINS from the Committee on Education, reported as amended, House Bill No. 1561, entitled:

An Act to amend section one thousand two hundred and eight and repeal section one thousand two hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing when and how supervising principals, principals and teachers may be dismissed or refused reelection; and conferring powers and imposing duties on officers of school districts, the Superintendent of Public Instruction, courts of common pleas and sheriffs.

Mr. JOHN E. BROWN from the Committee on Counties, reported as amended, House Bill No. 2776, entitled:

An Act fixing the salaries of certain county officers in counties of the fourth class.

Mr. SHORTZ from the Committee on Insurance, reported as committed, House Bill No. 2377, entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve ratio.

Mr. WEISS from the Committee on Elections, reported as committed, House Bill No. 2859 (Senate Bill No. 31), entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

Mr. SHAW from the Committee on Counties, reported as committed House Bill No. 1496 (Senate Bill No. 344), entitled:

An Act to amend the title, and sections one and two, of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1019), entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sale of seated lands for collection of taxes; authorizing the county commissioners to sell the same at private sale under the circumstances," by extending the provisions thereof to unseated lands.

Mr. WEIDEMANN from the Committee on Counties, reported as committed House Bill No. 2828 (Senate Bill No. 614), entitled:

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine ,(Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes.

Mr. PARKS, from the Committee on Agriculture, re-reported as amended House Bill No. 2100, entitled:

An Act to regulate and control the sale of baby chicks and started chicks at the site of auctions auction sale barns and community sales or sold by hucksters or peddlers and imposing a penalty.

Mr. WESTRICK, from the Committee on Ways and Means, re-reported as amended House Bill No. 2569, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto," approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection and payment of the State tax on the stock of title insurance and trust companies; and by changing the manner of determining the value of the shares of stock of title insurance and trust companies.

Mr. BERNHARD, from the Committee on Railroads and Railways, reported as committed House Resolution No. 147.

BILL RE-REFERRED

Mr. MOOMAW, returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Judiciary Special, House Bill No. 2031, entitled:

An Act providing for the administration of employment relief through the State Emergency Relief Board and District Chapters of the American Red Cross and abolishing existing local relief boards and agencies; imposing certain costs upon counties; providing for the audit of accounts by the Auditor General; and providing penalties.

The SPEAKER. The bill is now re-referred to the Committee on Judiciary Special.

RESOLUTION

Mr. HERMANSEN offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution? Are there objections?

Mr. FURMAN. Mr. Speaker, I object, and I would like to state the reason for my objection. It is because we have a rule that provides that resolutions shall take the same course as bills. By reading these resolutions we are defeating the purpose of that rule. It is wasting the time of this House. We have a heavy calendar and every member of this House wishes to get away. The resolution should be referred to a committee, printed and reported from the Committee. That is the reason I am objecting.

The SPEAKER. The Chair hears objection and consent is not granted. The resolution will be filed with the Clerk.

RESOLUTIONS

ADJOURNMENT SINE DIE

Mr. SOWERS offered a resolution which was read by the Clerk for the information of the House as follows:

In the House of Representatives, May 22, 1935.

Resolved (if the Senate concur), That this session of the General Assembly adjourn sine die, Friday June 14, 1935, at twelve o'clock noon.

The SPEAKER. The resolution is referred to the Committee on Rules.

RESOLUTION No. 137

Miss BRANCATO. Mr. Speaker, I desire to call up at this time Resolution No. 137, Printer's No. 866.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 22, 1935

Whereas, the Board of City Trusts of the City of Philadelphia controls the management, investment, reinvestment, disposition, and distribution of property of great value and large amounts of money in which the general public of that city has an interest; and

Whereas, the Board of City Trusts is not subject to any adequate legislation controlling its activities or any supervision or audit by any public officer with regard to the keeping of its accounts, books, and records; and

Whereas, it is desirable that legislation be enacted properly to provide for the supervision, auditing, and control of the said board; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House of Representatives whose duty it shall be to make an investigation of the books, records, management, and operation of the Board of City Trusts to the extent that may be necessary to effectuate the purposes of this resolution and for the information of the House of Representatives; and

Resolved, That the committee shall make a report to the House of Representatives of this Session as early as possible; and

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

On the question,

Will the House adopt the resolution?

Mr. Witkin. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend page 1, numbered line 1, by inserting after the word "Resolved" the following: "if the Senate concur)"

Amend page 1, numbered line 2, by striking out after the word "sentatives" the following: "is hereby authorized to"

Amend page 1, numbered line 2, by striking out after the word Appoint the following: "a committee of"

Amend page 1, numbered line 3, by inserting after the word "Representatives" the following: "and the President Pro Tempore of the Senate appoint five Senators to serve as a committee"

Amend page 2, numbered line 2, by striking out the following: "House of Representatives" and inserting in lieu thereof "Legislature"

Amend page 2, line 4, by striking out after the word The the following: "House of Representatives" and inserting in lieu thereof "Legislature"

On the question,

Will the House agree to the amendments?

Mr. WITKIN. Mr. Speaker, I yield the floor to the gentleman from Philadelphia, Mr. Burke.

Mr. BURKE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Witkin.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Witkin, permit himself to be interrogated?

Mr. WITKIN. Mr. Speaker, I will, although I didn't know I was going to be interrogated. Mr. Speaker, just twenty questions.

Mr. BURKE. Will the gentleman from Philadelphia, Mr. Witkin, kindly explain the amendments?

Mr. WITKIN. Mr. Speaker, the amendment merely provides instead of this being a House investigation, that it be a joint investigation by an equal number of representatives appointed by the President Pro Tempore of the Senate as well as an equal number of representatives appointed by the Speaker of the House.

Mr. BURKE. Mr. Speaker, is there anything in the amendment which changes the appointing power of the Committee? Do I understand that the Speaker of the House under this amendment would appoint the Committee.

Mr. WITKIN. Mr. Speaker, does the gentleman mean in the House?

Mr. BURKE. Mr. Speaker, I do.

Mr. WITKIN. Mr. Speaker, no there is no change. The Speaker appoints the five men in the House and the President Pro Tempore appoints the five men in the Senate. There is no change that the gentleman may have anticipated in the bill.

May I interrogate the gentleman from Philadelphia, Mr. Burke?

The SPEAKER. Will the gentleman from Philadelphia, Mr. Burke, permit himself to be interrogated?

Mr. BURKE. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, are these amendments satisfactory?

Mr. BURKE. Why, Mr. Speaker, they are satisfactory to me, yes.

Mr. WITKIN. Mr. Speaker, I am amazed.

Mr. Speaker, I ask for an opportunity of speaking on this question because I had assumed from the answer of the gentleman from Philadelphia, Mr. Burke, that the amendment was satisfactory, and I notice that after that, the lady from Philadelphia, Miss Brancato, whispered to the gentleman from Philadelphia, Mr. Burke, and now I assume they are not satisfactory, and therefore, have been unintentionally put in the position where I did not debate the matter of the amendments, because of the fact that I thought they were in accord. I now ask permission to talk upon these amendments.

Mr. Speaker, I desire to interrogate the lady from Philadelphia, Miss Brancato.

The SPEAKER. Will the lady from Philadelphia, Miss Brancato, permit herself to be interrogated?

Miss BRANCATO. Mr. Speaker, I yield to the gentleman from Philadelphia, Mr. Burke.

The SPEAKER. The lady from Philadelphia, Miss Brancato, yields to the gentleman from Philadelphia, Mr. Burke. Will the gentleman from Philadelphia, Mr. Burke, permit himself to be interrogated?

Mr. BURKE. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask, are these amendments still satisfactory to the gentleman?

Mr. BURKE. Mr. Speaker, I am not the sponsor of the resolution and I did not have an opportunity to look at the amendments before they were introduced. I realize now that the session is getting so late that perhaps if the resolution went through the House and went into the Senate, it might be lost in the shuffle and the great good that might be accomplished by this investigation might be defeated because of the great volume of business in the Senate.

Mr. WITKIN. Mr. Speaker, may I ask, if I assure the gentleman from Philadelphia, Mr. Burke, that this resolution will pass and come out in the Senate Monday night, and if not, I will not oppose such a resolution as this for

a House investigation will the gentleman from Philadelphia, Mr. Burke, be satisfied with the amendment?

Mr. BURKE. Mr. Speaker, in answer to the gentleman's question, I have full confidence in the integrity of the gentleman but I cannot see where the gentleman can bind the Senate to do anything that he is agreeable to, because yesterday we witnessed a bill which was part of the agreement on the tax program, and the gentleman in conference spoke in favor of such a tax, but we found out that there is no absolute agreement between the House and the Senate on such matters. In view of that, I don't believe I could consent to the gentleman's willingness to have the matter rushed through the Senate.

Mr. WITKIN. Mr. Speaker, I don't think the gentleman quite understood me or his explanation would not have been as it was. I said if this resolution does not pass as amended in the Senate Monday night,,—in other words if they do not concur in it, I will agree that on Tuesday we pass this resolution and report it without amendments providing only for a House investigation. In other words, if on Monday night your fears are not allayed that this resolution will pass the Senate, and if it has not passed the Senate on Monday night, then I will agree to only a House investigation. Is that satisfactory to the gentleman?

Mr. BURKE. Mr. Speaker, in view of the lateness of the day, I could not assume the responsibility of saying it is satisfactory to me.

Mr. WITKIN. Mr. Speaker, I think the House will agree with me that my amazement was not in error.

Mr. Speaker and members of the House, you have here something that I think for once,—and I say that rather seriously,—you are going to agree with me, even insofar as Democrats are concerned. The Board of City Trust is an organization that extends over the length and bredth throughout the Commonwealth of Pennsylvania. I am not going to discuss at this particular moment the question of the need or the necessity of the investigation. If the thing is all right, then they need fear no investigation and I agree that perhaps an investigation would not hurt, but members of the House, here is a Board of City Trust that under the law is responsible and is a creature of the Legislature,—in other words the Board of City Trust was created by the House of Representatives and the Senate of the State of Pennsylvania under the act of the thirtieth day of June, eighteen sixty-nine. The Board of City Trust is responsible under the law, not to the House, not to the Senate, but to the Legislature.

Do you men think that under those circumstances, barring all politics because there are Democrats and Republicans on the Board of City Trust,—do you men think this House wants to be the investigating Committee of an organization that is created by the Legislature; that is responsible to the Legislature; and under the act makes its reports to the Legislature? I read to you from the act of the thirtieth day of June, eighteen sixty-nine, Section four, —I am reading beginning the middle of it, "and to make an annual report thereof—" an annual report of its affairs —"to the council of the city and to the Board of Estimates and the Board of Appointment—" that happens to be the Common Pleas Courts of Pennsylvania— "and to the Legislature of the State of Pennsylvania."

Now, members of this House, I do not blame the sponsor of this bill for having presented a paper that is handed to it, incorrectly setting forth that there is no proper supervision of the Board of City Trusts. The "whereas" clause says that it is subject to no supervision. Why, certainly it is. The act that created them.

All I want is this: I want the President of the Senate to be able to appoint five Senators and the Speaker of the House to appoint five members of the House so that the body that created this Board of City Trusts will investigate it; so that the authority to whom they are responsible will investigate it. Can I ask for anything fairer? Is it fair, or isn't it?

Furthermore, I want to say to you: if you endeavor to investigate the Board of City Trusts without some little appropriation it is the same as sending a little boy on a man's errand. Its business is so manifold that you would not be able to get to first base or near it. Cordier couldn't get to first base except on an error, it would take a thousand errors to get you to first base on this resolution.

I want to say to the membership of this House that if the Senate appoints a committee and you want to make an investigation, then you will have to get a small appropriation to permit you to make this investigation. I don't know whether it needs investigating or not, but members of the House, I give you my word that I have no more interest in the Board of City Trust than any comparison you choose to make. I don't know anything about it, except I do know that it is a responsible organization and I know that it is the power of the Senate and the House that created it. I say that an investigation ought to be by both Houses and I believe that the first answer by the gentleman from Philadelphia, Mr. Burke, clearly indicates the fairness of his own mind, because at that moment he expressed his own mind and he changed his mind, as I would if I were in his position perhaps—or perhaps not—because of some other reason, but on this own judgment he answered the question in the affirmative.

I beg of you in fairness to the Board of City Trust, in fairness to this Legislature to vote for this amendment and to forget party lines, if you will, because I don't believe it is a party measure.

Mr. BURKE. Mr. Speaker and members of the House, many strange and surprising things are happening these days. There is one thing which is surprising to me and that is the great interest that has been exhibited by the gentleman from Philadelphia, Mr. Witkin, in the proposed investigation of the Board of City Trusts. From 1925 until the present day, which happens to be the tenure of the gentleman from Philadelphia in this House, he has never sponsored or caused to be sponsored any resolution—

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. WITKIN. Mr. Speaker, the gentleman must confine his remarks to the amendments.

The SPEAKER. The Chair states that he permitted the gentleman from Philadelphia a very wide latitude in discussing both the resolution and the amendment to the resolution, and the Chair will permit the same latitude to the gentleman from Philadelphia, Mr. Burke.

Mr. BURKE. Mr. Speaker, I appreciate the great latitude that you have always afforded the members of this House in discussing bills and other measures. I realize that the gentleman from Philadelphia is technical in his objection and technically he is correct, therefore, I will

not accept the gracious offer of the Chair that has been extended to me.

Mr. Speaker and members of the House, the personnel of the Senate changes, at least half of it changes every two years, whereas the entire personnel of the House changes every year, and I think the membership of this House is in its personnel very close to the people and very close to the current thought in this State, and for that reason I believe that this investigation initiated this year for the first time should be confined to the members of this House so far as the personnel of the Committee goes, and I ask to defeat the amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. SOWERS and Mr. KANE and were as follows:

YEAS—75

Altenburg,	Forrest,	Merrell,	Stockham,
Atkins,	Gates,	Moore,	Stott,
Baker, F. T.,	Gillette,	Muir,	Surface,
Baldi,	Green,	Parks,	Tahl,
Barnhardt,	Habbyshaw,	Perry,	Terry,
Bernhard,	Hamilton, R. S.,	Peters,	Trout,
Blumberg,	Hart,	Phillips,	Turner,
Boose,	Hefferon,	Reynolds,	VanAllsburg,
Boyd, R.,	Hermansen,	Rhys,	Wall,
Boyer,	Hoffner,	Root,	Wasserman,
Brennan,	Horst,	Schrock,	Weidemann,
Carr,	Jackson,	Shortz,	White,
Castor,	Jones,	Sloan,	Wickersham,
Conner,	Kane,	Snyder, F. E.,	Winner,
Cordier,	Kelder,	Snyder, J. L.,	Witkin,
Davies,	Linderman,	Sowers,	Wood,
Denning,	Longaker,	Spangler,	Woodside,
Duffort,	McDevitt,	Sproul,	Yeakel,
Ferko,	McKinney,	Stewart,	

NAYS—110

Achterman,	Dilley,	Lovett,	Ruffennach,
Alexander,	Downey, G. E.,	Lynch,	Ruth,
Allen,	Downey, J. J.,	Male,	Sarraf,
Andrews,	Eberharter,	McCreary,	Scanlon,
Arnold,	Eroe,	McDermott,	Schrope,
Aukerman,	Falkenstein,	McElroy,	Schwab,
Baine,	Finnerty,	McHenry,	Shaw,
Baker, J. J.,	Fitch,	Mentzer,	Shepard,
Barber,	Flanagan,	Mooney,	Shugarts,
Bradley,	Flinchbaugh,	Moran,	Siegel,
Brancato,	Furman,	Moul,	Simon,
Brown, H. S.,	Gerard,	Munley,	Sinwell,
Brown, J. E.,	Haberlen,	Murrin,	Smith, J. A.,
Brownfield,	Hagerty,	Nagel,	Smith, W. G.,
Brumbaugh,	Haluska,	Nothnagle,	Stank,
Burke,	Hamilton, F. P.,	O'Keefe,	Stevens,
Cannon,	Harkins,	Ominsky,	Sumney,
Caputo,	Harmuth,	O'Neill,	Tronzo,
Carson,	Hartman,	Panton,	Tumelty,
Chervenak,	Hirsch,	Patterson, C.,	VanSickle,
Coakley,	Holstrom,	Patterson, J. W.,	Walker,
Cochran,	Kelso,	Pearson,	Weiss,
Cohen,	Kilroy,	Pfaff,	Welliver,
Coleman,	Kinney,	Piole,	Welsh,
Condon,	Klinger,	Powers,	Westrick,
Coolahan,	Kobelak,	Reising,	Yourishin,
Decker,	LaRue,	Robinson,	Sarig,
Dent,	Long,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the resolution?

Mr. WITKIN. Mr. Speaker I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend page 1, numbered line 3, by inserting after the word REPRESENTATIVES the following: "at least one of whom shall be a Republican recommended to the Speaker by the Republican Steering Committee of this House and the balance of whom shall be those recommended by the Democratic Steering Committee of this House"

Amend page 1, numbered line 3, by striking out after the word REPRESENTATIVES and before the word DUTY the word "WHOSE" and substituting in lieu thereof the word "The"

Amend page 1, numbered line 4, striking out the word "IT" and substituting in lieu thereof, before the word SHALL the following: "of the committee"

On the question,

Will the House agree to the amendments?

Mr BURKE. Mr. Speaker and members of the House, I rise to oppose the amendments submitted by the gentleman from Philadelphia, Mr. Witkin.

This is the first session that I have served in this House and the amendment as submitted to me is an innovation.

I realize that under the rules of the House the members of committees are appointed by the Speaker with the qualification that they can be appointed otherwise if so ordered by the House. Now, the gentleman's amendment is the qualified part of the rule of the House upon the appointment of committees. I have heard many committees appointed by the Chair during this session and not once have I heard invoked that qualification of the rule, by which the appointing power is qualified. I submit to the members of this House that such an amendment is an affront to the Speaker. I say that the gentleman from Philadelphia impugnes the integrity of the Speaker when he so invokes that qualification of the rule.

Mr. WITKIN. Mr. Speaker and members of the House, I wanted to avoid introducing these amendments, I wanted to avoid the statement that I am about to make, and so I thought the best way to avoid unpleasantness, the best way to avoid exposures was to have the Senate appoint their committee which, together with the Committee of the House, would represent a by-partisan committee to investigate the Board of City Trusts, and so to avoid all that, I offered the amendments you have just received.

I grant you that it is somewhat of an innovation, but it is not unprecedented, because only very recently His Excellency, the Governor made suggestions that would have placed representatives upon committees not appointed by the Speaker—of course, on a matter not of this kind.

Now, why did I do this? Why did I try to curb the power of the Speaker? Well, I will tell you.

The Speaker in the appointment of committees has been and I will say very frankly in my opinion, fair insofar as the Republican members of the Committees were always during this session recommended and the recommendation accepted—recommended by the Republican membership of this House, but there has been an exception made in this instance and the Republican recommendation that one member, and that is all that it asks, all that it can recommend, has been rejected. Why? I will tell you why. Because this investigation is being started and controlled, insofar as it is possible to be controlled, to be able to be effected, by a Deputy Attorney General from the city of Philadelphia who has office —

POINT OF ORDER

Mr. BURKE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. BURKE. Mr. Speaker, the gentleman is not speaking on the amendments.

The SPEAKER. Will the gentleman please confine himself to the amendments?

MOTION TO EXPUNGE

Mr. BURKE. Mr. Speaker, I move that the last remark of the gentleman be expunged from the record.

Mr. WITKIN. Mr. Speaker, may I ask that that motion be deferred until I have conclude.

The SPEAKER. Will the gentleman from Philadelphia defer his motion until the gentleman from Philadelphia, Mr. Witkin, has concluded.

Mr. BURKE. I will not, Mr. Speaker.

The SPEAKER. The question then, is on the motion of the gentleman from Philadelphia, Mr. Burke. Will the gentleman from Philadelphia, Mr. Burke, make a statement as to what he wishes to have expunged?

Mr. Burke. Mr. Speaker, I wish to have expunged the statement to the effect that the resolution was initiated by one of the deputy attorneys general.

On the question,

Will the House agree to the motion?

Mr. ANDREWS. Mr. Speaker, is a motion to expunge debatable?

The SPEAKER. The motion is debatable.

Mr. ANDREWS. Mr. Speaker, if the Chair had specifically ruled that the remarks made by the gentleman from Philadelphia, the minority leader, were out of order there might be a parliamentary justification for the motion to expunge, but a motion to expunge from the record a statement that has not been specifically declared unparliamentary is without proper status in any legislative body. If the gentleman from Philadelphia, Mr. Burke, desires to raise the point of—

POINT OF ORDER

Mr. HOOPES. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Berks will state his point of order.

Mr. HOOPES. The Speaker had no right to recognize the gentleman from Philadelphia, Mr. Burke, for the purpose of making a motion, for the reason that the gentleman from Philadelphia, Mr. Witkin, had the floor. Therefore, the motion is out of order and any debate on it is also out of order at this time.

The SPEAKER. The point of order is well taken.

POINT OF ORDER

Mr. BURKE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Burke, will state his point of order.

Mr. BURKE. Mr. Speaker, referring to the remark which was the subject of my motion, I ask that the Chair direct the gentleman from Philadelphia to confine himself to the amendments before the House.

The SPEAKER. The gentleman from Philadelphia, will confine himself to the amendments before the House.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. WITKIN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. WITKIN. Mr. Speaker, do I not have the right to state to this House the necessity and the reason for the introduction of these amendments?

The SPEAKER. The gentleman can state the necessity and the reason, but cannot bring outside parties into the discussion.

Mr. WITKIN. Mr. Speaker, suppose outside parties are one of the reasons. Can I state that?

The SPEAKER. It is out of order.

Mr. WITKIN. Do I understand, Mr. Speaker, then, that any reference made by a member of this House concerning any one not a member of this House during a debate is out of order and that the Speaker now so rules?

The SPEAKER. The Chair rules that the statement referring to a deputy attorney general is out of order.

Mr. WITKIN. Mr. Speaker, may I ask the Speaker whether the reason for that ruling is because the statement happens to refer to a deputy attorney general or does it permit me to bring in persons who are not deputy attorneys general?

The SPEAKER. The question now before the House, the Chair rules, is on the amendments to the resolution and not who drew the amendments.

Mr. WITKIN. Mr. Speaker, I do not wish to violate the ruling of the Speaker. The ruling of the Speaker, however, is not clear to me. I want to know whether or not, specifically, I have the right in explaining my reasons for the introduction of these amendments and in explaining my reasons as to why I want the members to vote "aye" on them. May I explain that back of this resolution and back of the opposition to the amendments is a plot to endeavor to name a committee so that it will not contain any representation on the part of the Republican membership of this House? Do I have that right or don't I?

The SPEAKER. The Chair rules that the gentleman from Philadelphia must confine his remarks either to the merits or the demerits of the amendments offered by him to this resolution.

Mr. WITKIN. Mr. Speaker and members of the House, I shall try to comply with the ruling of hte Chair, which to me is not quite clear.

As I was stating before, the reason that I offered these amendments was that I believe such an investigation ought to be non-partisan, at least to the extent that we on the Republican side of the House ought to have one member, we ought to have a member from the Republican party, not a member of the Republican party who, to use the common vernacular, turncoated and has voted consistently with the Democratic party. In other words, we want a Republican who has steadfastly stayed a Republican. We don't want any deals to be made. We don't want persons inside or, if you will, outside of this House, to deal with turncoat Republicans so that they can get on this committee—

POINT OF ORDER

Mr. BURKE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Burke, will state his point of order.

Mr. BURKE. Mr. Speaker, the gentleman apparently is anticipating the personnel of the Committee. I do not think he is speaking on the amendments.

The SPEAKER. The gentleman will confine himself to the merits or the demerits of the amendments. The Committee has not yet been appointed.

Mr. WITKIN. I know that, Mr. Speaker, and that is what I am worrying about. I am not speaking of the com-

mittee but of whom the committee is going to be composed.

I am telling the members why I want to relieve the Speaker of this House of a most embarrassing situation. This is not an affront to the Speaker, this is a relief to the Speaker, it is the greatest relief that the Speaker can and ought to have, and you members ought to give it to him.

I was saying when I was properly or improperly interrupted that I did not want outsiders or insiders, not the Speaker, not anyone authorized to act for the Speaker, nor anyone connected with the Speaker to say—

POINT OF ORDER

Mr. JOHN E. BROWN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Washington will state his point of order.

Mr. JOHN E. BROWN. Mr. Speaker, the gentleman from Philadelphia is discussing the Speaker and not the amendments.

The SPEAKER. The point of order is not well taken. The Speaker is not sensitive.

Mr. WITKIN. Mr. Speaker, as I was saying before I was interrupted, I do not want persons who are unauthorized to speak for the Speaker, to say to John Jones or Mary Ann or some other person "We are going to put you on this investigating committee. You have been us though you have been a Republican." All I wanted—

POINT OF ORDER

Mr. BURKE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Burke, will state his point of order.

Mr. BURKE. Mr. Speaker, the gentleman is discussing matters that are not even collateral to the resolution or to the amendments.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, will confine himself to the amendments before the House.

Mr. WITKIN. Mr. Speaker, I want to be perfectly frank with you by saying that the Republican that I would have recommended would be myself. I would have requested the Republican caucus to select me to be on that committee. I wanted to get on it, I wanted to protect persons entitled to protection, and I would have prosecuted any persons entitled to prosecution, as my record for investigations during all the years I have been here shows, but I couldn't get on that committee.

I wanted to take five Republicans from whom we could select one to go on that committee. Anything fairer than that?

All I wanted was that when this investigation took place it would not be an inquisition, that somebody would be able to raise his voice on behalf of righteousness, as he saw fit. Members of the House, is there anything wrong in that? Doesn't your sense of fair dealing; doesn't your sense of fair play, doesn't your sense of decency and honor tell you that the minority, with its eighty members, ought to have the right to have one man out of five on a committee and that we ought to have the right not to have that man dictated to by outsiders?

If I am wrong then you will say so by your vote. Condemn me, if you will, but members of this House, that is all I wanted then and that is all I want now. Is there anything fairer than that? I did not want to get into this matter, I did not want any throat-ache and that is why I prefaced these amendments with the other amendments, because if the Senate could have appointed one Republican that would have satified me. I wanted to avoid this, but I couldn't sit idly by and watch an endeavor to appoint such a committee. I do not say it would be successful.

I am not casting any reflections or aspersions upon the Speaker that he would so do. I have more confidence in him than that, but I wanted to relieve him of the pressure, and when I say "pressure" I don't mean ordinary pressure; I mean high salesmanship pressure, to have him do something that in haste he might not want to do.

Members of this House, I close by saying this to you: I do not like to point out individuals, I don't like to refer to men who I consider even at this moment my friends, but when a political matter arises, whether he be friend or foe, I must stand with my party, and I must do what I think is to the best interests of my party.

Regretfully, I want to say to you that I was forced into position. I am going to ask you to vote for the amendments.

If the Speaker of this House even at this moment stated to him it is an affront, I would be the first to withdraw the amendments. I would not affront the presiding officer of any body whether he be friend or foe politically. It is not an affront to him to offer amendments, that I deem proper. The rules of this House say I have a right to do so. The rules of this House provide for contingencies such as this. The rules of this House provide for such a condition if it should arise, the proposition that a member can be appointed otherwise.

I ask the members of this House to vote for these amendments.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. OMINSKY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Philadelphia will state his question of parliamentary inquiry.

Mr. OMINSKY. Mr. Speaker, in view of the gracious concession that the gentleman from Philadelphia has made, that he wanted to be the one Republican member to be appointed on this committee, I am just wondering whether he would be eligible to vote on the question of the amendments, because he would have a personal interest in the amendments if they were passed.

The SPEAKER. In answer to the question of the gentleman from Philadelphia, Md. Ominsky, the Chair would state that the gentleman from Philadelphia, Mr. Witkin has a right to vote on the question the same as any other member.

MOTION TO EXPUNGE

Mr. BURKE. Mr. Speaker, I move that the remarks made by the gentleman from Philadelphia, Mr. Witkin, that this resolution was initiated by a deputy attorney general be expunged from the record.

The SPEAKER. Will the gentleman from Philadelphia yield until we have disposed of the resolution. The Chair will then recognize him?

Mr. FLINCHBAUGH. Mr. Speaker and members of the House, I have been a member of this body for many years and was a member when the Democratic party was in the minority here. Repeatedly, while I was a minority mem-

ber, committees were appointed to await upon the Governor, to escort the Senate to the House and for various other functions and time and time again the minority party at that time was not represented on any committees whatsoever or in any manner, and I submit that we have in this present session been very gracious, very considerate of the minority side. I believe that the minority will attest to the integrity, to the honesty, to the fairness, and to the uprightness of the present Speaker and I ask you to vote down these amendments.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. WITKIN and Mr. WHITE and were as follows:

YEAS—73.

Altenburg,	Green,	Nothnagle,	Stewart,
Baker, F. T.,	Habbyshaw,	Parks,	Stockham,
Baldi,	Hamilton, R. S.,	Perry,	Stott,
Barnhardt,	Hart,	Peters,	Surface,
Bernhard,	Hefferon,	Phillips,	Terry,
Blumberg,	Hermansen,	Reynolds,	Trout,
Boose,	Hoffner,	Rhys,	Turner,
Boyd, R.,	Horst,	Roan,	VanAllsburg,
Boyer,	Jackson,	Root,	Wall,
Brennan,	Jones,	Schrock,	Wasserman,
Castor,	Kane.	Schwartz,	Weidemann,
Conner,	Kelder,	Shortz,	White,
Cordier,	Longaker,	Simpson,	Wickersham,
Davies,	McDevitt,	Sloan,	Winner,
Denning,	McKinney,	Snyder, F. E.,	Witkin,
Duffort,	Merrell,	Snyder, J. L.,	Wood,
Ferko,	Moore,	Stank,	Woodside,
Gates,	Muir,	Stevens,	Yeakel,
Gillette,			

NAYS—110

Achterman,	Dilley,	Lynch,	Ruth,
Alexander,	Downey, G. E.,	Male,	Sarraf,
Allen,	Downey, J. J.,	McDermott,	Scanlon,
Andrews,	Eberharter,	McElroy,	Schwab,
Arnold,	Eroe,	McHenry,	Shaw,
Aukerman,	Falkenstein,	Melchiorre,	Shepard,
Baine,	Finnerty,	Mentzer,	Shugarts,
Baker, J. J.,	Fitch,	Moomaw,	Siegel,
Barber,	Flinchbaugh,	Mooney,	Simon,
Bradley,	Furman,	Moran,	Sinwell,
Brancato,	Haberlen,	Moul,	Smith, J. A.,
Brown, H. S.,	Hagerty,	Munley,	Smith, W. G.,
Brown, J. E.,	Haluska,	Murrin,	Sowers,
Brownfield,	Hamilton, F. P.,	Nagel,	Spangler,
Brumbaugh,	Harkins,	O'Keefe,	Sproul,
Burke,	Harmuth,	Ominsky,	Stone,
Cannon,	Hartman,	O'Neill,	Sumney,
Caputo,	Hetrick,	Panton,	Tahl,
Carson,	Hirsch,	Patterson, C.,	Tronzo,
Chervenak,	Holstrom,	Patterson, J. W.,	Tumelty,
Coakley,	Kelso,	Pearson,	VanSickle,
Cochran,	Kilroy,	Pfaff,	Walker,
Cohen,	Kinney,	Piole,	Weiss,
Coleman,	Klinger,	Powers,	Welliver,
Condon,	Kobelak,	Reising,	Welsh,
Coolahan,	LaRue,	Robinson,	Westrick,
Decker,	Long,	Ruffennach,	Sarig,
Dent,	Lovett,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. SOWERS. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend as follows line 3, before the word "members" by striking out the word "five" and insert in lieu thereof the following: "nine"

On the question,

Will the House agree to the amendment?

Mr. SOWERS. Mr. Speaker and members of the House, the resolution and the amendments, which are now before you, provide for the House to investigate. This House will probably only remain in session some three or four weeks longer at the most. The job that is sought to be accomplished by the resolution can never be accomplished in that short space of time by merely five members of a Commitee. If we are to investigate, let us investigate. The mere presentation of this resolution is passing a great reflection upon the Board of City Trusts, and Girard College, and the various institutions that it guides and controls.

If we are to investigate, let us have the men necessary and needful to investigate. No five persons could ever conduct such an investigation in two or three weeks; in fact I think that nine persons could not conduct such an investigation in such a short time. Furthermore, just recall to your own minds the decision in the famous Catlan case where the House of Representatives passed an investigating resolution, that appointed a Senate Committee and only a Senate Committee, and the courts of this Commonwealth ruled that a committee appointed by one House only could not function.

I ask you men if you want to go along and have a real investigation, a real investigation by the House and by the Senate by a committee competent to do it, to report at a later session of the Legislature, so that the job can be properly done—to do the best job that it is possible to do, then increase the membership of the committee from five to nine.

On the question recurring,

Will the House agree to the amendment?

The Speaker declared the "nays" appear to have it.

Whereupon a division was called for, sixty-seven members having voted in the affirmative and one hundred and seven in the negative, the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. WITKIN. Mr. Speaker, I desire to make the statement that I am in favor of the resolution and vote "aye".

On the question recurring,

Will the House adopt the resolution?

It was adopted.

MOTION TO EXPUNGE WITHDRAWN

Mr. BURKE. Mr. Speaker, I withdraw my motion to expunge the remarks of the gentleman from Philadelphia, Mr. Witkin, from the record.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. JOHN J. DOWNEY. Mr. Speaker, I move that permission be granted the Committee on Military Affairs to meet for a short time in the conference room during the session of the House.

The motion was agreed to.

RESOLUTION No. 144

Mr. HABBYSHAW. Mr. Speaker, I desire to call up at this time Resolution No. 144, Printer's No. 1119.

The resolution was read by the Clerk as follows:

In the House of Representatves, May 6, 1935.

Whereas, The public press again considers as news the latest campaign of our well-known ex-resident Grover C. Bergdoll to secure for himself certain funds sequestered by the Federal Government; and

Whereas, With his customary courage he seeks, from a safe haven in his adopted land behind a screen of women and children, to becloud the memory of our Nation with sickly sentimentality; and

Whereas, Even the thought of a reconsideration of his degrading case is a taunt to our honored dead, to the flag he betrayed, and to the country which heaped munificence upon him through no effort on his part; therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania believe the concensus of opinion of the citizens of this great Commonwealth whom he disgraced to be steadfastly and unalterably opposed to any amnesty or pardon being granted to Grover C. Bergdoll at this or any future time; and, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Attorney General of the United States.

On the question,

Will the House adopt theresolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. RUTH, from the Committee on Education reported as committed, House Bill No. 689, entitled:

An Act authorizing the insurance of deposits of the funds of school districts with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured.

Mr. RUTH, from the Committee on Education reported as committed, House Bill No. 2795 (Senate Bill No. 890), entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

Mr. ACHTERMAN, from the Committee on State Government reported with a negative recommendation, House Bill No. 116, entitled:

An Act providing for, limiting and regulating the suspension, removal, dismissal and demotion of certain employes of the Commonwealth; creating a Personnel Commission; defining its powers and duties; providing for appeals to the Court of Common Pleas of Dauphin County; and making an appropriation.

RESOLUTION

Mr. CARSON offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, May 22, 1935.

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania offer to the Hon. Walter S. Pytko, a member of the Senate of the General Assembly its heartfelt condolence because of the death on May the eighteenth of his father, a leader of the stalwart race that gave to America General Pulaski, and one whom his community can ill afford to lose, and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this body to Senator Pytko.

STATEMENT BY MR. ANDREWS

Mr. ANDREWS asked and obtained unanimous consent to make the following statement:

Mr. ANDREWS. Mr. Speaker, it had been my intention to rise to a question of personal privilege affecting the dignity and honor of this House, the remarks being based upon utterances made by Relief Administrator Johnson. Owing to the lateness of the hour and the fact that there is so much business, I will not ask the privilege of the floor this afternoon but I would like to be recognized next Monday evening on this subject.

RESOLUTION

Mr. KANE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, as follows:

In the House of Representatives, May 22, 1935.

Resolved, That Resolution No. 103, Serial No. 130, Printer's No. 417, be amended so that paragraph number six shall read as follows:

"Resolved, That said committee make its report to the House of Representatives at the [present] next session of Legislature; and be it further"

On the question,

Will the House adopt the resolution?

Mr. KANE. On account of having asked for unanimous concent the consideration of this amendment at this time, I would like to explain to the House, in view of the fact that the committee is operating on its own funds without the use of an appropriation of any kind at the present time, it will be impossible for us to render our final report by the time the Legislature is now expecting to adjourn.

It has been indicated that there will probably be a special session of the Legislature because of matters pertaining to tax matters, relief, and so forth, so the extension of this resolution to the next session of the Legislature would not involve an undue delay.

As Chairman of that committee, I will say to the members of this House that we will endeavor, nevertheless, to present to the present Legislature a preliminary report. I would like to have you support this amendment.

On the question recurring,

Will the House adopt the resolution?

It was aodpted.

ANNOUNCEMENT BY THE SPEAKER

The Chair would like to state that we will have a session at four o'clock. It is the intention of the Chair, if possible, to complete the work of this week at the afternoon session. The members will please be in their seats promptly at four o'clock. If the members will cooperate with the Chair, I am sure that we can adjourn tonight at an early hour, so that those members who wish to go home tonight can do so.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Judiciary Special will meet immediately after this morning's session in room 326.

The Committee on Judiciary General will hold a public hearing on House Bill No. 2278 at 2:00 P. M. today in the House Caucus Room.

The Committee on Agriculture will meet at 2:30 P. M. today in room 324.

The Committee on Public Utilities will hold a hearing on House Bill No. 2043 at 3:00 P. M. in room 521.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 P. M. Are there objections? The Chair hears none and declares a recess until 4:00 P. M.

AFTER RECESS

The House reconvened at 4:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION OF HOUSE

Mr. MELCHIORRE. Mr. Speaker, I move that the Committee on Law and Order be granted permission to meet during the session of the House, between 4:00 and 4:30.

The motion was agreed to.

BILL INTRODUCED AND REFERRED

By Mr. BARBER. HOUSE BILL No. 2895.

An Act imposing a State tax, payable by those herein defined as manufacturers and special wine permittees on wines used or sold and delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or wines taxable hereunder; and prescribing penalties.

Referred to the Committee on Ways and Means.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. HERMANSEN. RESOLUTION No. 157.

In the House of Representatives, May 22, 1935.

Whereas, The Luzerne County Unemployed League Inc., an organization of unemployed and employed citizens of Luzerne County, are deeply concerned about the present inadequacy of relief distribution and the manner in which the relief is administered in Luzerne County; and

Whereas, From time to time, the unemployed have tried to assist in the solving of the local economic problems, and to find ways and means to ease the suffering amongst the people, and to a small degree have been successful, but have attained no considerable results; and

Whereas, It is alleged that the relief administration of Luzerne County, supported by the Assistant State Administrator is now subjecting the relief clients to relief cuts, loss of clothing and shoe vouchers, and to loss of Federal surplus commodities that are contributed by the Federal Government, and subjected to a monopoly of relief coal distribution; and

Whereas, It is alleged that the people of the county on relief cannot secure placements on the relief staff, and that the unemployed applicants for these positions are not being considered outside of being given an examination; and

Whereas, Requests have been made from time to time for the removal of various executives, and in a few instances, such requests have been successful, but it is alleged that the fact remains that political influences in the background protect others from removal: and

Whereas, Under the past administration, the General Assembly appointed legislative committees to investigate the operations of the entire State relief setup, but it is believed without tangible results; and

Whereas, It seems to be the feeling of said league that favoritism, politics and inefficiency have brought about the continuance of this unfortunate situation; and

Whereas, It is the belief of the great body of citizens of said county that the matter can only be corrected if properly brought to the attention of the General Assembly, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House, whose duty it shall be to thoroughly and impartially investigate the activities and personnel of the Luzerne County Emergency Relief Board and all phases of relief activities in said county, whether State or National, including the so-called re-employment service and the office known as the "Placement Office" in Wilkes-Barre, as well as any other governmental agencies in said county dealing with relief, with a view of ascertaining whether or not the allegations set forth in the preamble of this resolution are true, and to make report to the House of Representatives at the earliest possible date.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer any such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents, as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee, or to produce any papers, books, records, or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Resolved, That said committee shall have the further right and authority to issue a requisition to any Luzerne County relief board, bureau or agency, for such stenographic help or service as it may deem necessary under the circumstances, in the taking of testimony and the conduct of hearings, and such other services as may be necessary.

Referred to the Committee on Judiciary Special.

By Mr. SOWERS, (Concurrent) RESOLUTION No. 158.

In the House of Representatives, May 22nd, 1935.

Resolved (if the Senate concur), That this session of the General Assembly adjourn sine die, Friday, June 14, 1935, at twelve o'clock noon.

Referred to the Committee on Rules.

By Mr. WEISS, RESOLUTION No. 159.

In the House of Representatives, May 22, 1935.

Whereas, Crime is so prevalent in this and other States as to constitute a serious menace to life and property; and

Whereas, Many studies have been made and improvements suggested in the criminal laws and methods of their administration; and

Whereas, Our police systems are to a great extent modeled on antiquated methods of management and operation, and are in this modern age inadequate to cope with complex conditions; therefore, be it

Resolved, That the Speaker of the House of Representatives shall appoint five members of the House of Representatives, who shall constitute a legislative committee and whose duty it shall be to study and investigate the police methods and practices of this Commonwealth and its various political subdivisions, and means and methods for the improvement of the same in order to provide a more efficient aid to the administration of justice.

Resolved, That said committee shall make a report to the House of Representatives at the next session of the General Assembly with such recommendations as it deems of importance for consideration by the General Assembly.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman

requesting and commanding any person or persons to appear before them and to answer such questions touching, matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Judiciary General.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 21, 1935.

Resolved (if the Senate concur), That House Bill No. 181, Printer's No. 1033, entitled "An act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' as amended permitting eel chutes on the north branch of the Susquehanna River to the Wyoming-Luzerne County line," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

SUBSTITUTE APPOINTMENT ON CONFERENCE COMMITTEE

The Clerk of the Senate begin introduced, informed that the Senate has appointed John J. McClure, as a member of the Committee of Conference on the part of the Senate on House Bill No. 862, entitled:

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale making an appropriation and providing penalties vice G. Mason Owlett, declined.

Ordered, That the Clerk present the same to the House of Representatives.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 2637.

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. ROBINSON, from the Committee on Municipal Corporations reported as committed, House Bill No. 2764, entitled:

An Act providing for the creation and incorporation as municipal corporations, and for the management and operation, of water supply districts to furnish and supply water to the public residing therein and to public and private corporations and the Commonwealth, and its agencies, through the construction of water--works and facilities, and or the acquisition of the property, waterworks, rights, and franchises of public and private corporations, copartnerships, associations, and individuals furnishing and supplying water to the public in said districts; prescribing the powers and duties of such districts, and the officers thereof; conferring jurisdiction on courts of common pleas in connection therewith; and imposing certain costs and charges preliminarily on counties.

Mr. KANE, from the Committee on Public Utilties reported as amended, House Bill No. 364, entitled:

An Act relating to and regulating the furnishing and sale of natural and artificial gas and admixtures thereof, and fixing standards for such gas; requiring public service companies to file, post and publish tariffs and schedules in accordance with such standards; defining the powers and duties of the Public Service Commission and county and city sealers of weights and measures in connection therewith; and providing penalties.

Mr. COAKLEY, from the Committee on Judiciary Special reported as committed, House Bill No. 1913, entitled:

An Act to promote the general welfare by establishing a State Employment Authority, to investigate causes of unemployment, and provide productive work in factories and mines for the unemployed, the products of which shall be distributed under the supervision of the Authority to the unemployed and needy persons, to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress; imposing a penalty; and making an appropriation.

Mr. NAGEL, from the Committee on Judiciary Local reported as committed, House Bill No. 2869 (Senate Bill No. 1234), entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

Mr. MOONEY, from the Committee on Municipal Corporations, reported as committed House Bill No. 1658, (Senate Bill No. 221), entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year.

Mr. WEISS, from the Committee on Judiciary Special, re-reported as amended House Bill No. 2407, entitled:

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties.

Mr. ROBINSON, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 370, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

BILL ON THIRD READING

Mr. BALDI asked and obtained unanimous consent to call up out of order House Bill No. 1911, Printer's No. 1142, on page 36, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 191, entitled:

An Act permitting licensing regulating and controlling horse racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. BALDI. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of a public hearing next Tuesday, May 28, 1935.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2629, entitled:

An Act to amend section one thousand one hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue; the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended empowering the Secretary of Highways to direct the direction in which traffic shall proceed upon highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1056, entitled:

An Act to further amend section three of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open constructed at the expense of the Department of Highways and maintain drainage channels along roads or highways or under its supervision and providing penalty for inference with such drains or ditches and providing for the payment of damages"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2325, entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 812, entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2731, entitled:

An Act placing burden of proof upon the owners of motor vehicles when sued for damages for the death or injury of persons or injury to property caused by the operation of such motor vehicles while being operated by others

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2583, entitled

An Act to amend sections 102, 203, as amended; section 209; sections 402, 410, 411, as amended; sections 505, 602; section 716, as amended; section 717; sections 719, 722, 801, 802, as amended; to add sections 802.1, 802.2, 802.3, 802.4; to amend sections 803, 804, 807, 808, 811, 812; sections 813, 823, as amended; section 824; sections 902, 905, as amended; section 906; sections 1002, 1010, as amended; section 1017; section 1020, as amended; section 1023; sections 1026, 1027, 1103, 1105, as amended; section 1108; sections 1110, 1201, 1209, 1212, as amended; and section 1218 of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. nine hundred five), entitled, "For the protection of the public safety; regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration

of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by further regulating the registration of vehicles, their operation on the highways, and the licensing of operators; changing and imposing certain fees and penalties and the procedure for enforcement; affecting the powers, duties and rights of political subdivisions of the Commonwealth and their officers, including magistrates and peace officers, and the Secretary of Revenue.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2245, entitled

An Act providing that in all cases where writs of habaes corpus are granted the judge shall inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2213, entitled

An Act relating to criminal procedure providing for the securing of attendance of witnesses in certain criminal cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1943, entitled

An Act making an appropriation for aid to free public nonsectarian county libraries and for the purchase and transportation of books

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2173, entitled

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2529, entitled

An Act to amend the act approved the tenth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1786, entitled:

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (P. L. 17), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania, unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor," as amended, by defining and prohibiting certain acts related to the practice of the law by persons, partnerships, associations, and corporations not duly and regularly admitted to practice law, and defining the practice of law and defining those who may engage in the practice of law, and providing for penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2754, entitled:

An Act providing that there shall be no liability on the owner of real estate to a mortgage for taxes assessed thereon after such mortgagee takes possession of the rents issues and profits of such real estate

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2627, entitled:

An Act to amend section two of the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," providing that retired judges may preside in the trial of cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1505 (Senate Bill No. 453), entitled:

An Act to repeal the act approved the fifth day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred seventy) entitled "An act relating to the commencement of actions in Chester County"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2830 (Senate Bill No. 1039), entitled:

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1494 (Senate Bill No. 307), entitled:

An Act providing for the payment of costs of prosecution in all cases where fines or forfeited bail is payable to the Commonwealth and imposing duties on the fiscal officers of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2692, entitled:

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a Board of Magistrates; providing for their qualifications; providing for a chief magistrate; prescribing their powers and duties; providing for supervision of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia; providing for clerks and stenographers; continuing a central administrative office and establishing the office of Bill Commissioner; imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; providing for penalties for violation of this Act; and repealing certain prior acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2184, entitled:

An Act to amend the act approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended by changing certain routes and adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No 237 as follows:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing for and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto

Whereas It is the duty of the government for the protection of the public health safety morals and welfare to care and provide for the poor old age persons who because of enforced unemployment are not able to care for themselves and properly caring for them will remove them from industry and

Whereas The long continued period of unrest and unemployment has placed upon the tax-payers of Pennsylvania an extraordinary burden of caring for the unemployed and extra and additional taxation would be intolerable and burdensome and

Whereas The lack of revenue will soon render it difficult and impossible for the Commonwealth of Pennsylvania to further carry on its unemployment relief programme and it is imperative that its humanitarian service and relief shall be continued and

Whereas All the usual means of raising money for this purpose have been utilized to the limit and the gravity of the situation demands the employment of unusual and extraordinary means and the Legislature finds and deems it advisable to permit lotteries to be conducted to best accomplish the desired purpose and

Whereas The conducting of the lotteries contemplated herein will furnish employment to a number of unemployed persons and the sale of tickets will afford an opportunity for a great many more to earn a living by the sale of the extra tickets in each book and

Whereas Such lotteries would tend to place money in circulation and to promote spending not only in the purchase of tickets but in the purchase of commodities by the prize winners thus assisting in the restoration of trade among the inhabitants of this Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a special Old Age Assistance Relief Committee is hereby created to conduct a series of lotteries or drawings in the manner hereinafter provided until such Committee has raised approximately one hundred million dollars ($100,000,000) for old age assistance

Section 2 Such Committees shall consist of eleven members to be selected under the supervision of the Governor of the Commonwealth of Pennsylvania in the manner hereinafter stated

Section 3 The Governor of the Commonwealth of Pennsylvania the State Treasurer the Auditor General and the Secretary of Internal Affairs and the Senate and House of Representatives if in session otherwise the president pro tempore of the Senate and the Speaker of the House of Representatives shall each nominate three honest and reliable citizens and residents of the Commonwealth of Pennsylvania The names of each of the persons so nominated shall be written on a slip of paper all of which shall be the same size and kind of paper and folded in the same manner so that none of the names shall be visible All of such slips of paper shall be placed in a container The Governor shall select a child of not greater age than twelve years who shall in the presence of the Governor and such other witnesses as may be present at the request of the Governor and such members of the General Assembly as shall desire to be present as well as any accredited newspaper reporters withdraw from such container one at a time eleven of the slips of paper contained therein The persons whose names appear on said eleven slips of paper shall constitute the membership of the Committee hereby created

Section 4 Each member of the Committee shall receive a salary for services and expenses not to exceed three

hundred dollars ($300.00) for each drawing the amount to be fixed by the Governor

Section 5 The Committee may employ assistants the number and compensation of whom shall be fixed by the Committee with the advice and consent of the Governor

Section 6 All salaries and compensation and all other expenses in connection with the preparation and sale of tickets and the drawing shall be paid out of money realized from the sale of tickets Provided That the total of all such payments shall in no case exceed five per centum of the cash received by the Committee for tickets or any one drawing

Section 7 The Committee is hereby given power to adopt and put into effect such rules and regulations not inconsistent with the provisions of this act or the laws of this Commonwealth as may be necessary to carry out the provisions of this act

Section 8 The Committee shall have printed by a printer in the Commonwealth of Pennsylvania a series of tickets numbered from 000,000,000 to 999,999,999 in books or packages of two hundred and twenty (220) each except the last book which shall be of one hundred (100) tickets All tickets shall be for sale at ten cents per ticket which price shall be printed on each ticket together with a notice that the tickets are sold as an old age assistance measure for the purpose of raising money for old age assistance during the present economic crisis

Section 9 It shall be stipulated in the contract for the printin of such tickets that payment therefor shall be made only out of the proceeds from the sale of tickets and shall await the sale of a sufficient number of tickets to meet the same

Section 10 The Committee shall sell at the City of Harrisburg only such books or packages of tickets by personal delivery only to distributors and shall charge and receive cash for each book or package the sum or twenty dollars ($20.00) except for the last book or package of one hundred (100) tickets for which it shall receive the sum of nine dollars ($9.00)

Section 11 The distributors may sell the tickets so purchased by them in the Commonwealth of Pennsylvania only and by personal delivery of the tickets to the purchasers They shall not use the mails or express or messenger service in any wise in connection with the advertising sale of distribution of any such tickets

Section 12 The ownerships of all tickets may at any time be transferred by delivery of possession and the holder of any ticket shall be conclusively deemed to be the owner thereof and recognition and payment by the Committee of any prize to the holder of any such ticket shall be final and conclusive

Section 13 All moneys received by the Committee from the sale of books or packages of tickets shall be allocated and applied as follows

(a) Not more than five per centum (5%) thereof may be applied on the payment of the expenses of conducting each drawing

(b) Twenty per centum (20%) thereof shall be paid into the State Treasury from time to time as such moneys become available without waiting until any of the drawings hereinafter provided for have been completed and at the conclusion of the last drawing all unexpended balances of moneys withheld for the payment of the expenses of conducting the drawings shall also be paid into the State Treasury and be disposed of as hereinafter provided

(c) Seventy-five per centum (75%) thereof shall be distributed as prizes to the holders of the winning tickets as determined by the drawings hereinafter provided for

Section 14 (a) In the exercise of the police power for the protection of the public health safety morals and welfare threatened by existing conditions of unemployment and in the assumption by the Commonwealth of its duty to care for the poor old aged all of the moneys paid into the State Treasury under the provisions of this act are hereby specifically appropriated to the Department of Welfare to provide old age assistance Such appropriation shall be paid over to said Department from time to time as the moneys become available in such amounts as the Department shall determine

(b) The amounts expended under the provisions of this section shall be audited by the Auditor General as provided by law

Section 15 No prize awarded hereunder except the last prize shall exceed the sum of five hundred dollars ($500) in amount The moneys set aside for prizes shall be distributed as follows

10/75 thereof in $500 prizes
20/75 thereof in $250 prizes
20/75 thereof in $ 50 prizes
25/75 thereof in $ 25 prizes

any odd money left over after the foregoing distribution shall be awarded as the last prize

Section 16 The Committee shall at Harrisburg pay all prizes not less than twenty days after each drawing and then only upon personal presentation of the winning tickets The possession of each ticket shall be conclusive evidence of ownership for the purpose of payment and no one shall be permitted to dispute that the payment was not properly and lawfully made

Section 17 Not less than fifteen days after the Committee has sold the last book or package of tickets the Committee shall hold a drawing which may be continued from day to day to be conducted in the manner hereinafter provided

Section 18 The Committee shall provide a container of ten balls of equal and like weight on which shall be stamped the numbers 0 1 2 3 4 5 6 7 8 and 9 The container shall be such as will permit shaking and shall have a neck with a mechanical device to release the balls one at a time The balls shall be placed in the container and shall be released one at a time The number appearing on the first ball released shall be the first digit of the first winning number The balls shall then all be replaced in the container and the number appearing on the next ball released shall be the second digit of the first winning number and so on repeatedly until nine balls shall have been drawn The numbers thus appearing on the balls in the order in which they have been released shall be the digits of the winning number of the first prize The next fifty prizes shall be the fifty number nearest to the first prize number numbers greater than being given preference in order to numbers lower than the one drawn This shall be repeated for all the prizes The Committee shall conduct all the drawings in public at Harrisburg Pennsylvania and in the presence of not less than twelve newspaper reporters representing the newspapers of the largest circulation published in the Commonwealth of Pennsylvania who shall desire to be present

Section 19 New sets of tickets may be printed and sold and new drawings had thereon from time to time all in accordance with the provisions and requirements hereinbefore made Provided that no new tickets shall be sold nor new drawing held until at least five days shall have expired since the last drawing and the ascertainment of the winning prizes

Section 20 When the Committee has through successive drawings raised and paid over to the State Treasurer as hereinbefore provided a sum in the aggregate equalling one hundred million dollars ($100,000,000) no further drawings shall be held except the one for which tickets have already been sold Upon the completion of such drawing and the payment of the prizes thereunder all the powers and duties of the Committee hereunder shall cease and the Committee shall cease to exist

Section 21 All drawings or lotteries authorized by this act shall be legal any Act of Assembly of this Commonwealth to the contrary notwithstanding No person shall be prosecuted for any violation of any criminal statute of this Commonwealth because of taking part in any of the activities authorized by this act except for embezzlement larceny or other dishonest conduct in handling moneys or tickets or contracts

Section 22 All acts and parts of acts inconsistent herewith are hereby repealed to the extent that they interfere with the operation of this act during the period this act is in force

Section 23 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, to be transcribed for a third reading.

BILL RECOMMITTED

MR. RUTH. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

On the question,

Will the House agree to the motion?

MR. WITKIN. Mr. Speaker, may I ask the gentleman from Berks whether that motion is made with the knowledge of the gentleman from Philadelphia, Mr. Sowers?

MR. RUTH. Mr. Speaker, undoubtedly, because the committee agreed to bring this bill out for two readings, and then to recommit it.

MR. WITKINS. Mr. Speaker, thank you.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2023, entitled

An Act to amend an act approved the twenty-sixth day of July one thousand nine hundred thirteen (P. L. 1374) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carries by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended by designating as public service companies persons partnerships associations and corporations engaged in selling liquid fuels and lubricating oils and also those engaged in leasing franchises rights powers immunities privileges or facilities to other public Service Commission to regulate the same and by requiring the approval of the Public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies and of contracts for the acquisition and construction of certain facilities and permanent improvements by requiring certain public service companies to publish tariffs and schedules of rates and charges and by abolishing advance minimum payments of deposits to secure future payments and penalties and prohibiting certain companies from requiring advance payments or imposing certain penalties or service charges

The first, second, third and fourth sections were separated, read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article one of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (P. L. 1374) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeals and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of

th[illegible] and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" at last amended by the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1526) is hereby further amended to read as follows

Article I Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Public Service Company Law"

The term "Public Service Company" when used in this act includes all railroad corporations canal corporations street railway corporations stage line corporations express corporations baggage transfer corporations pipe line corporations ferry corporations common carriers Pullman car corporations dining car corporations tunnel corporations turnpike corporations bridge corporations wharf corporations incline plan corporations grain elevator corporations telegraph corporations telephone corporations natural gas corporations artificial gas corporations electric corporations water corporations water-power corporations heat corporations refrigerating corporations sewage corporations corporations engaged in selling liquid fuels as defined by law for taxation purposes or lubricating oils corporations renting leasing or in any manner assigning for a term franchises rights powers immunities privileges or facilities to other public service companies as herein defined doing business within this State and also all persons engaged for profit in the same kind of business within this Commonwealth Provided however Persons and corporations of any of the above classes which do not furnish service within this State but whose rates charges facilities or service of a public service company furnishing service within this State shall be considered as doing business within this State for the purpose of this act And provided further That the provisions of this act shall not be so construed as to extend to any matter or thing excluded under the Federal Constitution or act of Congress of the United States And provided further That none of the provisions of this act shall apply to the generation transmission or distribution of electricity to the manufacture or distribution of gas to the furnishing or distribution of water or to the production delivery or furnishing of steam or any other substance for heat or power by a producer who is not otherwise a public servcie company for the sole use of such producer or for the use of tenants of such producer and not for sale to others

The term "Corporation" as used in this act shall be construed to include all bodies corporate joint stock companies or associations domestic or foreign their lessees assignees trustees receivers or other successors in interest having any of the powers or privileges of corporations not possessed by individuals or partnerships and shall not include municipal corporations except as otherwise provided in this act

The term "Municipal Corporation" as used in this act shall include all cities boroughs towns townships or counties created or organized under any general or special law of this Commonwealth

The term "Person" as used in this act means all individuals partnerships or associations other than corporations

The term "Railroad Corporation" as used in this act includes every corporation owning leasing operating or managing or controlling any railroad for public use within this Commonwealth

The term "Railroad" as used in this act includes every railroad other than a street railway by whatsoever power operated for public use in the conveyance of passengers or property or both with all bridges ferries tunnels facilities plant and equipment thereof

The term "Street Railway Corporation" as used in this act includes every corporation owning leasing operating or managing or controlling any street railway within this Commonwealth

The term "Street Railway" as used in this act includes every railroad and railway by whatsoever power operated or any extension or extensions thereof for public use in the conveyance of passengers or property or both being mainly or in part located upon over above below across through or along any street avenue road highway bridge or public place including the facilities plant and equipment thereof

The term "Common Carrier" as used in this act includes any and all common carriers whether corporations or persons engaged for profit in the conveyance of passengers or property or both between points within this Commonwealth by through over above or under land or water or both

The term "Conveyance of passengers or property" as used in this act includes any and all service in connection with the receiving transportation elevation transfer in transit ventilation refrigeration icing storage handling and delivering of property baggage or freight as well as any and all service in connection with the transportation or carrying of passengers

The term "Service" is used in this act in its broadest and most inclusive sense and includes any and all acts done rendered or performed and any and all things furnished or supplied directly or indirectly and all and every the facilities used or furnished or supplied by public service companies in the performance of their duties to their tenants lessees assignees patrons employes and the public as well as the interchange of facilities between two or more public service companies

The term "Facilities" as used in this act includes all plant and equipment of a public service company which includes all tangible real and personal property buildings materials easements rights of way rights of trackage subways tunnels railroads street railways tracks canals and all animals locomotives apparatus appliances devices instruments appurtenances freight cars drawing-room cars baggage cars express cars passenger cars drawing-room cars parlor cars sleeping cars dining cars rolling-stock carriages cabs hansoms taxicabs vehicles boats ships vessels bridges barges cables conduits converters transformers condensers wires poles structures telegraph lines telephone lines crossbars engines machines dynamos boilers motors storage batteries switchboards waterfalls water-power stations power stations pumping stations reservoirs purifiers oil tanks gas tanks holders retorts ducts pipes pipe galleries pipe lines mains meters lamps scrubbers wharves piers docks ferries incline planes side tracks spurs turnouts switches systems stations depots terminals terminal facilities water or gas jet wells and any and all other means and instrumentalities in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public service company Provided however That no property owned by the Commonwealth of Pennsylvania or municipality thereof at the date when this act becomes effective shall be subject to the Commission or to any of the terms of this act except as elsewhere provided herein

The term "Commission" when used in this act means the Public Service Commission created by this act

The term "Commissioner" when used in this act means one of the members of such commission

For the purposes of this act the terms "to issue" "issued" "issuing" and "issuance" when used herein in connection with securities mean and refer to securities executed by proper corporate action and duly authenticated irrespective of whether such securities are to be disposed of or held in the treasury of the public service company

Section 2 That paragraph (d) of section one of article two of the said act is hereby amended to read as follows

Article II Section 1 (d) Whenever and in the form required by the commission to file with the commission tariffs and schedules showing prices charges rates fares tolls or other compensation asked demanded or received for any service rendered or furnished by said company and if a common carrier showing the method of distribution of trains cars vehicles boats motive power or other facilities operated or owned by said common carrier It shall also be the duty of every public service company to post and publish such tariffs and schedules including if a common carrier schedules showing the method of distribution of trains cars vehicles boats motive power or other facilities in every office or station of said public service company open to the public where payments are made by shippers consumers users or patrons in such manner form and place in such office or station as to be readily accessible and so that the said tariffs and schedules may be conveniently inspected by the public and also if not a common carrier to publish such tariffs and schedules at least once in every calendar year in every locality in which any such office or station of such public service company is maintained in at least one newspaper of general circulation published in such locality and similarly in such other places and at such other times as the commission may require In case of railroad or other common carriers telegraph and telephone corporations such tariffs and schedules shall conform to those required by the Interstate Commerce Commission Every public service company shall also file with and as a part of such tariffs and schedules and post as directed all rules and regulations that in any manner affect the said prices charges rates fares tolls or other compensations or the distribution of trains cars vehicles boats motive power or other facilities Upon application the commission may limit and restrict the number and character of such tariffs and schedules and the number of offices or stations at which the same are required to be posted as aforesaid

Section 3 That paragraph (c) of section one of article three of the said act is hereby amended to read as follows

Article III Section 1 (c) To have reasonable rules and regulations subject to existing law and the provisions of this act governing the conduct of its business and the conditions under which it shall be required to render service

[It may require the payment of charges in advance the making of reasonable minimum payments and deposits to secure future payments of such charges or it may allow discounts for prompt payments of the same or impose penalties for failure to pay promptly Provided That such advance charges minimum payments deposits discounts or penalties are reasonable and apply equally and without discrimination or preference to all shippers consumers and patrons under like conditions and under similar circumstances]

Section 4 That paragraph (b) of section eleven of article three of the said act which was added thereto by the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1526) is hereby amended to read as follows

Article III Section 11 (b) Upon the approval of the commission evidenced by its certificate of public convenience first had and obtained and not otherwise it shall be lawful for any public service company to enter into any transaction with a holding company or affiliated interest as hereinafter in this section defined if such transaction involves (1) the loan of money by or to the public service company (2) the assumption of any obligation or liability whether as guarantor endorser or otherwise by the public service company or (3) the loan sale purchase pledge or exchange of stocks bonds notes or other evidences of indebtedness by the public service company

The fifth section was read as follows:

Section 5 That article three of the said act is hereby amended by adding thereto the following sections

Article III Section 14 No contract or agreement between any public service company and any person partnership association or corporation for the acquisition or construction by or for such company of any facilities or permanent improvements which the commission in its discretion and by rule or regulation adopted and promulgated shall designate to be of a substantial or permanent nature shall be valid unless approved by the commission

Section 15 It shall be unlawful for any telephone corporation natural gas corporation manufactured gas corporation electric corporation water corporation or heat corporation

(a) To require the payment of charges in advance of rendition of service Provided That reasonable discounts may be made for the prompt payment of charges And provided further That reasonable deposits to secure future payments of such charges may be required

(b) To impose any penalty or penalties not in excess of ten per centum per annum on the amount due for failure to pay charges promptly

(c) To make or impose and charge or fee for service of or for the installation of apparatus or the use of apparatus installed commonly referred to as "ready-to-serve" "Readiness-to-serve" "Service charge" or "rentals"

On the question,

Will the House agree to the section?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 5, page 15, line 9 by striking out after the word "penalties" and before the word "in" the word "[not]"

Amend Section 5, page 15, line 12 by striking out after the word "impose" and before the word "charge" the word "[and]" and inserting in lieu thereof the word "any"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth and seventh sections and the title were separately read and agreed to as follows:

Section 6 That section one of article five of the said act as amended by the act approved the twenty-third day of March one thousand nine hundred twenty-one (P. L. 45) is hereby further amended to read as follows

Article V Section 1 The commission shall have general administrative power and authority as provided in this act to supervise and regulate all public service companies doing business within this Commonwealth

Said power and authority shall include the power to inquire into and regulate the service rates fares tolls or charges of any and all public service companies including individual and joint rates the charges for long and short transmission of messages and conversations by telegraph and telephone companies the terms including compensation of any agreement renting leasing or in any manner assigning for a term any franchises rights powers immunities privileges or facilities made between two or more public service companies the making or repairs alterations and improvements in and to such service as shall be reasonably necessary for the accommodation or safety of its patrons employes and the public the granting of transfers to or from one part of the system of the same common carrier to another part the routing of the lines of street railways under the provisions of the act entitled "An act

thorizing traction or motor power companies and street passenger railway companies owning leasing controlling or operating different lines of street railways to operate all of said lines as a general system and to lay out such new routes or circuits over the whole or any part of any street or streets occupied by such different companies and to run cars thereon for such distances and in such directions as will in the opinion of the operating company best accommodate public travel" approved the fifteenth day of May Anno Domini one thousand eight hundred and ninety-five (P. L. 65) or otherwise the just and equitable distribution of trains cars vehicles and motive power or other facilities of all common carriers the granting construction operation or discontinuance of switches sidings and crossings the construction operation or discontinuance of switch or other connections with or between lines of railroad or street railway corporations the location or abolition of freight and passenger stations wharves docks or piers the use and compensation for cars owned or controlled by persons other than the carrier the safety adequacy and sufficiency of the facilities plant and equipment for the carrying on of their business by said public service companies the quantity or quality of water gas electricity or light heat power supplied and as specifically provided in this act the issuing of stocks trust certificates bonds notes or other securities by public service companies Provided That nothing in this section shall confer upon the Public Service Commission the power to establish through routes or joint rates for the transportation of passengers over street railways elevated railways or subways

Section 7 This act shall become effective immediately upon its final enactment

An Act to amend an act approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred seventy-four), entitled "An act defining public service companies; and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, defining, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expenses and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission, its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunction, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines, and imprisonment for the violation of the provisions of this act and for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof, repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars,' approved the twenty-fourth day of May, Anno Domini one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," as amended, by designating as public service companies, persons, partnerships, asociations and corporations engaged in selling liquid fuels and lubricating oils, and also those engaged in leasing franchises, rights, powers, immunities, privileges or facilities to other public service companies and empowering, the Public Service Commission to regulate the same; and by requiring the approval of The Public Service Commission of transactions between public service companies and holding companies, or affiliated interests, involving loans of money to such public service companies, and of contracts for the acquisition and construction of certain facilities and permanent improvements by requiring certain public service companies to publish tariffs and schedules of rates and charges and by abolishing advance minimum payments of deposits to secure future payments and penalties and prohibiting certain companies from requiring advance payments or imposing certain penalties or service charges

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2745, entitled:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the consent of he Board of Trusees of the Harrisburg State Hospital shall set apart and develop for public park purposes eight acres more or less of the real property in Susquehanna Township Dauphin County now owned by the Commonwealth of Pennsylvania being part of the premises occupied by the Harrisburg State Hospital Said eight acres shall be set apart from the eastern section of a tract of ninety-six acres north of the village of Edgemont on the street leading from Locust Lane at Smoky Hollow and south of the Heagy and Brightbill farms

On the question,

Will the House agree to the section?

Mr. WICKERSHAM. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by teh Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 6, by inserting after the word "and" the following: "the Department of Forests and Waters shall'

On the question,

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Upon setting apart said real property the Department of Property and Supplies shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for the improvement and maintenance of the park and to make and enforce rules and regulations for the use thereof by the public

On the question,

Will the House agree to the section?

Mr. WICKERSHAM. Mr. Speaker, I desire to offer the following amendt.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 2, by striking out the words "Property and Supplies" and insert in lieu thereof: "Forests and Waters"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section and the title were separately read and agreed to as follows:

Section 3 The provisions of this act shall become effective immediately upon its final enactment

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1338, as follows :

An Act relating to limited dividend housing companies defining and providing for the formation of such corporations for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold extending to such corporations certain existing laws relating generally to business corporations providing for the supervision and regulation of the activities of such corporation by the State Board of Housing in the Department of Health exempting from control by the State Board any such companies aided by the Federal Government or agencies thereof providing for the protection of such corporations and the parties dealing with them prescribing defining and limiting the powers and duties of such corporations authorizing them to borrow moneys from agencies of the United States government conferring upon certain of such corporations and limiting their use of the power of eminent domain exempting such corporations from the payment of the capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions and authorizing certain existing companies to accept the provisions of this act

Whereas It is hereby declared that bad housing conditions which exist in certain localities of the Commonwealth are a menace to the health safety morals welfare and reasonable comfort of the citizens of the Commonwealth and

Whereas The correction of these conditions in such areas being now otherwise impossible it is essential that provisions be made for the investment of funds at low interest rates the acquisition at fair prices of adequate parcels of land the gradual demolition of existing unsanitary and unsafe housing and the construction of new housing facilities under public supervision in accord with proper standards of sanitation and safety and at a cost which will permit monthly rentals which families of low income can afford to pay

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Short Title This act shall be known and may be cited as the "Limited Dividend Housing Company Law"

Section 2 Definitions The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

"Board" shall mean the State Board of Housing in the Department of Health of this Commonwealth

"Municipality" shall include only cities boroughs and townships

"A public limited dividend housing company" referred to hereafter as a class A company shall be a company (a) to which shall apply the provisions of the general corporation laws relating to business corporations as hereafter from time to time amended or revised except where such provisions are in conflict herewith (b) incorporated by there or more persons who declare as a public purpose the intention to build and operate or to operate a housing project to be rented at rates not exceeding those prescribed by the board as chargeable by limited dividend housing companies (c) in which no shareholder or debenture holder shall receive on his investment a greater dividend or interest return per annum than that provided herein (d) which may exercise the power of eminent domain in the acquisition of land as provided in this act and (e) which meets all the requirements for class A companies prescribed in this act

"A semi-public limited dividend housing company" referred to hereinafter as a class B company shall be a company similar to a class A company except that (a) it may with the consent of the board sell assign or convey or dispose of real property or any interest therein owned by it and (b) it may under no circumstances acquire property otherwise than by purchase exchange bequest or gift or subject to the approval of the board by lease for a term of years not less than thirty years nor less than the time required to amortize the cost of the housing project

Section 3 Formation of Public (Class A) Limited Dividend Housing Companies Three or more persons may in the manner prescribed in the Business Corporation Law approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws three hundred sixty-four) except where the provisions of this act are in conflict therewith become a class A company for the purpose of acquiring constructing maintaining and operating housing projects when authorized by and subject to the supervision of the board The term for which any such corporation is organized shall be not less than thirty years The articles of incorporation to be filed with the Department of State by the incorporators shall set forth in addition to the information required by the aforementioned Business Corporation Law

(a) A declaration that the corporation has been organized to serve a public purpose and that it shall remain at all time subject to the supervision and control of the board or of other appropriate State authority that all real estate acquired by it and all structures erected by it shall be deemed to be acquired for the purpose of promoting

the public health safety morals and general welfare and that its shareholders shall be deemed when they subscribe to and receive the shares thereof to have agreed that they shall at no time receive or accept from the company in repayment of their investment in its shares any sums in excess of the par value of the shares together with cumulative dividends at the rate of six per centum per annum and that any surplus earnings in excess of such amount if such company shall be dissolved shall revert to the Commonwealth

(b) A stipulation that the real property of the corporation shall not be sold transferred or assigned except under and pursuant to the terms and provisions of this act

(c) That all the shares of the corporation shall have a par value

The articles of incorporation may provide that in the event that income debenture certificates are issued by the corporation the owners thereof may be given the same right to vote as they would have if possessed of share certificates of the amount and part value of the income debenture certificates held by them If provision is made for the issuance of income debenture certificates interest shall be paid by the company on income debenture certificates only out of net earnings of the company that would be applicable to payment of dividends if there were no income debentures

The articles of incorporation may permit the retirement of income debenture certificates and shares of the company if as and when there shall be funds available in the treasury of the company from the receipt of amortization or sinking fund installments for that purpose as provided by this act but the amount so retired shall not exceed ninety per centum of the par value of all classes of shares or of shares and income debentures issued and outstanding at the time of the final completion of the building or buildings embraced in the project

Section 4 Consent of Board to Incorporation of Limited Dividends Housing Companies Before any articles of incorporation are filed with the Department of State under this act the incorporators shall apply to and receive from the board a certificate that it approved the project for which the proposed limited dividend housing company is to be formed and that it consents to the formation of such corporation The certificate from the board shall be presened to the Department of State together with the articles of incorporation The Department of State shall not issue a certificate of incorporation evidencing the incorporation of any limited dividend housing company unless and until a certificate from the board as aforesaid is presented to it

Section 5 Restrictions on Public (Class A) Companies No public limited dividend housing company shall

(a) Acquire any real property or interest therein unless it shall first have obtained from the board a certificate that such acquisition is necessary or convenient for carrying out a housing project approved by the Board

(b) Sell transfer or assign any real property except (1) to another public limited dividend housing company formed under this act and (2) without first having obtained the consent of the board and (3) for a price in excess of the cost of such property less any amounts paid in amortization of the first lien and the retirement or redemption of shares plus so much of the limited dividends on the shares of the company from the date of issue as shall have been unpaid and accrued interest on the mortgage indebtedness and income debenture certificates

(c) Pay interest returns (1) on its mortgage indebtedness at a higher rate than deemed necessary by the board but the rate shall not exceed six per centum per annum or (2) upon its income debenture certificates at a rate higher than six per centum per annum

(d) Issue its shares debenturs and bonds covering any project undertaken by it in an amount greater in the aggregate than the total final cost of such project including the lands improvements charges for financing and supervision approved by the board and interest and other carrying charges during construction and an allowance for working capital to be approved by the board but not exceeding three per centum of the estimated cost or of the total actual final cost of the project if that shall be greater than the estimaed cost

(e) Mortgage any real property without first having obtained the consent of the board

(f) Issue any securities or evidences of indebtedness without first having obtained the approval of the board

(g) Us any building erected or acquired by it for other than housing purposes except that upon approval of the board it may in the first story of a two-family or multiple dwelling above the cellar or basement and the space below such story or in the case of a group of one-family or two-family houses in a reasonable proportion of such buildings provide for stores professional offices commercial cooperative or recreational purposes and when permitted by law the roof of multiple dwellings may be used for cooperative or community purposes

(h) Charge or accept any rental for housing accommodations in any building constructed acquired operated or managed by it in excess of the prices prescribed by the board

(i) Make other than authorized payments which shall be limited to (1) all fixed charges and all operating and maintenance charges and expenses including taxes assessments insurance amortization charges in amounts approved by the board to amortize the mortgage indebtedness in whole or in part depreciation charges if when and to the extent deemed necessary by the board reserves sinking funds and corporate expenses essential to operation and management of the project in amounts approved by the board (2) a dividend not exceeding the maximum fixed by this act upon the shares of the corporation allotted to the project by the board (3) where feasible in the discretion of the board payments to a sinking fund in an amount to be fixed by the board for the gradual retirement of the shares and income debentures of the corporation When tenants own shares or income debentures in a limited divided housing company incorporated under this act a sinking fund may with the approval and subject to the regulations of the board be set up and maintained out of the net profits applicable to surplus and used sujject to the regulations of the board for the purchase at not to exceed par and accrued interest of the shares and income debentures held by tenants ceasing to be occupants of the buildings Shares so purchased may be resold by the corporation

(j) Enter into contracts for the construction of housing projects or for the payment of salaries to officers or employes except subject to the inspection and revision of the board and under such regulations as the board may from time to time prescribe

(k) Voluntary dissolve without first having obtained the consent of the Board

(1) Make any guaranty without the approval of the board

Section 6 Formation of Semi-public (Class B) Limited Dividend Housing Companies Three or more persons may in the manner prescribed in the Business Corporation Law approved the fifth day of May one thousand nine hundred thirty-three (P. L. 364) except where the provisions of this act are in conflict therewith become a class B company for the purpose of acquiring constructing reconditioning maintaining and operating housing projects when authorized by and subject to the supervision of the board The articles of incorporation to be filed with the Department of State shall set forth in addition to the information required by the aforementioned Business Corporation Law all of the provisions required or permitted under section three of this act Before the articles of incorporation are filed with the Department of State the incorporators shall procure the approval of the Board in the manner prescribed by section four of this act

Class B companies shall be subject to all the provisions of section five except paragraphs (a) and (b) thereof Class B companies are hereby authorized to sell assign convey and otherwise dispose of real property owned by them to any person copartnership or corporation but no Class B company shall sell assign or convey any real property owned operated or managed by it or any right title or interest therein except upon notice to the board of the terms of such sale transfer or assignment and unless and until the board shall consent thereto and

any sale transfer or assignment in violation of the terms hereof shall be void Class B companies shall not under any circumstances have or exercise the power of eminent domain or acquire property otherwise than by purchase exchange bequest or gift or subject to the approval of the board by lease for a term of years not less than thirty years nor less than the time required to amorize the cost of the housing project

Section 7 Application of Other Corporation Laws Tax Exemptions The provisions of the general corporation laws relating generally to business corporations as hereafter from time to time amended or revised shall apply to limited dividend housing companies incorporated under this act except where such provisions are in conflict herewith but the capital stock of limited housing companies incorporated under the provisions of this act shall not be taxed for State purposes under the provisions of existing laws

Section 8 Change of Class of Corporation With the consent of the board a class B Company may amend its articles and become a class A company and a class A company which has not obtained lands through the exercise of the power of eminent domain may with the approval of the board amend its articles and become a class B company

Any limited dividend housing corporation incorporated under existing laws prior to the passage of this act may with the approval of the board accept the provisions of this act by amending its articles in conformity herewith and thereupon become subject to the terms and provisions of this act

Section 9 Reorganization of Companies Reorganization of limited dividend housing companies shall be subject to the supervision and control of the board and no such reorganization shall be had without the authorization of the board upon all such reorganizations the amount of capitalization including all shares income debentures bonds and other evidence of indebtedness shall be such as is authorized by the board not exceeding the fair value of the property involved

Section 10 Limited Return on Shares and Debentures No shareholder in any company formed hereunder shall receive any dividend in any one year in excess of six per centum per annum except that when in any year dividends in the amount prescribed in its articles shall not have been paid on the shares of such company the shareholders may be paid the deficiency without interest out of any surplus earned in succeeding years This provision shall likewise be applicable to income debenture certificates and interest thereon at the rate specified in such certificates shall be cumulative

Section 11 Time of Payment of Subscriptions Subscriptions to the shares or income debentures of a corporation formed hereunder shall be paid at such times and in such installments as the corporation may require with the approval of the board If any default shall be made in the payment of any installment as so required the corporation may enforce the subscription by appropriate action and upon its failure so to do such subscription may be enforced by the board acting through the Department of Justice

Section 12 Consideration for Insurance of Shares and Bonds No limited dividend housing company shall issue shares bonds or income debentures except for money or property actually received for the use and lawful purposes of the corporation No shares bonds or income debentures shall be issued for property except upon a valuation approved by the board and such valuation shall be used in computing actual or estimated costs In no event shall the shares and income debentures issued by the corporation be less than the total of one-third of the actual cost as defined by law of any approved housing project or projects undertaken by it The board may however permit shares or income debentures to be issued to an amount not exceeding three per centum of the estimated total cost or three per centum of the actual cost if the actual cost should exceed estimated cost of a project for working capital to be used in connection with such project

Section 13 Minimum Amount of Shares and Debentures The entire amount to be paid in cash or property by the shareholders and income debenture holders of a limited dividend housing company shall be equivalent to at least one-third of the total cost of the project or projects which it operates

Section 14 Surplus A surplus of an amount approved by the board shall be permitted limited dividend housing companies but the amount of the net earnings transferable to surplus in any year shall be subject to the approval of the board On dissolution of any limited dividend housing company the shareholders shall in no event receive more than the par value of their shares plus accumulated accrued or unpaid dividends and any remaining surplus shall revert to the Commonwealth

Section 15 Income Debentures With the approval of the board the articles of a limited dividend housing company may authorize the issuance of income debenture certificates bearing no greater interest than six per centum per annum After the incorporation of a limited dividend housing company the directors thereof may with the consent of two-thirds of the holders of the preferred shares issued and outstanding offer to the shareholders of the company the privilege of exchanging their shares in such quantities and at such times as may be approved by the board for such income debenture certificates In no event shall the stated capital of the corporation be less than ten per centum of the total amount of stated capital and income debentures

Section 16 Mortgages and Mortgage Bonds Any corporation formed under this act may subject to the approval of the board borrow funds and secure the repayment thereof by bond and mortgage or by an issue of bonds under trust indentures Each mortgage or issue of bonds by a company formed hereunder shall relate only to a single specified project and no other and such bonds shall be secured by first mortgage upon all of the real property of which such project consists First lien bonds of such company when secured by mortgage not exceeding two-thirds of the estimated cost prior to the completion of the project or two-thirds of the appraised value or actual cost whichever shall be less after such completion as certified by the board are hereby declared securities in which all public officers and bodies of the municipal subdivisions of the Commonwealth all insurance companies and associations all banks bank and trust companies and savings banks and savings institutions including savings and loan associations in the Commonwealth may legally invest funds within their control There shall be no second mortgage of junior interest bonds Such bonds and mortgages may contain such other clauses and provisions as shall be approved by the board including the right to assignment of rents and entry into a possession in case of default but the operation of the housing projects in the event of such entry by mortgage or receiver shall be subject to the regulations of the board under this act provisions for the amortization of the bonded indebtedness of companies formed under this act shall be subject to the approval of the board

Section 17 Acquisition of Land Construction of Buildings When a limited dividend housing company shall have received from the board an approval of a project for the construction or acquisition of housing accommodations such company any undertake the acquisition of the property needed for such project Such property may be acquired by purchase gift bequest exchange or subject to the approval of the board by lease for a term of years not less than thirty years nor less than the time required to amortize the cost of the housing project and in the case of class A companies also by the exercise of the powers of eminent domain The procedure in the latter case shall be in accordance with the procedure prescribed in section forty-one of the Corporation Act of one thousand eight hundred seventy-four (Act of April twenty-nine one thousand eight hundred seventy-four (P. L. 73) as amended or supplemented Property adjoining or surrounding approved or acquired sites for low rental housing may be required by condemnation by Class A companies if such property is to be used for public play or recreation grounds or parks The power of eminent domain shall in no case be exercised by a class A company except in areas of bad housing designated by the board in the manner provided by law and except with the consent of the court of common pleas of the county in which the area is located which may be granted on petition if

the court deems such acquisition to be in the public interest and necessary for public purposes The court shall not authorize any such acquisition by eminent domain until the class A company has first acquired either by purchase gift bequest exchange or duly authenticated option to purchase by such class A company of at least fifty per centum of the net land area needed for such housing project and for such purpose the board shall find as a fact that such percentage of the property has been acquired and that the construction of the particular housing accommodations in connection with which such power from the court is requested has been determined by the board after a public hearing to be in the public interest Such grant of power to exercise the right of eminent domain shall permit the immediate taking possession of the property either by filing an adequate bond with the Court of Common Pleas having jurisdiction of the proceeding or by paying to such Court a sum deemed sufficient by said Court to cover a possible award The hearing shall be held at a time and place appointed by the board and notice of such hearing shall be given by the board by publication in a newspaper published and circulated in the locality wherein the property is situated at least ten days prior to such hearing The board may expressly except from its certificate hereunder any part of the property proposed to be acquired as unnecessary to the plan A duly certified copy of such certificate shall be conclusive evidence as to the matters lawfully certified therein in any condemnation proceedings to acquire property or any part thereof set forth in such certificate

Section 18 Purchase of Other Companies' Property Before any limited dividend housing corporation shall purchase the property of any other limited dividend housing corporation it shall file an aplication with the board in the manner hereinbefore provided as for a new project and shall obtain the consent of the board as to the purchase and agree to be bound by the provisions of this act and the board shall not give its consent unless it is shown to the satisfaction of the board that the project is one that can be successfully operated according to law

Section 19 Transfer of Buildings and Structures No limited dividend housing company shall convey encumber or lease all or any part of its real property to any other person copartnership association or corporation without the written consent of the board Provided however That leases conforming to the regulations and rules of the board and for actual occupancy by the leasees may be made without the consent of the board Any conveyance encumbrance lease or sublease made in violation of the provisions of this section and any transfer or assignment thereof shall be void

Section 20 Authority to Borrow Money From Agencies of the United States Government Any corporation formed under or accepting the provisions of this act may borrow money from the Reconstruction Finance Corporation the Federal Emergency Administration of Public Works or any other agency of the United States Government on such terms and conditions as the Reconstruction Finance Corporation the Federal Emergency Administration of Public Works or other agency of the United States Government may prescribe Any such corporation may pledge as security for money so borrowed any personal or real property or both of such corporation including its shares income debenture certificates or bonds Every approved project financed wholly or in part by funds borrowed from the Reconstruction Finance Corporation the Federal Emergency Administration of Public Works or other agency of the United States Government shall be subject to such rules and regulations pertaining to the security of any money borrowed hereunder to finance such project as may be prescribed by the Reconstruction Finance Corporation the Federal Emergency Administration of Public Works or other agency of the United States Government It shall be the duty of the board to facilitate the procurement of such loans by such corporations by giving its prompt approval to all matters in connection thereto which this act required the board to approve and to cooperate with the Reconstruction Finance Corporation the Federal Emergency Administration of Public Works or any other agency of the United States Government in the procurement and repayment of such money If a limited dividend housing company receives financial assistance from any such agency of the Federal Government that agency and the board may agree that the latter will relinquish its supervision and control to the said Federal Government agency and that supervision and control shall be reassumed by the board when the Federal Government's interest terminates

Section 21 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 22 Repeal All acts or parts of acts inconsistent herewith are hereby repealed

Section 23 When to Take Effect This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No 2716, as follows:

An Act to amend clause two of section four hundred and two of the act approved the third day of July one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State department boards commissions or officers to collect fees for services required to be rendered by this act imosing penalties and repealing certain acts and parts of acts relating to corporations" by limiting the number of directors who may be officers clerks employes or agents of the corporation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause two of section four hundred and two of the act approved the third day of July one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

(2) The number of directors shall be the same as that stated in the articles but in no case shall more than two-thirds of the membership of the board of directors be comprised of officers clerks employes and agents of said corporation who receive any salaries wages compensation or commissions from the corporation

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dsipensed with,

The House proceeded to the second reading and consideration of House Bill No. 2411, as follows:

An Act providing for the creation of power districts prescribing powers and duties of such districts authorizing such districts to conduct and operate utilities for the production transmission or distributon of electric energy and to issue bonds and providing for the payment of such bonds and imposing duties and conferring powers on certain State officers and The Public Service Commission

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as "The Power District Law"

Section 2 Declaration of Policy Economic conditions accentuated and brought into bold relief by the present depression require a program to make available an abundant supply of electricity at the lowest cost consistent with sound economy and prudent management for use in the rural areas for the purpose of raising the standard of living in these areas promoting more efficient use and operation of agricultural resources and of providing employment Urgent necessity for providing employment and experience in other methods of meeting this problem demonstrate the necessity for providing a simple and expeditious procedure for carrying out this program It is hereby declared that the procedure provided in this act is the only feasible and practicable method for creating the administrative units described therein for making available to the Commonwealth Federal assistance to aid in carrying out the purposes of this act

Section 3 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Board of directors" "directors" or "board" The board of directors of a municipal power district selected as provided in this act duly constituted organized and acting as a board

"Commission" The Public Service Commission of this Commonwealth

"Filed" Whenever used in relation to any order or determination of the commission filed in the office of the Secretary of the Commonwealth

"Governing body" Whenever used in relation to any municipality the body or board by whatsoever name known having charge of the governing of a municipality and shall be held to include the mayor or other chief executive officers of such municipality in any case wherein the concurrence or approval of such officer is required by the law governing such municipality for the adoption of any municipal ordinance or resolution or other municipal act provided for in this act

"Municipal power district" "power district" or "district" A municipal power district organized under this act either as originally organized or as the same may be from time to time altered or amended

"Municipality" Any city borough town or township

"Public utility" or "utility" The plant works system facilities or properties together with all parts thereof and appurtenances thereto including contract rights used and useful primarily for the production transmission or distribution of electric energy to or for the public for any purpose

Section 4 Creation of Power Districts A municipal power district may be created in any of the ways hereinafter provided and when so created shall be considered a municipal corporation and may exercise the powers herein granted

(1) The governing body of any municipality proposed to be included in a district may pass a resolution declaring that the public interest or necessity demands the creation and maintenance of a municipal power district describing the territory to be included in the proposed district and file a certified copy thereof in duplicate with the commission Upon receipt of the resolution the commission shall make an investigation of the propriety of creating the proposed district and of the character of utility feasible and economically desirable for the district and of the territory to be served After investigation the commission shall issue an order approving or disapproving the creation of the district and if it approves determining the character of utility appropriate to the district If the commission finds (a) that the public convenience and necessity require the creation of a power district and (b) that the creation of a power district is economically sound and desirable it shall enter an order so finding approving the creation of the district and defining its territorial limits a certified copy of which order shall be filed by the commission Thereupon the district shall be and constitute a municipal corporation as hereinbefore provided

(2) A petition signed by 10 per centum of the electors of any municipality proposed to be included in a district declaring that the public interest or necessity demands the creation and maintenance of a power district describing the territory to be included in the proposed district may be filed with the commission Upon receipt of the petition the commission shall make an investigation of the propriety of creating the proposed district and of the character of utility feasible and economically desirable for the district and of the territory to be served After investigation the commission shall issue an order approving or disapproving the creation of the district and if it approves determining the character of utility appropriate to the district If the commission finds (a) that the public convenience and necessity require the creation of a power district and (b) that the creation of a power district is economically sound and desirable it shall enter an order so finding approving the creation of the district and defining its territorial limits a certified copy of which order shall be filed by the commission

(3) The commission may from time to time on its own motion make investigations as to the feasibility and propriety of creating districts within the Commonwealth of the territory to be served by such districts and of the character of utility feasible and economically desirable therefor If as a result of such investigations the commission determines (a) that the public convenience and necessity require the creation of a power district or districts and (b) that the creation of a power district or districts is economically sound and desirable it shall enter an order making such determination defining the territorial limits of the district or districts and designating the character of utilities to be operated therein by the district or districts a certified copy of which order shall be filed Thereupon the district or districts shall be and constitute a municipal corporation or corporations as hereinbefore provided

Section 5 Alteration Whenever the commission shall after hearing determine that it is in the public interest and in the interest of efficient and economical operation of a utility to alter the territorial copy of such order shall be filed Thereupon the territorial limits of the district shall be considered altered in accordance with such order

Section 6 Consolidation Two or more districts may be consolidated by

(1) A determination of the board of each district fixing the terms and conditions of such consolidation Certified copies of such determination shall be filed with the commission If the commission finds that such consolidation is in the public interest and in the interest of efficient and economical utility service it shall approve such consoli-

dation and a certified copy of the order approving the same shall be filed Thereupon the consolidation shall be effective to create a single district

(2) By order of the commission fixing the terms and conditions of such consolidation If the commission finds that such consolidation is in the public interest and in the interest of efficient and economical utility service it shall approve such consolidation and a certified copy of the order approving the same shall be filed Thereupon the consolidation shall be effective to create a single district

Pre-existing rights and liabilities shall not be affected by such consolidation

Section 7 Dissolution Whenever the commission shall after a public hearing held on reasonable notice determine that the continued existence of the district is not in the public interest and is not in the interests of efficient and economical uility service it shall make an order to such effect and a certified copy of such order shall be filed Such determination shall be subject to review by certiorari or other suit action or proceeding in any court of competent jurisdiction Whereupon the district shall cease to continue as a body corporate for the purpose of doing business but shall continue as such for such period as the commission may determine to settle the business of the district wind up its affairs dispose of its assets and settle its obligations and for no other purpose Under such circumstances the directors shall have the powers of receivers in equity subject to the supervisory control of the commission to determine what is in the best interests of creditors and the users of the service of the district In the event of dissolution the assets of the district and the proceeds thereof shall be used first to pay the expenses of settling the affairs of the district then the creditors in the order of their priority and any surplus remaining shall be divided among and paid to the municipalities in the district in proportion to the gross operating revenues of the district for the last five years of its operation derived from payment for services furnished within the territorial limits of each municipality

Section 8 Corporate Powers of the District

(1) Corporate Purpose A district shall be created for the purpose of conducting and operating a utility and to carry out such purpose shall have power and authority to acquire construct reconstruct operate maintain extend or improve any utility within or without the district and to furnish deliver and sell to the public and to any municipality and to the Commonwealth and any public institution heat light and power service and any other service commodity or facility which may be produced or furnished in connection therewith

(2) General Powers Any district created pursuant to the provisions of this act shall be vested with all the powers necessary and requisite for the accomplishment of the purpose for which such district is created capable of being delegated by the Legislature No enumeration of particular powers herein created shall be construed to impair or limit any general grant of power herein contained nor to limit any such grant to a power or powers of the same class or classes as those enumerated The district is empowered to do all acts necessary proper or convenient in the exercise of the powers granted under this act

(3) Specific Powers Any district created pursuant to this act shall have the power

(a) To sue and be sued

(b) To have a seal

(c) To acquire by purchase gift devise lease or exercise of the power of eminent domain or other mode of acquisition hold and dispose of real and personal property of every kind within or without the district subject to mortgages or any other liens

(d) To make and enter into contracts conveyances mortgages deeds of trust bonds or leases

(e) To incur debts to borrow money to issue negotiable bonds and to provide for the rights of holders thereof

(f) To fix maintain and collect rates and charges for any service

(g) To pledge all or any part of its revenues

(h) To make such covenants in connection with the issuance of bonds or to secure the payment of bonds that a private business corporation can make under the general laws of the Commonwealth notwithstanding that such covenants may operate as limitations on the exercise of any power granted by this act

(i) To use freely and occupy any public highway street way or place reasonably necessary to be used or occupied for the maintenance and operation of such utility or any part thereof subject to such local regulations as may be imposed in connection therewith by any regulations of the governing body of the municipality in which such highway street way or place is located

Section 9 Government of the District

(1) Board of Directors The government of the district shall be vested in a board of three directors to be appointed by the Governor within thirty days after the creation and incorporation of the district

(2) Selection of Directors Tenure The regular term of directors of the district after the first term shall be four years Each director shall hold office until his successor is selected and qualified Each director shall before entering upon discharge of his duties take and subscribe to the constitutional oath of office Such oath shall be filed with the commission The first directors of the district shall be selected for terms of two three and four years respectively

(3) Vacancies The death of a director his resignation his removal for cause by the appointing power or his disability to continue for any cause to act as director on his change of residence from the district shall vacate the office Within twenty days after a determination of the vacancy by the appointing power a successor for the unexpired term shall be selected by such appointing power

(4) Compensation and expenses of directors Each director of the district shall receive compensation from the district for his services as such at the rate of ten dollars ($10.00) for each day he shall attend meetings of the board or when he is engaged upon business of the board not to exceed the sum of one thousand dollars ($1,000.00) in any one year He shall also be entitled to be reimbursed for actual and necessary expenses incurred by him in the performance of his duties required of him by law or by resolution or vote of the board

Section 10 Powers of the District Board That the board of directors of any district shall have power and authority

(1) To exercise by vote ordinance or resolution all of the general powers of the district

(2) To make all needful rules regulations and by-laws for the management and the conduct of the affairs of the district and of the board

(3 To adopt a seal for the district prescribe the style thereof and alter the same at pleasure

(4) To lease purchase sell convey and mortgage the property of the district and to execute all instruments contracts mortgages deeds or bonds on behalf of the district in such manner as the board shall direct

(5) To inquire into any matter relating to the affairs of the district to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry to administer oaths to witnesses and to examine such witnesses

(6) To appoint and fix the salaries and duties of such officers experts agents and employes as it deems necessary to hold office during the pleasure of the board and upon such terms and conditions as the board may require

(7) To do all things necessary or convenient to carry out its functions

Section 11 Issuance of Bonds That each district shall have power and is hereby authorized from time to time to issue its negotiable bonds in anticipation of its revenues Said bonds may be issued for any corporate purpose or purposes of such district Said bonds shall be authorized by resolution of the board of such district and may be issued in one or more series may bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually be in such denominations be in such form either coupon or registered be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption with or without premium be declared or become due before the maturity date thereof as such resolution or resolutions may provide Said bonds may be issued for money or

property (at public or private sale for such price or prices) as the board shall determine provided that the interest cost to maturity of the money or property (at its value as determined by such board the determination of which shall be conclusive) received for any issue of said bonds shall not exceed six per centum per annum payable semi-annually Said bonds may be repurchased by the district out of any funds available for such purpose at a price of not more than the principal amount thereof and accrued interest and all bonds so repurchased shall be cancelled Pending the preparation or execution of definitive bonds interim receipts or certificates or temporary bonds may be delivered to the purchaser of said bonds

Section 12 Rights and Remedies of Bondholders That in addition to all other remedies any holder of a bond of any district incorporated under this act including a trustee for bondholders shall have the right subject to any contractual limitations binding upon such bondholders or trustees and subject to the prior or superior rights of others

(1) By mandamus or other suit action or proceedings at law or in equity to enforce his rights against such district and the board of such district including the right to require such district and such board to fix and collect rates and charges adequate to carry out any agreement as to or pledge of the revenues produced by such rates or charges and to require such district and such board to carry out any other covenants and agreements with such bondholder and to perform its and their duties under this act

(2) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such bondholder

(3) By action or suit in equity to require such authority to act as if it were the trustee of an express trust for such bondholder

(4) By suit action or proceeding in court exercising equitable jurisdiction to obtain the appointment of a receiver of the enterprise in which the district is engaged or any part or parts thereof who may enter and take possession of such utility or any part or parts thereof including all property land property rights easements and other dejuncts of the utility and such receiver may operate and maintain the same and collect and receive all revenues thereafter arising therefrom in the same manner as such district itself might do and shall deposit all such moneys in a separate account or accounts and apply the same in accordance with the obligations of such district as the court shall direct

Section 13 Municipal Aid That any municipality situated within the territorial limits of a district may advance funds to such district to pay the preliminary organization and administration expenses thereof on such terms of repayment as the governing body of such municipality shall determine Notwithstanding the provisions of any law to the contrary any such municipality is authorized and empowered to borrow money for a period not to exceed one year from the date of such borrowing for the purpose of making such advances

Section 14 Act Complete in Itself That this act is complete in itself and shall be controlling The provisions of any other law general special or local except as provided in this act shall not apply to a district incorporated under this act

Section 15 Eminent Domain The power of eminent domain herein granted may be exercised in the manner now or hereafter provided by law for the exercise thereof by public service companies

Section 16 Separability of Provisions That if any provision of this act or the application of such provision to pay person body or circumstances shall be held invalid the remainder of this act or the application of such provision to persons bodies or circumstances other than those as to which it shall have been held invalid shall not be affected thereby

Section 17 Time of Taking Effect This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2779 (Senate Bill No. 547),

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of April one housand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highways routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any section of a State highway route as now or hereafter defined by law shall be or has been relocated under the authority of existing laws the portion of the public road or highway thus abandoned as a State highway route shall be maintained by and at the expense of the authorities responsible for the maintenance of said public road or highway prior to its having been established as a State highway Provided however that

Where the Secretary of Highways shall certify to the authorities responsible for the maintenance of such portion fo a public highway or road abandoned as a State highway that such portion is useless for the convenience of the traveling public and should be vacated the said authorities shall have power by ordinance or resolution of the legislative body county commissioners or township supervisors responsible for the maintenance of the same after notice in writing to property owners and lessees residing along such abandoned portion of highway or owning or leasing property to which the abandoned portion of highway furnishes access and the posting of notices in at least three (3) conspicuous places along such portion of highway to declare such portion vacated as a public road and upon a certified copy of said ordinance or resolution being filed in the office of the clerk of the court of quarter sessions together with the certificate of the Secretary of Highways the portion of the public road so abandoned as a State highway shall be deemed vacated as a public road without the necessity of a view as provided by law unless any person aggrieved by such vacation shall within one year after such ordinance or resolution was filed in the office of the clerk of the court petition the court of quarter sessions to set aside such vacation In such cases the court shall fix a time and place for hearing of which notice shall be given as the court may direct After hearing the court shall enter such order either sustaining the acion of vacation or setting the same aside as to it appears proper Where any such vacation is set aside the same shall not prejudice future proceedings by view to vacate any such portion of a public highway abandoned as a State highway

And said bill having been read at length the second time and agreed to

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2807 (Senate Bill No. 804), as follows:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases and imposing duties upon clerks of the courts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 614 Revocation of Operating Privilege

(a) Upon receiving a certified record from the clerk of the court of proceedings in which a person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of any one of the crimes enumerated in this section [The] the secretary shall forthwith revoke for a period of one (1) year from the date of revocation the operating privilege of any such person [upon receiving a certified record from the clerk of the court of proceedings in which such person pleaded guilty entered a plea of nolo contendere or was found guilty by a jury of one of the following crimes] and where such person was convicted or entered a plea of guilty or nolo contendere of any one of the crimes enumerated in clauses (1) (2) and (3) of this section such operating privilege shall not be restored unless and until the fine and costs imposed in such cases have been fully paid The clerk of the courts shall when such fine and costs have been so paid in any such case certify such fact to the Department of Revenue

1 Operating a motor vehicle while under the influence of intoxicating liquor or any narcotic or habit producing drug or permitting any person who may be under the influence of intoxicating liquor or narcotic or habit producing drug to operate any motor vehicle owned by him or in his custody or control

2 Using a false or fictitious name or giving a false or fictitious address in any application or form required under the provisions of this act or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any application

3 Any crime punishable as a felony under the motor vehicle laws of this Commonwealth or any other felony in the commission of which a motor vehicle is used

4 Conviction of an operator of a motor vehicle involved in an accident resulting in injury or death to any person or damage to property upon the charge of failing to stop and render assistance or disclose his identity at the scene of the accident

(b) The secretary upon receiving a certified record from the clerk of the court of the conviction of any person upon a charge of operating a motor vehicle while the operator's license or learner's permit of such person is revoked shall immediately extend the period of such first revocation for an additional like period

(c) The secretary upon revoking any operator's license or learner's permit shall require that such license of any operator whose license or permit is so revoked shall immediately be surrendered to and retained by the department

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2397, as follows:

An Act to protect the public health defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses and regulating the inspection maintenance and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises defining and regulating the manufacture sale and offering for sale of confectionery products conferring powers on the Department of Agriculture and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions The following words and terms as used in this act shall be construed as follows

CONFECTIONERY FACTORY DEFINED

"Confectionery factory" means and includes all buildings and parts of buildings cellars and basements used for the manufacture and handling of confectionery products intended for sale and for the mixing and other preparation of ingredients and materials entering into the manufacture of confectionery products

WHOLESALE CONFECTIONERS' WAREHOUSES DEFINED

"Wholesale confectioners' warehouses" means and includes all buildings and parts of buildings cellars and basements used for the storage and handling of confectionery products intended for sale

CONFECTIONERY PRODUCTS DEFINED

Confectionery products" means and includes all articles defined and/or taxable as candy under the Revenue Act

of one thousand nine hundred thirty-two and the Regulations adopted by the Commissioner of the Internal Revenue with approval of the Secretary of the Treasury under such Revenue Act

"Person" means an individual copartnership association and corporation

"Department" means the Department of Agriculture of the Commonwealth of Pennsylvania

CLEANLINESS AND SANITATION REQUIRED FOR CONFECTIONERY FACTORIES AND WHOLESALE CONFECTIONERS' WAREHOUSES

Section 2 Cleanliness and Sanitation Required It is unlawful for any person to manufacture confectionery products in an unclean or insanitary factory or under unclean or insanitary conditions or to use unclean or insanitary fixtures furnishings machinery apparatus equipment implements utensils and receptables or unclean insanitary or unwholesome ingredients or materials in a confectionery factory or to sell expose or offer for sale confectionery products in an unclean or insanitary wholesale confectioners' warehouse

EMPLOYES TO BE FREE FROM DISEASE

(a) No person who is afflicted with a communicable disease or skin affliction shall be employed or permitted to work in a confectionery factory or wholesale confectioner's warehouse

LICENSE AND REGISTRATION OF CONFECTIONERY MANUFACTURERS AND WHOLESALE CONFECTIONERS

Section 3 Annual License and License fee It shall be the duty of every person whether a resident or nonresident of this Commonwealth operating a confectionery factory or conducting a wholesale confectionery business to apply to the Department of Agriculture for a license to do so and to registure with the Department the type of business to be conducted before the first day of July one thousand nine hundred thirty-five and the first day of January one thousand nine hundred thirty-six and annually thereafter before the first day of each succeeding year and pay to the Department of Agriculture at the time said application for registration and license is filed an annual fee as follows For confectionery factories using less than ten barrels of sugar per week five dollars ($5.00) for confectionery factories using ten barrels and less than twenty-five barrels of sugar per week ten dollars ($10.00) and confectionery factories using twenty-five barrels or more of sugar per week twenty dollars ($20.00) Provided however That any person operating a Confectionery factory in Pennsylvania who does not use more than one barrel of sugar per week in the preparation of confectionery products shall be required to register and procure a license but be exempted from payment of a license fee Wholesale Confectioners shall pay a license fee of ten dollars ($10.00)

The application for a license and registration shall be made on a form to be supplied by the department and shall show type of business The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct

From and after the first day of July one thousand nine hundred thirty-five it shall be unlawful to operate a confectionery factory or conduct a wholesale confectionery business unless said factory or said business is duly licensed in accordance with the provisions of the act

LICENSE AND CERTIFICATE OF REGISTRATION

Upon approval of application for registration and license any payment of required license fee and also upon approval of sanitary conditions in a confectionery factory or wholesale confectioner's warehouse the Department of Agriculture shall issue to each applicant a license or certificate of registration which shall expire at the end of each calendar year and which will authorize the operation of said confectionery factory and wholesale confectionery business and the manufacturing and sale of said confectionery products and the conduction of said confectionery business for the calendar year or the portion thereof for which a license or certificate of registration shall be issued

WHOLESALE CONFECTIONERS DEFINED

Term "wholesale confectioner" as used herein shall mean any person engaged wholly or partially in selling confectionery at wholesale for his own account

WRAPPERS REQUIRED TO BE PRINTED

All wrappers of any kind whatsoever in which confectionery products shall be wrapped shall be printed or marked in a clear and legible manner with the trade name or kind of confectionery product which it purports to be and that all confectionery shall be distinctly marked or identified showing the name and principal address of the manufacturer and distributor or importer and if in package form this information should be printed in a plain and conspicous manner on all packages and labels thereof together with the net weight of the contents and in the case of count or penny candies also the number of said packages

INSPECTIONS NOTICES OF VIOLATIONS REVOCATION OF APPEALS

Section 4 Inspections Suspension and Revocation of Licenses Appeals The department through its duly authorized officers inspectors agents and other assistants shall be permitted at all reasonable times to inspect any confectionery factory or wholesale confectioner's place of business or part thereof the premises connected therewith and the operation of such factory or wholesale confectioners' business Any person refusing or interfering with such inspection shall be guilty of a violation of this act

If as the result of any inspection it shall appear that any confectionery factory or wholesale confectioner's business or part thereof or premises connected therewith is being maintained or operated in violation of any of the provisions of this act or the rules and regulations of the department adopted pursuant thereto the department shall cause written notice thereof to be served upon the person operating said confectionery factory or conduction said wholesale confectionery business together with an order commanding an abatement of such violation and a compliance with this act and the rules and regulations of the department within a reasonable period of time stated in the notice If the instructions set out in the notice are not complied with within the time herein stated the department shall suspend or revoke the license issued to the confectionery factory or wholesale confectioner and such license shall not be reinstated until the order of the department is complied with

Any person aggrieved by the department in suspending or revoking any license may appeal from the action of the department to the court of common pleas of Dauphin County but such appeal shall not operate as a supersedeas to the order of the department The court shall fix a day for hearing the appeal of which due notice shall be given to the Department After hearing the appeal de novo the court shall affirm modify or reverse the action of the department as to it seems just and proper The action of the court shall be final

RULES AND REGULATIONS

Section 5 Rules and Regulations The Department of Agriculture shall make adopt and promulgate rules and regulations for the purpose of carrying into effect the provisions of this act and of fixing and defining the standards for the maintenance and operation of confectionery factories and wholesale confectioneries in accordance with the requirements of this act Provided however that no unusual rules or regulations shall be promulgated that would be contrary to the purpose and spirit of this act

PENALTIES FOR VIOLATIONS

Section 6 Penalty Any person who violates any of the provisions of this act or any of the rules and regulations of the department adopted under the authority of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or to undergo imprisonment of not less than thirty days or more than sixty days or both

All fines imposed and recovered for any violation of the

provisions of this act shall be paid to the department and all such fines and penalties together with the license fees paid under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

EFFECTIVE DATE

Section 7 Effective Date This act shall become effective the first day of July one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2185, entitled

An Act authorizing of discounts for prompt payment of county city borough town township school district and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to expedite the payment of taxes and to avoid the necessity of borrowing money for current expenses and the payment of interest thereon the proper authorities of every county city borough town township school district and poor district levying taxes may be ordinance or resolution permit a discount on the principal amount of any tax or taxes levied by them if paid on or before a date fixed by such ordinance or resolution or discounts at different rates if paid on or before different dates so fixed Provided That no such discount shall exceed five per centum of the amount of the tax collected And provided That no discount shall be allowed after the date such tax or taxes become delinquent

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Sections 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1837 as follows

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws eleven hundred seventy-two) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" are hereby amended to read as follows

Dravosburg Borough

Route 02078 Extending Route 02078 Beginning at a point on the Mifflin Township-Dravosburg Borough line [near Amity Avenue] thence southwesterly [over Amity Avenue] to [Sixth] Fifth Street thence over [Sixth] Fifth Street to the Pittsburgh-McKeesport Boulevard in Dravosburg Borough Allegheny County a distance of about .8 of a mile

New Britain Borough

Route 09069 Extending Route 09069 Beginning at a point on the New Britain Borough-Doylestown Township line thence southwesterly [and southern] on [James] Voss Avenue to an intersection with Route 178 at [James] Voss and Butler Avenues in the borough of New Britain Bucks County a distance of about .13 of a mile

Westmont Borough

Route 11011 Extending Route 11011 Beginning at a point on the South Westmont Borough-Upper Yoder Township line thence in a [northeasterly] northerly direction on [Elknud Road] Goucher Street to an intersection with Menoher Highway thence in a westerly direction on [Mencher] Menoher Highway to an intersection with [the continuations of Rural] Routes 11006 and 11065 at [Mencher] Menoher Highway and St Clair Road in the borough of Westmont Cambria County a distance of about [1.10 miles] 0.90 of a mile

Stillwater Borough

Route 19070 Extending Route 19070 Beginning at a point on Route 16 at the intersection of an unnamed street near the steel truss bridge spanning Fishing Creek in the borough of Stillwater thence in [a northeasterly] an easterly direction approximaely .06 of a mile thence in a northwesterly direction on an unnamed street to the Stillwater Borough-Fishing Creek Township line Columbia County a distance of about [.53] .70 of a mile.

Fairchance Borough

Route 26035 Extending Route 26035 Beginning at a point on the Fairchance Borough-Georges Township line thence in a southerly direction on Elm street and Morgantown Street to an intersection with the continuation of Rural Route 26032 at Morgantown and Church Streets in the borough of Fairchance Fayette County a distance of about [1.05] 1.37 miles

Ellwood City Borough

Route 37011 Extending Route 37011 Beginning at a point on the Ellwood City Borough-Wayne Township line thence in an easterly direction on Lawrence Avenue Fourth Street and Crescent Avenue to an intersection with Route [347] 315 or [Fifth] Second Street in the borough of Ellwood City Lawrence County a distace of about [.7 of a mile] 1.04 miles

Yatesville Borough

Route 40044 Extending Route 40044 Beginning at a point on the Laflin Borough-Jenkins Township-Yatesville Borough line [at the end of Legislative Route 40044] thence northerly on Back Road the line between Jenkins Township and Yatesville Borough to Yatesville Road thence in a northwesterly direction on Yatesville Road and Stout Street to [an intersection with Stout Street and Pittston Avenue] the western borough line in the borough of Yatesville Luzerne County a distance of about [.62 of a mile] 1.1 miles

Tatamy Borough

Traffic Route 275 Legislative Route 48025 Extending Route 48025 Beginning at a point [at] on the Palmer Township-Tatamy Borough line thence in [a westerly] an easterly direction along the Bushkill Road to an intersection with]the continuation of] Rural Route 48025 at the center line of the Bushkill Creek in the borough of [Stockertown] Tatamy Northampton County a distance of about .66 of a mile

Middleport Borough

Route 53015 Extending Route 53015 Beginning at a point on the Middleport Borough-Blythe Township line thence in a northerly direction on [Coal Street] Washington and Main Streets to an intersection with Route 162 at Main and Coal Streets in Middleport Borough Schuylkill County a distance of about .38 of a mile

Tower City Borough

Route 53025 Extending Route 53025 Beginning at a point on the Tower City Borough-Porter Township line thence in a northerly direction on [Twelfth] Tenth Street

to an intersection with Route 199 at [Twelfth] Tenth Street and Grand Avenue in Tower City Borough Schuylkill County a distance of about .11 of a mile

Montrose Borough

Route 57025 Extending Route 57025 Beginning at a point on the Montrose Borough-Bridgewater Township line thence in a [southeasterly] southwesterly direction on [Bank Street] Heart Lake Road thence in a northwesterly direction on Bank Street to an intersection with Route 9 in the borough of Montrose Susquehanna County a distance of about .56 of a mile

Section 2 That the said Act is hereby amended by adding thereto the following routes

ADAMS COUNTY

Gettysburg Borough

Route 889 Extending Route 889 Beginning at a point on the Cumberland Township-Gettysburg Borough line thence over College Avenue and West Lincoln Avenue to an intersection with Routes 41 and 123 at Lincoln Avenue and Carlisle Street in the borough of Gettysburg Adams County a distance of about 0.36 of a mile

ALLEGHENY COUNTY

Brideville Borough

Route 02043 Extending Route 02043 Beginning at a point on the Collier Township-Bridgeville Borough line thence in a southeasterly direction over Pressley Street to an intersection with Route 108 at Pressley Street and Washington Avenue in the borough of Bridgeville Allegheny County a distance of about 0.44 of a mile

Coraopolis Borough

Application 793 Beginning at a point on the Moon Township-Coraopolis Borough line thence northeasterly on Maple State and Chestnut Streets to an intersection with Route 76 at Chestnut Street and Fifth Avenue in the borough of Coraopolis Allegheny County a distance of about 0.75 of a mile

Dormont Borough

Route 806 Extending Route 806 Beginning at a point on the Mount Lebanon Township-Dormont Borough line thence northeasterly on West Liberty Avenue to the Pittsburgh City line in the borough of Dormont Allegheny County a distance of about 0.74 of a mile

Route 02059 Extending Route 02059 Beginning at a point on the Mount Lebanon Township-Dormont Borough line thence northwesterly on Scott Road to a second point on the Mount Lebanon Township line in the borough of Dormont Allegheny County a distance of about 0.16 of a mile

Edgeworth Borough

Application 148 Beginning at a point on the line between Sewickley Heights Township and Edgeworth Borough thence southwesterly over Quaker Hollow Road to Woodland Road in the borough of Edgeworth Allegheny County a distance of about 0.34 of a mile

Etna Borough

Route 807 Extending Route 807 Beginning at a point on the Shaler Township-Etna Borough line thence southeasterly on Grant Avenue to Crescent Avenue thence continuing on Crescent Avenue to an intersection with Route 72 at Crescent Avenue and Butler Street in the Borough of Etna Allegheny County a distance of about 0.60 of a mile

Fox Chapel Borough

Route 02146 Extending Route 02146 Beginning at a point on the O'Hara Township-Fox Chapel Borough line thence in a northwesterly direction on Fairview Road to an intersection with the Fox Chapel Road in the borough of Fox Chapel Allegheny County a distance of about 0.25 of a mile

Greentree Borough

Route 802 Extending Route 802 Beginning at a point on the Scott Township-Greentree Borough line thence over Washington Avenue to the Pittsburgh City line in the borough of Greentree Allegheny County a distance of about 2.07 miles

Millvale Borough

Route 805 Extending Route 805 Beginning at a point on the Shaler Township-Millvale Borough line thence northerly through Millvale Borough on Evergreen Avenue and North Avenue to Route 805 at the northern line of Millvale Borough Allegheny County a distance of about 0.91 of a mile

Osborne Borough

Route 02096 Extending Route 02096 Beginning at a point on the Haysville Borough-Osborne Borough line thence in a southwesterly direction on River Avenue to an intersection with Beaver Road in the Borough of Osborne Allegheny County a distance of about 0.02 of a mile

Sharpsburg Borough

Route 810 Extending Route 810 Beginning at a point on the O'Hara Township-Sharpsburg Borough line thence in a southwesterly direction on North Canal Street to an intersection with Route 70 at North Canal and Main Streets in the borough of Sharpsburg Allegheny County a distance of about 0.38 of a mile

Turtle Creek Borough

Route 741 Extending Route 741 Beginning at a point on the Wilkins Township-Turtle Creek Borough line thence over Brown Avenue and Hunter Street to the intersection of Hunter and Thompson Streets in the borough of Turtle Creek Allegheny County a distance of about 0.5 of a mile

Route 743 Extending Route 743 Beginning at a point on the Wilkins Township-Turtle Creek Borough line thence over Larimer Avenue Osborne and Thompson Streets to the intersection of Thompson Street and Penn Avenue in the borough of Turtle Creek Allegheny County a distance of about 0.6 of a mile

ARMSTRONG COUNTY

Applewold Borough

Route 03024 Extending Route 03024 Beginning at a point on the East Franklin Township-Applewold Borough line thence southerly on Allegheny Street to an intersection with Route 251 in the borough of Applewold Armstrong County a distance of about 0.01 of a mile

Dayton Borough

Route 534 Extending Route 534 Beginning at a point on the Dayton Borough-Waynes Township line thence in a northwesterly direction on State Street to an intersection with the continuation of Routes 03075 and 03095 at State and Main Streets in the borough of Dayton Armstrong County a distance of about 0.20 of a mile

BEAVER COUNTY

Aliquippa Borough

Application 3955 Extending Application 3955 Beginning at a point on the Hopewell Township-Aliquippa Borough line on Application 3955 thence northerly on Station Street to an intersection with Franklin Avenue thence westerly on Franklin Avenue to the intersection of Franklin and Hopewell Avenues in the borough of Aliquippa Beaver County a distance of about 2.54 miles

Ambridge Borough

Route 04089 Extending Route 04089 Beginning at a point on the Ambridge Borough-Harmony Township line and extending over Fourth Street to an intersection with Route 641 at Fourth Street and Duss Avenue in Ambridge Borough Beaver County a distance of about 0.2 of a mile

Beaver Borough

Route 04091 Extending Route 04091 Beginning at a point on the Brighton Township-Beaver Borough line near the Borough Township line thence in a southeaserly direction over Buffalo Street to intersect with Route 278 at Fourth Street in Beaver Borough Beaver County a distance of about 0.32 of a mile

Koppel Borough

Route 04017 Extending Route 04017 Beginning at the west end of the bridge spanning the Beaver River at the

east borough line of Koppel thence in a southwesterly direction on Fifth Avenue to an intersection with Arthur Street thence in a westerly direction on Arthur Street to an intersection with Route 77 in the borough of Koppel Beaver County a distance of about 0.82 of a mile

South Heights Borough

Route 445 Extending Route 445 Beginning at a point on Route 445 at the Hopewell Township-South Heights Borough line thence in a general easterly direction over Hill Road to an intersection with State-aid Application 3955 at Hill Road and North Jordan Street in South Heights Borough Beaver County a distance of about 0.60 of a mile

West Mayfield Borough

Route 04044 Extending Route 04044 Beginning at a point on the Big Beaver Township-West Mayfield Borough line thence in a southerly direction on a borough street to an intersection with Route 77 in the borough of West Mayfield Beaver County a distance of about 0.04 of a mile

BEDFORD COUNTY

Mann's Choice Borough

Route 05097 Extending Route 05097 Beginning at a point on the Harrison Township-Mann's Choice Borough line thence extending in a northerly direction to the Mann's Choice Borough-Harrison Township line in the borough of Mann's Choice Bedford County a distance of about 0.2 of a mile

BERKS COUNTY

Lenhartsville Borough

Route 06168 Extending Route 06168 Beginning at a point on the Lenhartsville Borough-Greenwich Township line thence in a northwesterly direction on Chestnut Street to an intersection on Route 285-Spur at Chestnut Street and Penn Avenue in the borough of Lenhartsville Berks County a distance of about 0.22 of a mile

St Lawrence Borough

Route 916 Extending Route 916 Beginning at a point on the Exeter Township-St Lawrence Borough line thence westerly on St Lawrence Avenue to an intersection with Route 146 at St Lawrence Avenue and Perkiomen Avenue in the borough of St Lawrence Berks County a distance of about 1.57 miles

Temple Borough

Route 157-Spur Beginning at a point on the southern line between Muhlenberg Township and Temple Borough thence northerly on Kutztown Road to the Northern borough line in the borough of Temple Berks County a distance of about 0.85 of a mile

Topton Borough

Route 06160 Extending Route 06160 Beginning at a point on the Topton Borough-Longswamp Township line thence in a southerly direction on Haas Street to Route 06119 at the intersection of Weis and Haas Streets in the borough of Topton Berks County a distance of about 0.52 of a mile

Wernersville Borough

Route 06148 Extending Route 06148 Beginning at a point on the Lower Heidelberg Township-Wernersville Borough line thence in a southerly direction of an intersection with Route 149 in the borough of Wernersville Berks County a distance of about 0.4 of a mile

BLAIR COUNTY

Hollidaysburg Borough

Route 883 Extending Route 883 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence northerly on Bedford Street to an intersection with Route 07014 at Bedford and Newry Streets in the borough of Hollidaysburg Blair County a distance of about 0.41 of a mile

Route 884 Extending Route 884 Beginning at a point on the Blair Township-Hollidaysburg Borough line thence southerly on Juniata Street to an intersection with Route 53 at Juniata and Allegheny Streets in the borough of Hollidaysburg Blair County a distance of about 0.35 of a mile

Martinsburg Borough

Route 882 Extending Route 882 Beginning at a point on the North Woodbury Township-Martinsburg Borough line thence westerly on Allegheny Street to an intersection with Routes 286 and 734 at Allegheny and Market Streets in the borough of Martinsburg Blair County a distance of about 0.45 of a mile

Roaring Spring Borough

Route 880 Extending Route 880 Beginning at a point on the Taylor Township-Roaring Spring Borough line thence northwesterly on South Main Street to an intersection with Route 384 at Main and Bloomfield Streets in the borough of Roaring Spring Blair County a distance of about 0.24 of a mile

Tyrone Borough

Route 857 Extending Route 857 Beginning at a point on the Snyder Township-Tyrone Borough line thence easterly on Fifteenth Street to an intersection with Route 07032 at Fifteenth Street and Columbia Avenue in the borough of Tyrone Blair County a distance of about 0.44 of a mile

Route 858 Extending Route 858 Beginning at a point on the Snyder Township-Tyrone Borough line thence southerly on Adams Avenue to an intersection with Route 07032 at Adams Avenue and Decker Hollow Road in the borough of Tyrone Blair County a distance of about 0.03 of a mile

Williamsburg Borough

Route 07039 Extending Route 07039 Beginning at a point on the Woodbury Township-Williamsburg Borough line thence in a westerly direction over Front Street to Route 260 in the borough of Williamsburg Blair County a distance of about 0.2 of a mile

BRADFORD COUNTY

Sayre Borough

Route 08120 Extending Route 08120 Beginning at a point on the Athens Township-Sayre Borough line thence easterly over Lincoln Street to an intersection with Route 287 in the borough of Sayre Bradford County a distance of about 0.26 of a mile

Route 08120 Extending Route 08120 Beginning at a point on the Athens Township-Sayre Borough line at the end of Route 08120 thence westerly on Cayuta and Bradford Streets to an intersection with Route 287 at Bradford Street and Keystone Avenue in the borough of Sayre Bradford County a distance of about 1.29 miles

Application 5800 Beginning at the intersection of Thomas and Packer Avenues in the borough of Sayre Bradford County thence over Thomas and East Lockhart Avenues to a point on the west bank of the Susquehanna River a distance of about 0.50 of a mile

Route 08147 Extending Route 08147 Beginning at a point on the Athens Township-Sayre Borough line thence over Lockhart Avenue to an intersection with Route 287 at Lockhart and Keystone Avenues in the borough of Sayre Bradford County a distance of about 0.3 of a mile

Route 08150 Extending Route 08150 Beginning at a point on the Athens Township-Sayre Borough line thence southerly to an intersection with Route 08120 in the borough of Sayre Bradford County a distance of about 0.2 of a mile

Route 287-Spur Beginning at a point on Route 287 at the intersection of Keystone Avenue and Mohawk Street thence in a northeasterly direction over Momawk Street to Spring Street thence continuing in a northerly direction over Spring Street to the Pennsylvania-New York State line in the borough of Sayre Bradford County a distance of about 1.0 mile

South Waverly Borough

Route 08114-Spur Beginning at the intersection of Elmira and Pitney Streets thence northerly over Elmira Street to the Pennsylvania-New York State line in the borough of South Waverly Bradford County a distance of about 0.5 of a mile

Route 287-Spur "A" Beginning at a point on Route 287 at Pennsylvania Avenue and Bradford Street thence over Bradford Street to Elmira Street in the borough of South Waverly Bradford County a distance of about 0.4 of a mile

Wyalusing Borough

Application 1069 Beginning at a point on the Wyalusing Township-Wyalusing Borough line thence northeasterly on Bridge and Main Streets to an intersection with Route 14 at Main and Church Streets in the borough of Wyalusing Bradford County a distance of about 0.17 of a mile

BUCKS COUNTY

Bristol Borough

Application 3441 Beginning at a point on the Bristol Township-Bristol Borough line thence over Otter Mill and Radcliffe Streets to a point on the bridge over Adams Hollow Creek in the borough of Bristol Bucks County a distance of about 1.50 miles

Application 4948 Beginning at a point on the Bristol Township-Bristol Borough line thence over Radcliffe Street to a point on the bridge over Adams Hollow Creek in the borough of Bristol Bucks County a distance of about 0.79 of a mile

Application 6723 Beginning at the intersection of Radcliffe Street and Bloomsdale Road in the borough of Bristol thence over Bloomsdale Road to the State highway on the Bristol Borough-Bristol Township line in the borough of Bristol Bucks County a distance of about 0.60 of a mile

Hulmeville Borough

Application 2659 Beginning at a point on the Middletown Township-Hulmeville Borough line thence northwesterly on Main Street to Trenton Avenue thence from a point on Route 484 northeasterly on Trenton Avenue to the Middletown Township line in the borough of Hulmeville Bucks County a distance of about 0.08 of a mile.

Langhorne Borough

Application 405 Beginning at the intersection of Bellevue and Winchester Avenues thence northerly on Bellevue Avenue to Summit Avenue in the borough of Langhorne Bucks County a distance of about 0.08 of a mile

Morrisville Borough

Application 1302 Beginning at the intersection of Pennsylvania and Trenton Avenues the intersection of Applications 104 and 1809 thence southerly on Pennsylvania Avenue to the intersection with Routes 281 and 150 at Pennsylvania Avenue and Bridge Street in the borough of Morrisville Bucks County a distance of about 0.72 of a mile

Application 1809 Beginning at a point on the Falls Township-Morrisville Borough line thence over Trenton Avenue to an intersection with Route 252 at Trenton and Delmar Avenues in the borough of Morrisville Bucks County a distance of about 0.45 of a mile

Application 5715 Beginning at a point on the Falls Township-Morrisville Borough line thence northerly on Pennsylvania Avenue to an intersection with Route 150 at Pennsylvania and Philadelphia Avenues in the borough of Morrisville Bucks County a distance of about 0.53 of a mile

Perkasie Borough

Application 6426 Beginning at a point on Route 386 at the intersection of Ridge Road and Market Street thence southeasterly on Application 6426 for a distance of about 0.28 of a mile in the borough of Perkasie Bucks County

Quakertown Borough

Route 921 Extending Route 921 Beginning at a point on the Richland Township-Quakertown Borough line thence northerly on Trumbauersville Pike and easterly on Mill Road to an intersection with Route 153 at Mill Road and Main Street in the borough of Quakertown Bucks County a distance of about 0.13 of a mile

Silverdale Borough

Application 1139 Beginning at a point on the Hilltown Township-Silverdale Borough line thence over Perkasie Road to the intersection of Route 270 in Silverdale Borough Bucks County a distance of about 0.27 of a mile

Trumbauersville Borough

Route 921 Extending Route 921 Beginning at a point on the Milford Township-Trumbauersville Borough line thence southwesterly on Quakertown Pike Street to an intersection with Route 09110 at Quakertown Pike and Broad Streets in the borough of Trumbauersville Bucks County a distance of about 0.14 of a mile

BUCKS AND MONTGOMERY COUNTIES

Telford and West Telford Boroughs

Applications 3771 and 4067 Beginning at a point on the line between Hilltown Township and Telford Borough Bucks County and Souderton and West Telford Boroughs Montgomery County thence over County Line Road to an intersection with Route 09011 and Application 463 in the boroughs of Telford Bucks County and West Telford Montgomery County a distance of about 1.09 miles

BUTLER COUNTY

Cherry Valley Borough

Route 10106 Extending Route 10106 Beginning at a point on the Venango Township-Cherry Valley Borough line thence easterly to a road intersection about 0.3 of a mile south of East Unity Church thence southerly to an intersection with Route 75 in the borough of Cherry Valley Butler County a distance of about 1.7 miles

East Butler Borough

Application 3663 Beginning at a point on the Summit Township-East Butler Borough line thence northeasterly over Tenth Street to an intersection with Route 10059 at Tenth and Grant Streets in the borough of East Butler Butler County a distance of about 0.26 of a mile

CAMBRIA COUNTY

Cresson Borough

Route 854 Extending Route 854 Beginning at a point on the Cresson Township-Cresson Borough line thence easterly on William Penn Highway to an intersection with Route 276 in the borough of Cresson Cambria County a distance of about 0.06 of a mile

Ebensburg Borough

Route 854 Extending Route 854 Beginning at a point on the Cambria Township-Ebensburg Borough line thence northwesterly on High Street to an intersection with Route 53 in the borough of Ebensburg Cambria County a distance of about 0.05 of a mile

Ferndale Borough

Route 851 Extending Route 851 Beginning at a point on the Upper Yoder Township-Ferndale Borough line thence northeasterly on Franklin Street to an intersection with Summit Avenue thence continuing on Franklin Street to the Johnstown City line in the borough of Ferndale Cambria County a distance of about 0.36 of a mile

Geistown Borough

Application 1591-B Extending Application 1591-B Beginning at a point on Stonycreek Township-Geistown Borough line thence over Locust Street Arbutus Park Road Belmont Street and Arbutus Park Boulevard to the intersection of Route 222 at Arbutus Park Boulevard and Bedford Pike in the borough of Geistown Cambria County a distance of about 1.51 miles

Hastings Borough

Route 11076 Extending Route 11076 Beginning at a point on the south borough line of Hastings Borough on Beaver Street thence in a northerly direction on Beaver Street to an intersection with Route 11051 in Hastings Borough Cambria County a distance of about 0.55 of a mile

Lilly Borough

Route 11028 Extending Route 11028 Beginning at a point on the north borough line of Lilly Borough at Portage Street thence southerly on Portage Street to an intersection with Route 276 at Portage and Cleveland Streets in Lilly Borough Cambria County a distance of about 0.25 of a mile

Portage Borough

Route 11071 Extending Route 11071 Beginning at a point on the east borough line of Portage Borough on Washington Avenue thence in a westerly direction on Washington Avenue to an intersection with Route 11024 at Washington Avenue and Main Street in the borough of Portage Cambria County a distance of about 0.07 of a mile

Westmont and Southmont Boroughs

Route 11011-Spur Beginning at an intersection with Route 11011 in Westmont Borough thence easterly on Mill Creek Road in the boroughs of Westmont and Southmont to a point near the intersection of Mill Creek Road and Fourth Avenue thence southerly and easterly in Southmont Borough to Grant Avenue thence northerly on Grant Avenue to the Johnstown City line in the boroughs of Westmont and Southmont Cambria County a distance of about 2.6 miles

Lorain Borough

Application 1591-B Extending Application 1591-B Beginning at a point on the Stonycreek Township-Lorain Borough line thence in a northwesterly direction over Application 1591-A on Ohio Street to the Johnstown City line in the borough of Lorain Cambria County a distance of about 0.64 of a mile

Application 5801 Beginning at a point on the north Lorain Borough-Stonycreek Township line thence in a southwesterly direction on Oakland Avenue to an intersection with State-aid Application 1591-A at Oakland Avenue and Ohio Street in the borough of Lorain Cambria County a distance of about 0.55 of a mile

Wilmore Borough

Route 852 Extending Route 852 Beginning at a point on the Summerhill Township-Wilmore Borough line thence southerly on Main Street to an intersection with Routes 276 and 11017 at Main Street and Old Portage Road in the borough of Wilmore Cambria County a distance of about 0.17 of a mile

CARBON COUNTY

Bowmanstown Borough

Route 13014-Spur Beginning at the intersection of East White Street and Fire Line Road thence over East White Street to an intersection with Route 163 in the borough of Bowmanstown Carbon County a distance of about 0.13 of a mile

CENTRE COUNTY

Millheim Borough

Route 873 Extending Route 873 Beginning at a point on the Penn Township-Millheim Borough line thence in a northerly direction on Penn Street to an intersection with Routes 27 and 667 at Penn and Main Streets in the borough of Millheim Centre County a distance of about 0.40 of a mile

Philipsburg Borough

Application 1397 Beginning at a point on the Rush Township-Philipsburg Borough line thence southeasterly on Ninth Street to an intersection with Routh 107 at Ninth and Presque Isle Streets in the borough of Philipsburg Centre County a distance of about 0.50 of a mile

Application 5228 Beginning at a point on the Rush Township-Philipsburg Borough line thence southwesterly on Pine Street to an intersection with Application 1397 at Pine and Ninth Streets also from Fifteenth and Pine Streets over Fifteenth Street to the intersection of Fifteenth and Presque Isle Streets in the borough of Philipsburg Centre County a distance of about 0.50 of a mile

Application 1286 Extending Application 1286 Beginning at a point on the Philipsburg Borough-Rush Township line thence in a southwesterly direction on Presque Isle Street to a point on Route 107 in the borough of Philipsburg Centre County a distance of about 0.13 of a mile

Unionville Borough

Route 869 Extending Route 869 Beginning at a point on the Union Township-Unionville Borough line thence in a southeasterly direction on Allegheny Street to an intersection with Route 107 at Allegheny and Union Streets in the borough of Unionville Centre County a distance of about 0.36 of a mile

CHESTER COUNTY

Downingtown Borough

Route 15095 Extending Route 15095 Beginning at a point on the East Caln Township-Downingtown Borough line thence in a westerly direction on Boot Road to an intersection with Route 137 at Boot Road and Brandywine Avenue in the Borough of Downingtown Chester County a distance of about 0.11 of a mile

Parkesburg Borough

Application 4814 Beginning at a point on the Sadsbury Township-Parkesburg Borough line thence westerly on First Avenue to Route 15062 at First Avenue and West Street in the borough of Parkesburg Chester County a distance of about 0.67 of a mile

CLARION COUNTY

Curllsville Borough

Route 551 Extending Route 551 Beginning at a point on the Curllsville Borough-Piney Township line thence in a southeasterly direction on Walnut Street to an intersection with Main Street thence southerly on Main Street to an intersection with Route 16022 at Main and Walnut Streets in the borough of Curllsville Clarion County a distance of about 0.36 of a mile

St Petersburg Borough

Application 1450 Beginning at a point on the Richland Township-St Petersburg Borough line thence over Main Street to an intersection with Route 251 at Main Street and Salem Avenue in the borough of St Petersburg Clarion County a distance of about 0.29 of a mile

CLEARFIELD COUNTY

Curwensville Borough

Application 1311 Beginning at a point on the Pike Township-Curwensville Borough line thence over Susquehanna Avenue to an intersection with Route 62-spur in the borough of Curwensville Clearfield County a distance of about 0.17 of a mile

Glen Hope Borough

Route 857 Extending Route 857 Beginning at a point on the southeastern line between Glen Hope Borough and Beccaria Township thence northwesterly over Janesville Road Cooper Avenue and Tyrone Turnpike to Route 857 at the northwestern borough line in the borough of Glen Hope Clearfield County a distance of about 1.8 miles

Grampian Borough

Route 857 Extending Route 857 Beginning at a point on the Penn Township-Grampian Borough line thence northerly on South and Main Streets to an intersection with Routes 59 and 62 at Main and First Streets in the Borough of Grampian Clearfield County a distance of about 0.33 of a mile

Lumber City Borough

Route 857 Extending Route 857 Beginning at a point on the Ferguson Township-Lumber City Borough line thence northeasterly on Bridge Street to a point on Route 62-spur thence from a second point on Route 62-spur northerly on Turnpike Street to Route 857 on the Lumber City Borough-Penn Township line in the borough of Lumber City Clearfield County a distance of about 1.06 miles

COLUMBIA COUNTY

Catawissa Borough

Route 19089 Extending Route 19089 Beginning at a point on the Catawissa Township-Catawissa Borough line thence southerly on Second Street to an intersection with Routes 183 and 19011 at Second and Main Streets in the borough of Catawissa Columbia County a distance of about 0.54 of a mile

Centralia Borough

Route 19082 Extending Route 19082 Beginning at a point on the Conyngham Township-Centralia Borough line thence northerly to a point on Route 161 in Centralia Borough Columbia County a distance of about 0.02 of a mile

Route 19083 Extending Route 19083 Beginning at a point on the Conyngham Township-Centralia Borough line thence over Centre Street to an intersection with Route 161 at Centre and Locust Streets in the borough of Centralia Columbia County a distance of about 0.08 of a mile

CUMBERLAND COUNTY

Camp Hill Borough

Route 21070 Extending Route 21070 Beginning at a point on the East Pennsboro Township-Camp Hill Borough line thence northerly on Thirty-second Street to an intersection with Route 507 at Thirty-second Street and Trindle Road in the borough of Camp Hill Cumberland County a distance of about 0.7 of a mile

Carlisle Borough

Route 890 Extending Route 890 Beginning at a point on the dividing line between North Middleton and South Middleton Townships and Carlisle Borough thence easterly on West High Street to an intersection with Routes 34 35 and 125 at West High and Hanover Streets in the borough of Carlisle Cumberland County a distance of about 1.05 miles

Lemoyne Borough

Route 21073 Extending Route 21073 Beginning at a point on the Lower Allen Township-Lemoyne Borough line thence over Hummel Avenue to an intersection with Route 250 at Hummel Avenue and Third Street in the borough of Lemoyne Cumberland County a distance of about 0.95 of a mile

New Cumberland Borough

Route 66003 Extending Route 66003 Beginning at a point on the Fairview Township (York County)-New Cumberland Borough line thence over Poplar and Third Streets to an intersection with Route 250 at Third and Bridge Streets in the borough of New Cumberland Cumberland County a distance of about 0.86 of a mile

Newville Borough

Route 891 Extending Route 891 Beginning at a point on the North Newton Township-Newville Borough line thence northeasterly on Big Spring Avenue to an intersection with Route 191 at Big Spring Avenue and South High Street in the borough of Newville Cumberland County a distance of about 0.58 of a mile

Shippensburg Borough

Route 21061 Extending Route 21061 Beginning at a point on the Shippensburg Township-Shippensburg Borough line thence over Roxbury Road and Spring Street to an intersection with Route 35 at Spring and King Streets in the borough of Shippensburg Cumberland County a distance of about 0.16 of a mile

West Fairview Borough

Application 394 Beginning at a point on the East Pennsboro Township-West Fairview Borough line thence southerly on the State road to an intersection with Route 30 in the borough of West Fairview Cumberland County a distance of about 0.36 of a mile

CUMBERLAND AND FRANKLIN COUNTIES

Shippensburg Borough

Applications 264 and 368 Beginning at a point on the Shippensburg Township-Shippensburg Borough line thence over North Morris Street to an intersection with Route 35 at Morris and King Streets in the borough of Shippensburg Cumberland and Franklin Counties a distance of about 0.12 of a mile

DELAWARE COUNTY

Trainer Borough

Application 1249 Beginning at a point on the Lower Chichester Township-Trainer Borough line thence northeasterly on Ridge Avenue and Ninth Street to the Chester City line in the borough of Trainer Delaware County a distance of about 0.79 of a mile

Route 542 Extending Route 542 Beginning at a point in the borough of Trainer at the intersection of Post Road and Price Street thence southerly on Price Street to a point at the intersection of Price and Second Streets thence easterly on Second Street to a point on the line dividing the borough of Trainer and the city of Chester in the borough of Trainer Delaware County a distance of about 0.4 of a mile

FRANKLIN COUNTY

Chambersburg Borough

Application 1027 Beginning at the intersection of Broad Street and Kenwood Road in the borough of Chambersburg thence over Scotland Avenue to an intersection with Application 228 at Scotland and College Avenues in the borough of Chambersburg Franklin County a distance of about 0.19 of a mile

Greencastle Borough

Route 887 Extending Route 887 Beginning at a point on the Antrim Township-Greencastle Borough line thence northeasterly on Carlisle Street to an intersection with Routes 36 and 224 at Carlisle and Baltimore Streets in the borough of Greencastle Franklin County a distance of about 0.75 of a mile

Mercersburg Borough

Application 1594 Beginning at a point on the Montgomery Township-Mercersburg Borough line thence northerly on Shimpstown Road to an intersection with Route 224 in the borough of Mercersburg Franklin County a distance of about 0.01 of a mile

Mt Alto Borough

Application 585 Beginning at a point on the Quincy Township-Mont Alto Borough line thence northeasterly on Main Street to an intersection with Route 28009 at Main Street and Fayetteville Road in the borough of Mont Alto Franklin County a distance of about 0.46 of a mile"

Application 5503 Beginning at a point on the Quincy Township-Mont Alto Borough line thence northwesterly on Park Avenue to an intersection with Route 28009 at Park Avenue and Main Street in the borough of Mont Alto Franklin County a distance of about 0.94 of a mile

Waynesboro Borough

Route 888 Extending Route 888 Beginning at a point on the Washington Township-Waynesboro Borough line thence northeasterly on Potomac Avenue to an intersection with Route 224 at Potomac Avenue and Main Street in the borough of Waynesboro Franklin County a distance of about 1.09 miles

FULTON COUNTY

McConnellsburg Borough

Route 29017 Extending Route 29017 Beginning at a point on the southern McConnellsburg Borough-Ayr Township line thence in a northerly direction on Cito Road to an intersection with Route 37 at Cito Road and Water Street in the borough of McConnellsburg Fulton County a distance of about 0.05 of a mile

GREENE COUNTY

Rices Landing Borough

Route 30077-Spur Beginning at a point on Route 30077 thence in an easterly direction paralleling the Monongahela River to a point on Route 30025 at the Rices Landing Borough-Cumberland Township line in the borough of Rices Landing Greene County a distance of about 0.9 of a mile

HUNTINGDON COUNTY

Broad Top City Borough

Application 2845 Beginning at a point on the Carbon Township-Broad Top City Borough line thence in an easterly direction on Railroad Street to a point on the Broad Top City Borough-Wood Township line in Broad Top City Borough Huntingdon County a distance of about one mile

Application 4973 Beginning at a point on the Carbon Township-Broad Top City Borough line thence in a south-

erly direction on Broad Street to Route 31012 in the borough of Broad Top City Huntingdon County a distance of about 0.78 of a mile

INDIANA COUNTY

Blairsville Borough

Application 694 Beginning at a point on the southern line of Blairsville Borough thence over Moorewood Avenue Johnson Avenue Walnut Street and Main Street to an intersection with Route 32005 at Main and Liberty Streets in the borough of Blairsville Indiana County a distance of about 0.78 of a mile

JEFFERSON COUNTY

Big Run Borough

Route 847 Extending Route 847 Beginning at point on the Henderson Township-Big Run Borough line thence southwesterly on Caroline Street to an intersection with Route 189 at Caroline and Main Streets in the borough of Big Run Jefferson County a distance of about 0.23 of a mile

Brockway Borough

Route 33065 Extending Route 33065 Beginning at a point on the Snyder Township-Brockway Borough line thence in a northeasterly direction over Kearney Street to First Avenue thence over First Avenue to Broad Street thence over Broad Street to an intersection with Route 33047 at Broad Street and Second Avenue in the borough of Brockway Jefferson County a distance of about 0.3 of a mile

Route 33066 Extending Route 33066 Beginning at a point on Route 59 at the intersection of McKean and Main Streets thence north on McKean Street to the Brockway Borough line in the borough of Brockway Jefferson County a distance of about 0.4 of a mile

Punxsutawney Borough

Application 854 Beginning at the intersection of Ridge Avenue (Route 189) and Elk Street thence over Elk Street to the intersection of Route 997 and Application 5456 at Elk Street and Graffius Avenue in the borough of Punxsutawney Jefferson County a distance of about 0.1 of a mile

Application 5456 Beginning at the intersection of Front Street and Graffius Avenue thence over Graffius Avenue to an intersection with Route 358 at Graffius Avenue and Orchard Street in the borough of Punxsutawney Jefferson County a distance of about 0.4 of a mile

Sykesville Borough

Route 60-Spur Extending Route 60-Spur Beginning at a point on the Sykesville Borough-Winslow Township line thence in a southeasterly direction on Park Street to an intersection with Route 338 in the borough of Sykesville Jefferson County a distance of about 0.31 of a mile

LACKAWANNA COUNTY

Blakely Borough

Route 954 Extending Route 954 Beginning at a point on the Scott Township-Blakely Borough line thence southeasterly to an intersection with Route 533 in the borough of Blakely Lackawanna County a distance of about 0.08 of a mile

Application 5702 Beginning at a point on Route 322 at North Main and Ridge Streets thence over Ridge Street to Main Street in the borough of Blakely Lackawanna County a distance of about 0.37 of a mile

Clarks Summit Borough

Application 5 Beginning at a point on the South Abington Township-Clarks Summit Borough line thence over State Street to an intersection with Route 9 at State Street and Lake Winola Road in the borough of Clarks Summit Lackawanna County a distance of about 0.51 of a mile

Clarks Summit and Clarks Green Boroughs

Route 953 Extending Route 953 Beginning at a point on the South Abington Township-Clarks Summit-Clarks Green Borough line thence northerly on Abington Road to an intersection with Route 365-Spur in the boroughs of Clarks Summit and Clarks Green Lackawanna County a distance of about 0.53 of a mile

Dalton Borough

Application 309 Beginning at a point on the Glenburn Township-Dalton Borough line thence northerly over the old Abington turnpike to the Dalton Borough-LaPlume Township line in the borough of Dalton Lackawanna County a distance of about 1.54 miles

Application 4356 Beginning at a point on the Abington Township-Dalton Borough line thence northwesterly on Main Street to Application 309 in the borough of Dalton Lackawanna County a distance of about 0.9 of a mile

Dunmore Borough

Route 5 Beginning at a point on the Scranton City-Dunmore Borough line thence northeasterly on Third Street to Cherry Street thence northwesterly on Cherry Street to Short Street thence northerly on Short Street to South Blakely Street thence northeasterly on South Blakely Street to a point where it intersects Route 168 in Dunmore Borough Lackawanna County a distance of about 0.92 of a mile

Gouldsboro Borough

Route 45039 Extending Route 45039 Beginning at a point on the Monroe County-Gouldsboro Borough line at the end of Route 45039 thence in a northerly direction on Locust Ridge Road to Main Street thence northeasterly on Main Street to an intersection with Route 665 at Main Street and Bear Lake Road in the borough of Gouldsboro Lackawanna County a distance of about 0.7 of a mile

LANCASTER COUNTY

Manheim Borough

Route 812 Extending Route 812 Beginning at a point on the Rapho Township-Manheim Borough line thence over Penn and Colebrook Streets to an intersection with Route 138 at Colebrook and Main Streets in the borough of Manheim Lancaster County a distance of about 0.38 of a mile

Mount Joy Borough

Application 288 Beginning at a point on the East Donegal Township-Mt Joy Borough line thence over West Donegal Street to the intersection with Route 36002 in the borough of Mt Joy Lancaster County a distance of about 0.2 of a mile

LAWRENCE COUNTY

New Wilmington Borough

Route 43005 Extending Route 43005 Beginning at a point on the New Wilmington Borough-Wilmington Township (Mercer County) line thence in a southerly direction on North High Street to an intersection with Route 80 at North High Street and Neshannock Avenue in the borough of New Wilmington Lawrence County a distance of about 0.34 of a mile

LEBANON COUNTY

Cornwall Borough

Application 4668-A Beginning at a point on the South Lebanon Township-Cornwall Borough line thence southwesterly on Schaefferstown Road for a distance of about 173 feet in the borough of Cornwall Lebanon County

LEHIGH COUNTY

Emaus Borough

Route 39077 Extending Route 39077 Beginning at a point on Route 158 at Fifth Street in the borough of Emaus thence in a southeasterly direction through Emaus Borough to the southeastern borough line in Lehigh County a distance of about 0.4 of a mile

LUZERNE COUNTY

Laurel Run Borough

Route 933 Extending Route 933 Beginning at a point on the Bear Creek Township-Laurel Run Borough line thence northerly on Northampton Street to an intersection with Route 40039 in the borough of Laurel Run Luzerne County a distance of about 0.89 of a mile

McKEAN COUNTY

Kane Borough

Route 42032 Extending Route 42032 Beginning at a point on the eastern Kane Borough-Wetmore Township line at Hemlock avenue thence westerly over Hemlock Avenue to an intersection with Route 95-Spur at the intersection of Hemlock Avenue and Fraley Street in Kane Borough McKean County a distance of about 0.4 of a mile

MERCER COUNTY

Greenville Borough

Application 265 Extending Application 265 Beginning at a point on the Hempfield Township-Greenville Borough line thence westerly on South Main and Main Streets to an intersection with Route 82 at Main and College Streets in the borough of Greenville Mercer County a distance of about 0.8 of a mile

Wheatland Borough

Application 6532 Beginning on Route 238-Spur D at the intersection of Mercer and Broadway Streets thence northeasterly over Mercer Street to an intersection with Route 238-Spur A at Mercer Street and Council Avenue in the borough of Wheatland Mercer County a distance of about 0.4 of a mile

MONROE COUNTY

Mt Pocono Borough

Route 949 Extending Route 949 Beginning at a point on the Coolbaugh Township-Mt Pocono Borough line thence southerly on Sterling Road to an intersection with Route 168 at Sterling Road and Main Street in the borough of Mt Pocono Monroe County a distance of about 0.93 of a mile

MONTGOMERY COUNTY

East Greenville Borough

Application 721 Beginning at a point on the Upper Hanover Township-East Greenville Borough line thence over Water Street to the Pennsburg Borough line in the borough of East Greenville Montgomery County a distance of about 0.6 of a mile

Narberth Borough

Application 552 Beginning at a point on the western line between Lower Merion Township and Narberth Borough thence over Wynnewood Avenue to the southern borough line in the borough of Narberth Montgomery County a distance of about 0.33 of a mile

Rockledge Borough

Application 7180 Beginning at a point on the Abington Township-Rockledge Borough line thence over Fox Chase Road to an intersection with Route 362 in the borough of Rockledge Montgomery County a distance of about 0.06 of a mile

NORTHAMPTON COUNTY

Chapman Borough

Application 3908 Beginning at a point on the southern line between Moore Township and Chapman Borough thence northwesterly over Application 3908 to the western borough line in the borough of Chapman Northampton County a distance of about 0.34 of a mile

Hellertown Borough

Route 48006 Extending Route 48006 Beginning at a point on the Bethlehem City-Hellertown Borough line at the intersection of Cherry Lane and Easton Road thence southwesterly on Easton Road to the intersection of Route 530 at Easton Road and Main Street in the borough of Hellertown Northampton County a distance of about 1.1 miles

PERRY COUNTY

Bloomfield Borough

Route 50005 Extending Route 50005 Beginning at a point on the dividing line between Bloomfield Borough and Centre Township thence southerly over a borough street to Route 122 in Bloomfield Borough Perry County a distance of about 0.1 of a mile

PIKE COUNTY

Milford Borough

Route 942 Extending Route 942 Beginning at a point on the Dingman Township-Milford Borough line thence northerly on Harford Street to an intersection with Route 167 at Harford and Mott Streets in the borough of Milford Pike County a distance of about 0.27 of a mile

POTTER COUNTY

Galeton Borough

Application 380 Beginning at a point on Route 52018 at the intersection of West and Union Streets in Galeton Borough thence over Union Street and Germania Avenue to an intersection with Route 565 at Germania Avenue and Fifth Street in the borough of Galeton Potter County a distance of about 0.48 of a mile

SCHUYLKILL COUNTY

Ringtown Borough

Application 844 Beginning at the intersection of Routes 755 and 53067 in the borough of Ringtown Schuylkill County thence westerly on Main Street for a distance of about 565 feet

SNYDER COUNTY

Middleburg Borough

Route 54035 Extending Route 54035 Beginning at a point on the Franklin Township-Middleburg Borough line thence southwesterly on a borough street to an intersection with Route 26 in the borough of Middleburg Snyder County a distance of about 0.02 of a mile

SOMERSET COUNTY

Berlin Borough

Route 308 Extending Route 308 Beginning at a point on the Brothers Valley Township-Berlin Borough line thence northerly on Cumberland Street to an intersection with Route 55039 at Cumberland and Main Streets thence from an intersection with Routes 51 and 55039 at Broadway and Main Street westerly on Main Street to Route 808 on the Berlin Borough-Brothers Valley Township line in the borough of Berlin Somerset County a distance of about 0.37 of a mile

Confluence Borough

Route 55113 Extending Route 55113 Beginning at a point on the Addison Township-Confluence Borough line thence northerly over Yough and Baxter Streets to the intersection with Route 55018 at Baxter Street and Latrobe Avenue in the borough of Confluence Somerset County a distance of about 0.45 of a mile

Hooversville Borough

Route 55126 Extending Route 55126 Beginning at a point on the Hooversville Borough-Shade Township line thence in a westerly direction over Charles Street to the point of intersection with Route 546 in the borough of Hooversville Somerset County a distance of about 0.5 of a mile

New Centerville Borough

Route 55042 Extending Route 55042 Beginning at a point on the New Centerville Borough-Milford Township line thence in a westerly direction on Main Street to an intersection with Route 50 in the borough of New Centerville Somerset County a distance of about 0.03 of a mile

Paint Borough

Route 55127 Extending Route 55127 Beginning at a point on the Paint Borough-Paint Township line thence in an easterly direction by way of Main Street to the point of intersection with Application 825 in the borough of Paint Somerset County a distance of about 0.32 of a mile

Somerset Borough

Route 55111 Extending Route 55111 Beginning at a point on the Somerset Township-Somerset Borough line thence northerly on Center Street to an intersection with Route 50 at Center and Patriot Streets in the borough of Somerset Somerset County a distance of about 0.31 of a mile

Stoyestown Borough

Route 849 Extending Route 849 Beginning at a point on the Quemahoning Township-Stoyestown Borough line thence southwesterly on Somerset Street to an intersection with Route 119 and 55077 in the borough of Stoyestown Somerset County a distance of about 0.22 of a mile

Usina Borough

Route 55115 Extending Route 55115 Beginning at a point on the Lower Turkeyfoot Township-Ursina Borough line thence in a northerly direction over the Harnedsville Road to a point on Route 50 at Park Street in the borough of Ursina Somerset County a distance of about 0.57 of a mile

Wellersburg Borough

Route 808 Extending Aoute 808 Beginning at a point on the Southampton Township-Wellersburg Borough line thence in a general southerly direction on Main Street to the Maryland State line in Wellersburg Borough Somerset County a distance of about 1.53 miles

SULLIVAN COUNTY

Dushore Borough

Route 895 Extending Route 895 Beginning at a point on the southeastern Cherry Township-Dushore Borough line thence northwesterly on Turnpike Street to Route 17-Spur at Main Street thence from Route 56023 Main Street northerly on Turnpike Street to Route 895 at the northern Dushore Borough-Cherry Township line in the borough of Dushore Sullivan County a distance of about 1.05 miles

Eagles Mere Borough

Applications 5459 and 6740 Beginning at a point on Route 321 at the intersection of Pennsylvania and Eagles Mere Avenues thence over Pennsylvania and Lakewood Avenues to an intersection with Route 321 at Lakewood and Eagles Mere Avenues in the borough of Eagles Mere Sullivan County a distance of about 1.93 miles

SUSQUEHANNA COUNTY

Hallstead Borough

Route 710-Spur Beginning at a point on Route 710 at the intersection of Church Avenue and Pine Street thence southwesterly on Pine Street and southeasterly on Franklin Avenue to an intersection with Route 10 at Franklin Avenue and Main Sreet in the borough of Hallstead Susquehanna County a distance of about 0.3 of a mile

Hopbottom Borough

Route 941 Extending Route 941 Beginning at a point on the Lenox Township-Hopbottom Borough line thence northerly on Glenwood Street to an intersection with Route 9 at Glenwood Street and Lackawanna Trail in the borough of Hopbottom Susquehanna County a distance of about 0.42 of a mile

Friendsville Borough

Route 944 Extending Route 944 Beginning at a point on the Apolacon Township-Friendsville Borough line thence in a southeasterly direction on Turnpike Street to Route 944 at the Friendsville Borough-Forest Lake Township line in the borough of Friendsville Susquehanna County a distance of about 1.56 miles

Montrose Borough

Route 842 Extending Route 842 Beginning at a point on the Bridgewater Township and southerly Montrose Borough line thence northerly on Main Street to an intersection with Route 12 near Wilson and Main Streets thence from a point on Route 57024 northerly on Chenango Street to Route 842 at the northern borough line in the borough of Montrose Susquehanna County a distance of about 0.60 of a mile

Route 944 Extending Route 944 Beginning at a point on the Bridgewater Township and western Montrose Borough line thence easterly on Owego Street to an intersection with Route 57078 and Owego Street thence from a point on Route 57025 southeasterly on Bank Street to Route 944 at the southern borough line in the borough of Montrose Susquehanna County a distance of about 0.28 of a mile

New Milford Borough

Route 945 Extending Route 945 Beginning at a point on the New Milford Township-New Milford Borough line thence northerly on Main Street to an intersection with Route 10 at Main and Summit Streets in the borough of New Milford Susquehanna County a distance of about 0.41 of a mile

Application 593 Beginning at a point on the New Milford Township-New Milford Borough line thence over Montrose Street to an intersection with Routes 10 and 474 in the borough of New Milford Susquehanna County a distance of about 0.42 of a mile

Susquehanna Depot and Lanesboro Boroughs

Route 946 Extending Route 946 Beginning at a point on the dividing line between Oakland and Harmony Townships at the southwesterly corner of Lanesboro Borough thence northly on Harmony Street to an intersection with Route 296 at Harmony and Main Streets in the boroughs of Susquehanna Depot and Lanesboro Susquehanna County a distance of about 0.99 of a mile

TIOGA COUNTY

Mansfield Borough

Application 5762 Beginning at a point on Route 58063 at the intersection of Elmira and Coles Streets in Mansfield Borough thence over Coles Street to an intersection with Route 212 at Coles and Sullivan Streets in the borough of Mansfield Tioga County a distance of about 0.14 of a mile

VENANGO COUNTY

Utica Borough

Route 60061 Extending Route 60061 Beginning at Carnahans Corners on the dividing line between Utica Borough and French Creek Township thence easterly to an intersection with Route 60019 at the United Presbyterian Church in Utica Borough Venango County a distance of about 0.7 of a mile

WASHINGTON COUNTY

Bentleyville Borough

Application 508 Beginning at a point on the Ellsworth-Bentleyville Borough line thence northerly to an intersection with Route 118 in the borough of Bentleyville Washington County a distance of about 0.45 of a mile

Canonsburg Borough

Route 802 Extending Route 802 Beginning at a point on the Canonsburg-Houston Borough line thence northeasterly on Pike Street to an intersection with Route 108 at Central Avenue in the borough of Canonsburg Washington County a distance of about 1.17 miles

Ellsworth Borough

Application 515 Beginning at a point on the West Pike Run Township-Ellsworth Borough line thence over a borough street to the Bentleyville Borough line in the borough of Ellsworth Washington County a distance of about 0.61 of a mile

Huston Borough

Route 802 Extending Route 802 Beginning at a point on the Chartiers Township-Huston Borough line thence northeasterly on Pike Street to the Cannonsburg Borough line in the borough of Huston Washington County a distance of about 0.86 of a mile

Midway Borough

Application 178 Extending Application 178 Beginning at a point on the Robinson Township-Midway Borough line thence over Montgomery Street to an intersection with a county road in the borough of Midway Washington County a distance of about 0.14 of a mile

WAYNE COUNTY

Bethany Borough

Route 950 Extending Route 950 Beginning at a point on the eastern line between Dyberry Township and Bethany Borough thence northwesterly on Wayne Street to an un-named street thence westerly on said un-named

street to Spruce Street thence northerly on Spruce Street to an un-named street thence northeasterly on said un-named street to Wayne Street thence northweasterly on Wayne Street to Route 950 at the northwestern line between Bethany Borough and Dyberry Township in the borough of Bethany Wayne County a distance of about 1.40 miles

Route 963 Extending Route 963 Beginning at a point on Dyberry Township-Bethany Borough line thence northerly on Spruce Street to an intersection with the continuation of Route 950 in the borough of Bethany Wayne County a distance of about 0.02 of a mile

Honesdale Borough

Route 960 Extending Route 960 Beginning at a point on the Texas Township-Honesdale Borough line thence easterly on Maple Avenue to an intersection with Route 6 at Maple Avenue and Park Street in the borough of Honesdale Wayne County a distance of about 0.30 of a mile

Starrucca Borough

Route 57054 Extending Route 57054 Beginning at a point on Route 57054 at the Susquehanna-Wayne County line thence in a southeasterly direction over the Depot Road to an intersection with State Highway Route 296 in Starrucca Borrough Wayne County a distance of about 0.4 of a mile

Waymart Borough

Route 949 Extending Route 949 Beginning at a point on the Canaan Township-Waymart Borough line thence northerly on Belmont Street to Route 949 on the Waymart Borough-Clinton Township line in the Borough of Waymart Wayne County a distance of about 1.37 miles

WESTMORELAND COUNTY

South Greensburg Borough

Route 64111 Extending Route 64111 Beginning at a point on the Hempfield Township-South Greensburg Borough line thence in a southeasterly direction over a borough street to a point on the South Greensburg Borough-Hempfield Township line in the borough of South Greensburg Westmoreland County a distance of about 0.10 of a mile

WYOMING COUNTY

Factoryville Borough

Application 531 Beginning at a point on the line between Factoryville Borough and Lackawanna County thence over Academy and Main Streets to the Clinton Township line also by spur from Academy and Maple Streets northeasterly over Maple Street to Route 9 in the borough of Factoryville Wyoming County a distance of about 0.98 of a mile

Laceyville Borough

Route 08032 Extending Route 08032 Beginning at a point on the Bradford County-Laceyville Borough line at the end of Route 08032 thence in a southerly direction on Church Street to an intersection with Route 241 at Church and Main Streets in the borough of Laceyville Wyoming County a distance of about 0.29 of a mile

Nicholson Borough

Route 939 Extending Route 939 Beginning at a point on the Nicholson Township-Nicholson Borough line thence northerly on Bridge Street to Route 479 at Bridge and Bacon Streets thence from a second point on Route 479 northerly on Bacon and Quarry Streets to Route 939 at the Nicholson Borough-Nicholson Township line in the borough of Nicholson Wyoming County a distance of about 0.88 of a mile

YORK COUNTY

Dallastown Borough

Route 66140 Extending Route 66140 Beginning at a point on the York Township-Dallastown Borough line thence in a northeasterly direction on Franklin Street to an intersection with Route 215 at Franklin and Main Streets in the borough of Dallastown York County a distance of about 0.1 of a mile

Fawn Grove Borough

Application 2974 Beginning at a point on the Maryland State-Fawn Grove Borough line thence over Belair Road to an intersection with Route 66067 at Belair Road and Main Street in the borough of Fawn Grove York County a distance of about 0.47 of a mile

Glen Rock Borough

Application 2339 Beginning at a point on the Shrewsbury Township-Glen Rock Borough line thence over Baltimore Street to an intersection with Route 441 and Route 715 at Baltimore Manchester and Main Streets in the borough of Glen Rock York County a distance of about 0.4 of a mile

Goldsboro Borough

Route 892 Extending Route 892 Beginning at a point on the Newberry Township-Goldsboro Borough line thence in a general southerly direction on Railroad Zeigler and North York Streets to an intersection with Routes 449 and 66003 at North York Street and Broadway in the borough of Goldsboro York County a distance of about 0.71 of a mile

Hanover Borough

Route 01062 Extending Route 01062 Beginning at a point on the Adams-York County line thence easterly over Elm Avenue to Route 342 at Elm Avenue and Carlisle Street in the borough of Hanover York County a distance of about 0.47 of a mile

Jefferson Borough

Application 2003 Beginning at a point on the Codorus Township-Jefferson Borough line thence over Baltimore and York Streets to the Jefferson Borough-North Codorus Township line in the borough of Jefferson York County a distance of about 0.81 of a mile

New Freedom Borough

Application 2002 Beginning at a point on the Shrewsbury Township-New Freedom Borough line thence over East Main Street to an intersection with Route 66073 at Main Street and Shrewsbury Avenue in the borough of New Freedom York County a distance of about 0.66 of a mile

Application 4929 Beginning at a point on the Shrewsbury Township-New Freedom Borough line thence over Front Street to an intersection with Route 66073 at Front and Main Streets in the borough of New Freedom York County a distance of about 1.02 miles

Red Lion Borough

Application 3941 Beginning at a point on the Windsor Township-Red Lion Borough line thence northerly on Main Street to an intersection with Route 333 in the borough of Red Lion York County a distance of about 0.17 of a mile

Windsor Borough

Application 401 Beginning at a point on the western Windsor Township-Windsor Borough line at the end of Application 402 thence over Main Street to Route 714 at the eastern borough line in the borough of Windsor York County a distance of about 1.01 miles

Route 66141 Extending Route 66141 Beginning at a point on the Windsor Township-Windsor Borough line thence in a northerly direction on South Penn Street to an intersection with Route 66020 and Application 401 at Penn and Main Streets in the borough of Windsor York County a distance of about 0.1 of a mile

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No 2048, as follows:

An Act to amend sections two and seven of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that on assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefore regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" as amended by adding certain new routes changing certain routes and providing for the relocation of city streets which are State highway routes

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Comonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting propery owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" are hereby amended to read as follows

Beginning at a point on Easton Road on the dividing line between the city of Bethlehem and Lower Saucon Township thence over Easton Road to the intersection of Easton Road and Cherry Lane [thence over Cherry Lane to Hellertown Road] in the city of Bethlehem a distance of about [1.30] 0.80 miles

Beginning at a point on the line dividing the Borough of Eddystone and the City of Chester and Ridley Creek and extending in a westerly direction over Fourth Street to the point at the intersection of Fourth and [Welch] Crosley Streets thence in a southerly direction over [Welch] Crosley Street to a point at the intersection of [Welch] Crosley and Second Streets thence in a westerly direction over Second Street to a point [at the intersection of Second Street and Highland Avenue thence in a northerly direction over Highland Avenue to a point at the intersection of Highland Avenue and Fourth Street] on the line dividing the City of Chester and the Borough of Trainer in the City of Chester a distance of about [3.21] 3.38 miles

Beginning at a point on the dividing line between the City of Connellsville and Connellsville Township at the end of State-aid Application 563 thence along the city line to an intersection with Pittsburgh Street thence from the northern city line southerly over Pittsburgh Street to the intersection of Pittsburgh Street and Crawford Avenue in the City of Connellsville a distance of about 0.76 of a mile

Beginning at a point on old Philadelphia Road on the dividing line between Williams Township and the City of Easton thence over the old Philadelphia Road to the intersection of [Smith Avenue] St John Street and the old Philadelphia Road [(also known as Folk Street)] thence over St John Street to Madison Street thence over Madison Street to Smith Avenue thence over SmithAvenue to the intersection of Third Street and Smith Avenue in the City of Easton a distance of about [1.03 miles] 1.00 mile

Beginning at a point on the dividing line between Monongahela City and New Eagle Borough thence over Chess Avenue to Twelfth Street over Twelfth Street to Main Street until such time as Main Street shall be opened to traffic from the boundary line of New Eagle Borough and the City of Monongahela to Twelfth Street when this route shall follow Main Street between the aforesaid boundary line and Twelfth Street thence over Main and East Main Streets to Cemetery Street thence over Cemetery to Ridge Road thence over Ridge Road to the dividing nine between the City of Monogahela and Carroll Township until such time as a new Street shall be opened up by relocation between the intersection of East Main Street and [Staub] Straub Street and the dividing line between the City of Monongahela and Carroll Township when this route shall follow the relocated street in the City of Monongahela a distance of about 3.34 miles

Beginning at a point on Dry Run Road at the dividing line between Monongahela City and Carroll Township thence over Dry Run Road to the intersection with Chess Avenue until such time as a street is opened from Chess to Main Street on property of the City of Monongahela when this route shall follow the newly opened street from Chess to Main Street Beginning again at the intersection of Main Street and street running across the Monongahela River known as Monongahela Pike thence along this street to the Monongahela City line in the city of Monongahela a distance of about 0.787 of a mile

Beginning at a point on East Bissel Avenue Extension [(not yet opened)] on the dividing line between the City of Oil City and Cornplanter Township thence over East Bissel Avenue Extension [(not yet opened)] to East Bissel Avenue thence over East Bissel Avenue to [the intersection of East Bissel Avenue and] Harriot Avenue thence over Harriot Avenue to Stout Street thence over Stout Street to Graff Street thence over Graff Street to Spring Street thence over Spring Street to the intersection of Spring Center and Plumer Streets in the city of Oil City a distance of about [1.7] 2.1 miles

Beginning at a point on Plumer Street on the dividing line between the City of Oil City and Cornplanter Township thence over Plumer Street to [Bissel Avenue thence over Bissel Avenue to Harriot Avenue thence over Harriot Avenue to Spring Street thence over Spring Street to] Center Street thence over Center Street to the intersection of Center and [Seneca] North Main Streets in the City of Oil City a distance of about [1.4] 2.0 miles

Beginning at a point on [Grampian Boulevard] Four Mile Drive on the dividing line between the City of Williamsport and Loyalsock Township thence over Four Mile Drive Chestnut Street and Grampian Boulevard to the intersection of Grampian Boulevard and Market Streets in the City of Williamsport a distance of about 1.45 miles

"Section 2 That the said act is hereby amended by adding thereto the following routes" Beginning at a point on Route 165 at the intersection of Roth Avenue and Nineteenth Street thence over Roth Avenue to Twelfth Street thence over Twelfth Street to Route 157 at the intersection of Twelfth and Tilghman Streets in the city of Allentown a distance of about 1.2 miles

Beginning at a point on Juniata Gap Road on the dividing line between Altoona City and Logan Township thence south easterly on Juniata Gap Road to Twenty-Fifth Avenue in the city of Altoona a distance of about 0.34 of a mile

Beginning at a point on Pembroke Road on the dividing line between the city of Bethlehem and the borough of Freemansburg thence over Pembroke Road to the intersection of Pembroke Road and Goepp Street thence over Goepp Street to the intersection of Goepp Street and Linden Street thence over Linden Street to the intersection of Linden Street and East Union Boulevard thence over East Union Boulevard to the intersection of East Union Boulevard and Main Street in the city of Bethlehem a distance of about 2.20 miles

Beginning at a point on the Butler Township-Butler City line thence northeasterly over Roosevelt Boulevard to an intersection with Route 72 at William Flinn and Roosevelt Boulevards in the city of Butler a distance of about 0.40 of a mile

Beginning at an intersection with Route 214 at Jefferson and First Streets thence northeasterly over Jefferson Street to an intersection with Route 214 at Jefferson and Eau Claire Streets in the city of Butler a distance of about 0.47 of a mile

Beginning at a point on the Carbondale City-Carbondale Township line on Cottage Avenue thence northeasterly over Cottage Avenue to a point of intersection with Route 6 at Cottage Avenue and Pike Street in the city of Carbondale a distance of about 0.80 of a mile

Beginning on Ninth Street on the line between Trainer Borough and Chester City thence easterly on Ninth Street to the intersection of Ninth Street and Highland Avenue in the city of Chester a distance of about 0.40 of a mile

Beginning at a point on the Upland borough-Chester City line thence over Fourteenth Street to an intersection with Edgmont Avenue in the city of Chester a distance of about 0.18 of a mile

Beginning at a point in the present bed of Campbell Street one hundred feet (100) more or less north of twenty-second street and extending in a northerly direction approximately two hundred and fifty feet (250) to the intersection of Campbell Street and Twenty-third Street thence in a westerly direction four thousand feet (4,000) more or less to the intersection of Edgmont Avenue and Twenty-third Street in the City of Chester

Beginning at a point on the Chester Township-Chester City line thence over Flower Street to an intersection with Ninth Street in the city of Chester a distance of about 0.05 of a mile

Beginning at a point at the intersection of North Centre and Main Streets thence over North Centre Street to the intersection of North Centre and Sixth Streets in the city of Corry a distance of about 0.35 of a mile

Beginning at a point on Route 17014 at the intersection of Dixon Avenue and South Main Street on the Sandy Township-DuBois City line thence northeasterly and northerly on South Main Street North Main Street and DuBois Street to a point on Route 59 at the intersection of DuBois Street and West DuBois Avenue in the city of DuBois a distance of about 1.40 miles

Beginning at a point on Route 48021 at the intersection of Thirteenth Street and Wood Avenue thence over Wood Avenue to Route 175 at the intersection of Northampton Street and Wood Avenue in the city of Easton a distance of about 0.57 of a mile

Beginning at a point on Route 175 at the intersection of Seventh Street and Northampton Street thence over Seventh Street to Prospect Avenue to Pearl Street thence over Pearl Street to Bushkill Street thence over Bushkill Street to Route 165 at the intersection of Third and Bushkill Streets in the city of Easton a distance of about 0.55 of a mile.

Beginning at a point on the extension of Knox Avenue on the dividing line between the city of Easton and Forks Township thence in an easterly direction over the extension of Knox Avenue to Knox Avenue in the city of Easton a distance of about 0.04 of a mile.

Benginning at a point at the intersection of Parade and Twenty-Sixth Streets thence over Parade Street to the intersection of Parade and Sixth Streets in the city of Erie a distance of about 1.35 miles.

Beginning at a point at the intersection of Cherry and Peach Streets thence over Cherry Street to the intersection of Cherry and Twenty-Sixth Streets in the city of Erie a distance of about 0.70 of a mile.

Beginning at a point on Route 1 at the intersection of Front and Maclay Streets thence in a northeasterly direction on Maclay Street to an intersection with Route 22023 on Cameron Street in the city of Harrisburg a distance of approximately 1.05 miles.

Beginning at a point on Route 22023 at the intersection of Cameron Street and the ramp to the State Street Memorial Bridge thence in a southerly direction on Cameron Street to a point on Route 129 at the intersection of Cameron and Paxton Streets thence in an easterly direction on Paxton Street to a point at the junction of Routes 618 and 509 at Paxton and Nineteenth Streets in the city of Harrisburg a distance of about 1.68 miles.

Beginning at a point on Ohio Street on the dividing line between the city of Johnstown and Lorain Borough thence westerly over Ohio Street to the intersection of Ohio Street and Central Avenue in the city of Johnstown a distance of about 0.35 of a mile.

Beginning at a point on Harshbarger Street on the dividing line between Upper Yoder Township and Johnstown City thence northeasterly on Harshbarger Street and Wonder Street thence southeasterly over Wonder Street to the intersection of Wonder Street and Franklin Street in the city of Johnstown a distance of about 0.47 of a mile.

Beginning at a point on the Ferndale Borough-Johnstown City line thence northerly on Franklin Street to an intersection with Franklin Sreet and Valley Pike in the city of Johnstown a distance of about 1.28 miles.

Beginning at a point on Grant Avenue on the dividing line between the borough of Southmont and the city of Johnstown thence northerly on Grant Avenue to Haynes Street thence easterly on Haynes Street to the intersection of Haynes and Napoleon Streets in the city of Johnstown Cambria County a distance of about 0.40 of a mile

Beginning at a point on Route 128 at the intersection of Columbia Avenue Ruby Street and Orange Street thence in an easterly direction on Orange Street to a point on Route 36090 at the intersection of Orange and Franklin Streets in the city of Lancaster a distance of about 1.53 miles

Beginning at a point on Route 58 at the intersection of Bellefonte Avenue and North Fairview Street thence northerly on North Fairview Street to a point on Route 105 at the intersection of North Fairview Street Susquehanna Avenue and Water Street in the city of Lock Haven a distance of about 0.65 of a mile

Beginning at a point at the intersection of Liberty and Poplar Streets thence over Liberty Street to the intersection of Liberty and North Streets in the city of Meadville a distance of about 0.50 of a mile

Beginning at a point at the intersection of Baldwin and North Main Streets thence over Baldwin Street to the intersection of Baldwin Street and Park Avenue in the city of Meadville a distance of about 0.15 of a mile

Beginning at a point on the Carroll Township-Monongahela City line thence in a general northeasterly direction on Fourth Street to an intersection with Route 247 at Fourth and Main Streets in the city of Monongahela a distance of about 1.09 miles

Beginning at a point on Route 40033 at Main and Broadway Streets thence northerly over Broadway Street to the bridge over the Susquehanna River in the city of Nanticoke a distance of about 0.80 of a mile

Beginning at a point on Freeport Road on the New Kensington City-Lower Burrell Township line thence in a general southwesterly direction on Freeport Road Locust Street Sixth Avenue Eleventh Street Fourth Avenue and Ninth Street to the bridge over the Allegheny River in the city of New Kensington a distance of about 2.30 miles

Beginning at a point on Freeport Street on the New Kensington City-Lower Burrell Township line thence in a general northwesterly direction on Freeport and Seventh Streets and Fourth Avenue to the intersection of Fourth Avenue and Ninth Street in the city of New Kensington a distance of about 1.10 miles

Beginning on the New Kensington City-Lower Burrell Township line at the end of Route 64004 thence in a westerly direction over Seventh Street Road and Seventh Street to a point on Route 737 at Stanton Avenue and Seventh Street in the city of New Kensington a distance of about 2.1 miles

Beginning at a point at the intersection of North Main and Center Streets thence over North Main Street to the intersection of North Main and North Seneca Streets in the city of Oil City a distance of about 0.75 of a mile

Beginning at a point on Independence Street on the dividing line between the city of Pittsburgh and the borough of Greentree thence northerly on Independence Street to the intersection of Independence Street and Woodville Avenue in the city of Pittsburgh a distance of about 0.63 of a mile

Beginning at a point on the Evergreen Road on the dividing line between the city of Pittsburgh and Ross Township thence in a southerly direction on the Evergreen Road to the intersection of Evergreen Road and East Street continuing in a southerly direction on East Street to the intersection of East and East Ohio Streets in the city of Pittsburgh a distance of about 3.50 miles

Beginning at a point on West Liberty Avenue on the dividing line between Dormont Borough and the city of Pittsburgh thence northeasterly on West Liberty Avenue to the intersection of West Liberty Avenue and Saw Mill Run Boulevard in the city of Pittsburgh a distance of about 1.75 miles

Beginning at a point on Norwegian Street on the Pottsville City-Mechanicsville Borough line thence over Norwegian Street to Center Street in the city of Pottsville a distance of about 0.72 of a mile

Beginning at a point on Newton Road on the dividing line between Ransom Township and the city of Scranton thence over Newton Road and Jackson Street to the intersection of Jackson Street and Keyser Avenue in the city of Scranton a distance of about 1.3 miles

Beginning at a point on the South Strabane Township-Washington City line thence in a general southerly direction on Locust Street to an intersection with Route 108 at Locust Street and Highland Avenue in the city of Washington a distance of about 0.50 of a mile

Beginning at a point on Route 4 at South and South River Streets thence northeasterly over South River and North River Streets to an intersection with Routes 5 and 169 at Courtright and North River Streets in the city of Wilkes-Barre a distance of about 1.30 miles

"Section 3 That Section 7 of the said act is hereby amended to read as follows

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof without the consent of the city evidenced by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment for of any damages which may be occasioned thereby such damages to be ascertained and paid in accordance with the laws applicable thereto Provided however that whenever it shall appear to the Secretary of Highways that any part or portion of a State highway route in a city of the second class second class A or third class as now or hereafter defined or described in this act is dangerous or inconvenient to the traveling public in its present location either by reason of width grade length curves or other conditions or that the expense to the Commonwealth in the construction or maintenance thereof could be materially lessened by a change of location the Secretary of Highways may with the consent of the Governor and of the city expressed by ordinance or resolution change the location of such State highway route including the terminal points thereof to pass over existing streets or new streets laid out and opened by the city in such manner as in his discretion may seem best in order to correct such danger or inconvenience or lessen the cost to the Commonwealth A plan showing the new location approved by the Governor and the Mayor of the City shall be recorded in the office of the recorder of deeds in the county in which such city shall be located"

Section 4 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO DISCHARGE COMMITTEE

Mr. FITCH. Mr. Speaker, I move that the Committee on Public Health and Sanitation be discharged from further consideration of House Bill No. 494, Printer's No. 864, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic and the licensure and registration of practitioners therein creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction and defining its powers and duties and providing penalties

said bill having been recommitted to said committee on April 29th, 1935, and having been in the hands of said committee ten days and more.

On the question,

Will the House agree to the motion?

Mr. FITCH. Mr. Speaker and members of the House, this bill, as you all know, has been a thorn in the side of many of us.

It was introduced in the House in February. Along about April it came out with a majority report. Immediately, as the result of action on the floor of the House by some of the members, it was recommitted. If it had been recommitted to the Committee on Education, there would have been no question about it. It would have been sent back for the purpose of amendment or some other reason, but the motion to recommit it to the Committee on Public Health and Sanitation, as I understand the motion, was made with no set idea with what they wanted to do.

It seems to me that this health measure is of great consequence. Thousands and thousands of letters that I have received and other members of this House have received claim that these chiropractors have been doing wonderful work. I feel that in justice to the bill and in justice to ourselves that this bill ought to be given a sporting chance to be debated on the floor of this House. Why should a committee that is composed of practically five or six doctors, that have set ideas, state that positively under no condition would they report this bill out?

We were given a kind of hearing, and I appeared at the hearing, but there was practically nothing done. In fairness to the sponsor of this motion and in fairness to this proposition, I think it would be the decent thing to do to discharge this committee and fight the battle on the floor —the good points and the bad points. If we are licked on the floor, I will say that it is all right, but I feel that it is an injustice to me and to any man who sponsors such a bill that has been reported out favorably by one committee to have another committee take hold of it for the purpose of destroying the good effect of the former committee. I beg of you to vote to discharge the committee and fight the battle on the floor.

Mr. HARTMAN. Mr. Speaker and members of the House, as the Chairman of the Committee on Public Health and Sanitation, I oppose the motion to discharge my committee from further consideration of House Bill No. 494.

After this bill was committed I called a meeting within two weeks and invited the sponsor to present his arguments for the bill, and he took about a half an hour. The committee after full and complete hearings and consideration voted overwhelmingly to keep the bill in committee.

I ask you to support my committee and to vote "no" on this motion.

As I stated, we had the sponsor of this bill in the committee and he gave us his views and the vote was something like fourteen to five not to report it out. I hope the members of the House will give this committee some consideration and we will try, if it is thought necessary, to bring the bill out next week again.

Mr. ALEXANDER. Mr. Speaker and members of the House, I rise in support of this motion for three very important reasons: first, there is a large group of men and women in this state practicing the art of healing known as chiropractors, which is illegal because there is no established licensing Chiropractic board and, that is the purpose for which Bill No. 494 was drawn.

POINT OF ORDER

Mr. JAMES W. PATTERSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. JAMES W. PATTERSON. Mr. Speaker, the gentleman is not confining his remarks to the motion to discharge.

The SPEAKER. The gentleman will confine his remarks to the motion to discharge.

Mr. ALEXANDER. The second reason: being a member of the committee on education and knowing of the careful consideration given this bill in that committee and after giving a hearing to the proponents and opponents of Bill 494, the bill was favorably reported out and appeared on the calendar for two readings and then was recommitted to the Committee on Health and Sanitation. For what purpose? I need not answer that question. You all know the answer.

The action taken on the floor in recommitting this bill was not fair to the Committee on Education especially after this committee had spent so much time on this bill studying it and revising it to be less objectional to the opponents, then to have it recommitted is questioning the ability of the Committee on Education. Let us not kill this bill in committee.

Last but not least by any means is the popularity which this bill has received by the public in general. This House cannot afford to ignore the sincere appeal of those thousands asking that this bill be passed so that those practicing and those desiring to subscribe to this manner of healing need not be continuously harassed—

POINT OF ORDER

Mr. JAMES W. PATTERSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. Will the gentleman from Allegheny state his point of order?

Mr. JAMES W. PATTERSON. The gentleman is discussing the merits of the bill and not the motion to discharge.

The SPEAKER. The gentleman will confine himself to the motion to discharge.

Mr. ALEXANDER. Mr. Speaker, all I am doing now is tracing the bill as it has proceeded on its course up to this time. I am not discussing the merits of the bill.

The SPEAKER. The gentleman will proceed.

Mr. ALEXANDER. This House cannot afford to ignore the sincere appeal of those thousands asking that this bill be passed so that those practicing and those desiring to subscribe to this manner of healing need not be continuously harrassed by the fact that they are engaged in an illegitimate business and subject to arrest at any moment.

Let us be fair and bring this bill out of committee and give the rest of the members of this house an opportunity to vote on this bill thereby giving the bill a fair chance to become a law protecting many citizens of this Commonwealth. Let us not kill this bill in committee.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I want to say at the beginning of this discussion that I have the highest regard for the medical profession. I am not a client of the chiropractors but I do believe that out of the interest of constituents, in fact worthwhile constituents who have asked me not only to support this bill but have asked me to do something that would bring this bill before the House, that I must live up to my oath of office and my obligations to those constituents in trying to live up to the things that they are asking me to do.

One of the worth while constituents who has asked my wholehearted support of Bill No. 494 is Dr. Wilbert Norcross of the Department of Psychology of Dickinson College. Another one is Dr. Difenderfer, D. D., who for a number of years served a charge in Washington, D. C., and is now a retired minister living in Carlisle, and also quite a number of prominent business men in Carlisle. I, therefore, feel that I am perfectly justified and also as a member of the Committee on Education in defending the action of this committee, which by a preponderence of votes reported out this bill after certain adjustments and additions were made to the bill, for the purpose of raising the standards of the chiropractic profession, to meet certain demands of the medical profession.

I also feel that we are justified in asking the discharge of this committee because we have a number of professions that are licensed by codes of licensure all passed through the Committee on Education. A number of licensure bills have passed through the Committee on Education, which the likewise do the same thing. We have boards of Licensure. We have licenses for lawyers, for physicians, for real estate brokers, for plumbers, for insurance agents and brokers, for barbers, for beauticians, for osteopaths, for chiropodists, for optometrists, for architects, for civil engineers, mining engineers, electric engineers, and we have a bill under consideration for stationary engineers, and I would not be surprised that before the end of the session we would have under consideration a bill for those engineers who are not stationary.

We have bills of licensure for undertakers and licenses of licensure for undertakers who have had a high school education and who can furnish a five hundred dollar funeral and then we have the fellows who do not have a high school education and who can furnish a cheaper funeral.

Therefore, it seems to me that if we have bills to license passing through the Committee on Education for all of these other professions and vocations, including painters, that then it is the business of the Committee on Education to pass judgment upon this bill of licensure.

Therefore, I feel that having the judgment with such a preponderence of opinion, it is perfectly justifiable for the Committee on Education to be upheld in this matter.

We have also had a great deal of legislation this year. By comparison, we have been told that thirty-five states have more liberal legislation on workmen's compensation,

that twenty-eight states have more liberal disability benefits, that thirty-two states have larger weekly benefits for disability, that thirty-nine states provide more liberal compensation for widows,——

The SPEAKER. The gentleman is informed that the question before the House now is on the motion to discharge and not merits of the bill. The gentleman is discussing the merits of the bill and not the motion to discharge. The bill is still in committee and not before the House.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, as a concluding statement, it appears to me that if licensure is granted to all of the groups that I have enumerated, then it is quite a mistake to continue o put chiropractors in jail.

MOTION TO TABLE

Mr. JAMES W. PATTERSON. Mr. Speaker. I move that the motion to discharge the committee on Public Health and Sanitation be laid upon the table.

On the question,

Will the House agree to the question?

The yeas and nays were required by Mr. FITCH and Mr. NAGEL.

Mr. JOHN E. BROWN. Mr. Speaker, I ask for a verification of the roll.

The reason I make this request is because there are quite a number of members absent, and I don't see how this roll can be called when there are so many who do not answer to their names. I don't see how you can get a correct roll.

The SPEAKER. The Chair wishes to state that we have a very capable Chief Clerk. The pity is that a lot of the members do not respect the responsibilities that rest upon him and vote as they should so that he can get an accurate roll with which duty he is charged.

Mr. JOHN E. BROWN. Mr Speaker, I withdraw my request for a verification of the roll.

The roll was as follows:

YEAS—66

Achterman,	Furman,	Merrell,	Shugarts,
Arnold,	Green,	Mooney,	Simon,
Atkins,	Habbyshaw,	Moul,	Sinwell,
Baker, J. J.,	Hamilton, R. S.,	Munley,	Smith, W. G.,
Boose,	Harkins,	Murrin,	Sowers,
Boyer,	Hart,	O'Keefe,	Stewart,
Brancato,	Hartman,	O'Neill,	Sumney,
Cochran,	Hetrick,	Patterson, J. W.,	Tahl,
Cohen,	Hindman,	Pearson,	Terry,
Coleman,	Holstrom,	Peters,	Turner,
Condon,	Jones,	Phillips,	Walker,
Coolahan,	Kelso,	Robinson,	Wasserman,
Davies,	Kilroy,	Ruth,	Welsh,
Decker,	Kobelak,	Sarraf,	Winner,
Dilley,	LaRue,	Schrock,	Woodside,
Eroe,	Lynch,	Shaw,	Yourishin,
Forrest,	McDermott,		

NAYS—80

Alexander,	Diehl,	Mason,	Schrope,
Andrews,	Duffort,	McCreary,	Shepard,
Aukerman,	Falkenstein,	McElroy,	Siegel,
Baine,	Fitch,	Mentzer,	Simpson,
Baker, F. T.,	Flinchbaugh,	Moomaw,	Smith, J. A.,
Baldi,	Gates,	Moore,	Snyder, F. E.,
Barnhardt,	Hagerty,	Moran,	Snyder, J. L.,
Bernhard,	Haluska,	Muir,	Sproul,
Blumberg,	Hamilton, F. P.,	Nagel,	Stank,
Brennan,	Hefferon,	Ominsky,	Stevens,
Brown, H. S.,	Hermansen,	Parks,	Stockham,
Brown, J. E.,	Hoffner,	Patterson, C.,	Tronzo,
Brownfield,	Hoopes,	Perry,	Trout,
Brumbaugh,	Horst,	Pfaff,	Tumelty,
Burke,	Kane,	Piole,	VanSickle,
Cannon,	Kelder,	Powers,	Westrick,
Carson,	Long,	Reising,	Witkin,
Chervenak,	Longaker,	Rhys,	Wood,
Coakley,	Lovett,	Root,	Yeakel,
Cordier,	Male,	Scanlon,	Sarig,
Dent,			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the motion?

Mr. NAGEL. Mr. Speaker and members of the House, inasmuch as one member of the Public Health and Sanitation Committee spoke on this motion, and as that member was on the side of the majority, I feel that it is only fair that I should have the privilege of speaking as a member of this committee representing the minority. I will not resort to any unethical practice or make any criticism whatever of this committee which I am a member, but I do think that in view of the fact that I have had hundreds of letters and I now have on my desk a petition sent from one party that has on it over two hundred names requesting that this bill be brought out on the floor—it seems to me that it would be very undemocratic to hide this bill away in committee when so many people of our State are demanding that it be brought out in the open. You have heard of men who called themselves sportsmen, yet they would shoot a rabbit sitting. Let us be sportsmen, let this out on the floor and shoot it running. I ask you to support this motion to discharge this bill from the committee.

Mr. SARRAF. Mr. Speaker, as another member of the Committee on Health and Sanitation, I would like to interrogate the gentlemen from Beaver, Mr. Nagel.

The SPEAKER. Will the gentleman from Beaver, Mr. Nagel, permit himself to be interrogated?

Mr. NAGEL. I will, Mr. Speaker.

Mr. SARRAF. Mr. Speaker, does the gentlemen from Beaver, Mr. Nagel, think that the bill was given careful consideration in the committee?

Mr. NAGEL. Mr. Speaker, I think not, but as I said before—you asked me the question now and I will answer it in full—I did not want to reveal any of the transactions of our committee as I thought it was unethical practice.

Mr. SARRAF. Mr. Speaker, is it not true that Mr. Fitch, the sponsor of this bill, deliberated and told of his bill for at least a half an hour in our meeting?

Mr. NAGEL. Mr. Speaker, I did not time the man's talk or the interrogations that were carried on in this committee. I am aware of the fact that he was in there for some time and the consideration that they had of it was had during that time.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. FITCH and Mr. NAGEL and were as follows:

YEAS—44

Alexander,	Coakley,	Lovett,	Roan,
Allen,	Dent,	McCreary,	Scanlon,
Andrews,	Duffort,	McElroy,	Siegel,
Aukerman,	Falkenstein,	Mentzer,	Smith, J. A.,
Baine,	Fitch,	Moomaw,	Stank,
Baker, F. T.,	Flinchbaugh,	Moran,	Stevens,
Bernhard,	Haberlen,	Nagel,	Surface,
Brennan,	Hagerty,	Ominsky,	Walker,
Brown, J. E.,	Haluska,	Perry,	Welliver,
Brownfield,	Hoopes,	Pfaff,	Westrick,
Cannon,	Long,	Reising,	Sarig,

NAYS—113

Achterman,	Hamilton, F. P.,	Moore,	Sinwell,
Arnold,	Hamilton, R. S.,	Moul,	Sloan,
Atkins,	Harkins,	Muir,	Smith, W. G.,
Baker, J. J.,	Hart,	Munley,	Snyder, F. E.,
Baldi,	Hartman,	Murrin,	Snyder, J. L.,
Barnhardt,	Hefferon,	Nothnagle,	Sowers,
Blumberg,	Hermansen,	O'Keefe,	Spangler,
Boose,	Hetrick,	O'Neill,	Sproul,
Boyer,	Hindman,	Parks,	Stewart,
Brancato,	Hoffner,	Patterson, C.,	Stockham,
Brown, H. S.,	Holstrom,	Patterson, J. W.,	Stott,
Burke,	Horst,	Pearson,	Sumney,
Cochran,	Jackson,	Peters,	Tahl,
Cohen,	Jones,	Phillips,	Terry,
Coleman,	Kane,	Piole,	Tronzo,
Condon,	Kelder,	Powers,	Trout,
Coolahan,	Kelso,	Robinson,	Tumelty,
Cordier,	Kilroy,	Root,	Turner,
Davies,	Kinney,	Ruth,	Wasserman,
Decker,	Kobelak,	Sarraf,	Weidemann,
Dilley,	LaRue,	Schrock,	Weiss,
Eroe,	Longaker,	Schrope,	Welsh,
Ferko,	Lynch,	Schwab,	Winner,
Finnerty,	Male,	Shaw,	Witkin,
Forrest,	Mason,	Shepard,	Wood,
Furman,	McDermott,	Shugarts,	Woodside,
Gates,	Merrell,	Simon,	Yeakel,
Green,	Mooney,	Simpson,	Yourishin,
Habbyshaw,			

So the question was determined in the negative and the motion was not agreed to.

REASONS FOR VOTE

Mr. OMINSKY. Mr. Speaker I vote "aye" and wish to file my reasons.

Only in extraordinary circumstances am I in favor of discharging a committee from further consideration of a bill. I find this to be an extraordinary condition, because House Bill No. 494 was reported favorably by one committee and on the motion to recommit to another committee it received about 90 favorable votes.

Therefore, the present committee, the Health and Sanitation Committee in not reporting on House Bill No. 494 has not heeded those members of this House who were in favor of said Legislation.

The circumstances justify the discharge of the committee at this time, so that the membership may have an opportunity to vote on the merit of the bill.

HOUSE BILL NO. 1991 MADE A SPECIAL ORDER

Mr. COHEN. Mr. Speaker, I move that House Bill No. 1991, Printer's No. 1169, entitled:

An Act to provide for the ordinary expenses of the Executive Legislature and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five.

on page 40 of today's calendar, bills on third reading be made a special order or business on third reading and final passage at 5:20 P. M.

The motion was agreed to.

The SPEAKER. The hour of 5:20 having arrived the Chair lays before the House the special order of business fixed for that hour, House Bill No. 1991, Printer's No. 1169.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1991, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moran,	Snyder, J. L.,
Barnhardt,	Green,	Moul,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Hagerty,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stewart,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brancato,	Harkins,	Ominsky,	Stone,
Brennan,	Harmuth,	O'Neill,	Stott,
Brown, H. S.,	Hart,	Panton,	Sumney,
Brown, J. E.,	Hartman,	Parks,	Surface,
Brownfield,	Hefferon,	Patterson, C.,	Tahl,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Terry,
Burke,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holstrom,	Phillips,	Van Allsburg,
Castor,	Horst,	Piole,	Van Sickle,
Chervenak,	Jackson,	Powers,	Walker,
Coakley,	Jones,	Reising,	Wall,
Cochran,	Kane,	Reynolds,	Wasserman,
Cohen,	Kelder,	Rhys,	Weidemann,
Coleman,	Kelso,	Rinn,	Weiss,
Condon,	Kilroy,	Roan,	Welliver,
Conner,	Kinney,	Robinson,	Welsh,
Coolahan,	Klingler,	Rooney,	Westrick,
Cordier,	Kobelak,	Root,	White,
Davies,	LaRue,	Ruffennach,	Wickersham,
Decker,	Linderman,	Ruth,	Winner,
Denning,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zimmerman,
Duffort,	Mason,	Shaw,	Sarig,
Eberharter,			

NAYS—3

Andrews,	Hoopes,	Moore,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

HOUSE BILL NO. 2675 MADE A SPECIAL ORDER

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 2675, Printer's No. 1130,

An Act to amend article two section one (f) and article five section four of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four), entitled "An act defining public service companies;

and providing for their regulation by prescribing and defining their duties and liabilities; prescribing, and limiting their powers, and regulating their incorporation, and, to a limited extent, regulating municipal corporations engaged or about to engage in the business of public service companies; creating and establishing a Public Service Commission for the regulation aforesaid; prescribing and defining the powers and duties of such Commission and its officers, including the exclusive power to regulate the construction, alteration, relocation, or abolition of the crossings of railroad corporations, street railway corporations, or other public service companies, and of public highways by the tracks or other facilities of said companies; providing for the ascertainment by the Commission of the expense and damages resulting from such construction, alteration, relocation, or abolition, and for the payment of such expense and damages, severally or proportionately, by the public service companies interested, the State, or municipal corporation concerned, and giving persons whose property is thereby taken, injured, or destroyed, authority to sue the Commonwealth for damages in such cases; providing for the terms, salaries, and compensation of the members of the commission its officers, counsel, and employes; prescribing and regulating the practice and procedure before such commission, and upon appeal and judicial review of its orders and determinations by the courts of common pleas; and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases, and of all injunctions, mandamus, or other appropriate proceedings to enforce the provisions of this act and the orders of the commission, and to restrain such orders, subject to an appeal to the Supreme Court; prescribing penalties, fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission; making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June, one thousand nine hundred and eleven, entitled 'An act to promote the safety of travelers and employes on railroads, by compelling common carriers by railroad to properly man their trains,' by amending section nine thereof; repealing the act approved the thirty-first day of May, one thousand nine hundred and seven, which provided for the appointment of the Pennsylvania State Railroad Commission; and sections one and two of the act, approved the fourth day of June, one thousand eight hundred and eighty-three, entitled 'An act to enforce the provisions of the seventeenth article of the Constitution, relative to railroads and canals;' and an act, entitled 'To provide the maximum car service charges, including car storage charges, that railroad companies and corporations, or associations, may charge and collect on each car loading, and not unloaded within the free time for unloading cars, and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May, Anno Domino one thousand nine hundred and seven; and the proviso of clause three and the provisos of clause seven of section thirty-four of the act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, and all other legislation inconsistent with or supplied by this act," by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public service company and empowering the Public Service Commission to decree reparations.

on page 28 of today's calendar, bills on third reading be made a special order of business on third reading and final passage on Monday, May 27, 1935, at 10:00 P. M.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes declared to have it.

Whereupon, a division was called for and one hundred and five members, or a majority of the House having voted in the affirmative the question was determined in the affirmative and the motion was agreed to.

HOUSE BILL NO. 2685 MADE A SPECIAL ORDER

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 2685, Printer's No. 1127, entitled:

An Act providing for the regulation supervision and control of pubic service company holding companies and affiliated interests requiring approval of contracts between such holding companies or affiliated interests and public service companies subjecting such contracts to continuing supervision and control providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies conferring powers and imposing duties on the public service commission conferrng jurisdiction on the courts of common pleas and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County imposing penalties and repealing certain provisions of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) as amended commonly known as the "Public Service Company Law"

on page 30 of today's calendar, bills on third reading be made a special order of business on third reading and final passage on Monday, May 27, 1935, at 10:15 P. M.

The motion was agreed to.

BILL ON THIRD READING

Mr. ALEXANDER asked and obtained unanimous consent to call up out of order House Bill No. 2191, Printer's No. 1100, on page 25 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2191, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws regulating the refunding of taxes where appeals are finally disposed of

On the question,

Will the House agree to the bill on third reading?

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 1, page 4, line 5 by striking out the word "may" and insert in lieu thereof the word "shall".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passaage of House Bill No. 1865, as follows:

An Act to amend section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and the maintenance of children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and the maintenance of children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions of the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" is hereby amended to read as follows

An Act providing for the acquisition of land and the erection equipment management and operation of the Pennsylvania Soldiers Orphans' [Industrial] School [the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and] the maintenance of children admitted [therein placing the care of the same in the commission now known as the Commission of Soldiers Orphan Schools of the State of Pennsylvania] thereto and regulating the admissions to and discharges from the said Pennsylvania Soldiers Orphans' [Industrial] School

Section 2 That section eight of said act as amended by the act approved the seventeenth day of March one thousand nine hundred and five (P. L. 44) is hereby further amended to read as follow

Section 8 In order that the benefits of industrial training may be given to the children in its Soldiers' Orphan Schools the said [commission] board of trustees at its discretion is hereby empowered to extend the time of the discharge of such children from the Pennsylvania Soldiers Orphans' [Industrial] School [for the space of two years after they reach the age of sixteen years] until the end of the school year during which a child reaches the age of nineteen years and for the purpose of this section the school year shall be deemed to commence the first day of September each year

Provided That all acts or parts of acts inconsistent herewith be and the same are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McDermott,	Shepard,
Allen,	Falkenstein,	McDevitt,	Shortz,
Altemburg,	Ferko,	McElroy,	Shugarts,
Andrews,	Finnerty,	McHenry,	Siegel,
Arnold,	Fitch,	McKinney,	Simon,
Atkins,	Flanagan,	Melchiorre,	Simpson,
Aukerman,	Flinchbaugh,	Mentzer,	Sinwell,
Baine,	Forrest,	Merrell,	Sloan,
Baker, F. T.,	Furman,	Moomaw,	Smith, J. A.,
Baker, J J.,	Gates,	Mooney,	Smith, W. G.,
Baldi,	Gerard,	Moore,	Snyder, F. E.,
Barber,	Gillette,	Moran,	Snyder, J. L.,
Barnhardt,	Green,	Moul,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Hagerty,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stewart,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stockham,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Cherrenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Rinn,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zimmerman,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2498, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. SINWELL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 19, underscoring the word "License" Amend Section 1, page 2, line 23, by striking out the word "officers" and insert in lieu thereof "offices"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time. Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2430 (Senate Bill No. 73), entitled:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. C.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Habbyshaw,	Moran,	Sowers,
Bernhard,	Haberlen,	Moul,	Spangler,
Blumberg,	Hagerty,	Muir,	Sproul,
Boose,	Haluska,	Munley,	Stank,
Boyd, R.,	Hamilton, F. P.,	Murrin,	Stevens,
Boyer,	Hamilton, R. S.,	Nagel,	Stewart,
Bradley,	Harkins,	Nothnagle,	Stockham,
Brancato,	Harmuth,	O'Keefe,	Stone,
Brennan,	Hart,	Ominsky,	Stott,
Brown, H. S.,	Hartman,	O'Neill,	Sumney,
Brown, J. E.,	Hefferon,	Panton,	Surface,
Brownfield,	Hermansen,	Parks,	Tahl,
Brumbaugh,	Hetrick,	Patterson, C.,	Terry,
Burke,	Hindman,	Patterson, J. W.,	Tronzo,
Cannon,	Hirsch,	Pearson,	Trout,
Caputo,	Hoffner,	Perry,	Tumelty,
Carr,	Holstrom,	Peters,	Turner,
Carson,	Hoopes,	Pfaff,	Van Allsburg,
Castor,	Horst,	Phillips,	Van Sickle,
Chervenak,	Jackson,	Piole,	Walker,
Coakley,	Jones,	Powers,	Wall,
Cochran,	Kane,	Reising,	Wasserman,
Cohen,	Kelder,	Reynolds,	Weidemann,
Coleman,	Kelso,	Rhys,	Weiss,
Condon,	Kilroy,	Rinn,	Welliver,
Conner,	Kinney,	Roan,	Welsh,
Coolahan,	Klingler,	Robinson,	Westrick,
Cordier,	Kobelak,	Rooney,	White,
Davies,	LaRue,	Root,	Wickersham,
Decker,	Linderman,	Ruffennach,	Winner,
Dent,	Long,	Ruth,	Witkin,
Diehl,	Longaker,	Sarraf,	Wood,
Dilley,	Lovett,	Scanlon,	Woodside,
Downey, G. E.,	Lynch,	Schrock,	Yeakel,
Downey, J. J.,	Male,	Schrope,	Yourishin,
Duffort,	Mallen,	Schwab,	Sarig,
Eberharter,		Schwartz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1010, entitled:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by providing for a retirement system for county and poor district employes in counties of the third class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. C.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,

Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg,
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1342, entitled:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent, providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk classifications underwriting rules, premiums, rates and schedule or merit rating plans of insurance companies issuing such policies; providing penalties, and repealing all inconsistent acts and parts of acts.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BURKE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

CONSENT REFUSED TO CALL BILL OUT OF ORDER

Mr. WASSERMAN. Mr. Speaker, I desire to call up out of order, House Bill No. 607 (Senate Bill No. 105), Printer's No. 5, entitled:

An Act empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith

on page 33 of today's calendar, bills on third reading.

The SPEAKER. Will the House give its unanimous consent to call this bill up out of order? Are there objections?

Mr. OMINSKY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2442, entitled:

An Act to amend section twenty-six of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (P. L. 250, 1933-34), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties;" changing certain provisions relating to the transfer of registration by removal notices.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Terry,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg,
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2519, entitled:

An Act making it unlawful for constables to wear certain types of uniforms

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg,
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2450, entitled:

An Act to amend section one thousand two hundred and seven of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system, in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," reducing the number of votes required to employ teachers in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg,
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2374, entitled:

An act to further amend Section 23 of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 916) entitled, "An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies, designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner, and repealing existing laws' to require such societies to file with the Insurance Commissioner on or before the first day of March, succeeding the submission of the last preceding annual report a valuation report of its benefit fund obligations in force.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg,
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	LaRue,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered,that the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 2586, as follows:

An Act to amend sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authorizing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" by extending the period of redemption to five years where land is purchased by the county

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine fifteen and sixteen of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred eighty) entitled "An act relating to delinquent taxes on seated lands and prescribing interest charges on nonpayment thereof requiring the receivers and collectors of county city borough town township school district and poor district taxes to make a return to the county commissioners of such unpaid taxes and providing for the lien thereof authoriing the county treasurers to collect such taxes and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances" are hereby amended to read as follows

Section 9 No sale shall be valid where the taxes and interest have been paid prior to said advertisement or where the taxes interest and costs have been paid after advertisement and before sale or when such taxes are not legally due and collectible No such sale shall discharge the lien of any mortgage which shall have been recorded before such taxes became liens by return and docketing as herein provided and which is or shall be prior to all other liens except other mortgages ground rents municipal claims and/or other taxes and no such sale shall discharge the lien of any ground rent municipal claim or tax remaining unpaid Any real estate sold under this act may be redeemed by the owner his heirs or legal representatives or by any lien creditor or his heirs assigns or legal representatives or by anyone interested in said time within five years after such sale if such real estate has been purchased by the county otherwise two years after such sale by the payment to the county treasurer of the full amount which the purchaser paid to said treasurer for taxes interest and costs and twenty-five per centum of the amount of tax in addition thereto In case the purchaser has paid any taxes of any kind whatsoever assessed and levied against said property the same shall be reimbursed to said purchaser before any redemption shall take effect No sale of seated lands for taxes under the provisions of this act shall be prejudiced or defeated by proof that there was personal property to be found on the premises sufficient to pay the taxes assessed thereon nor shall such sale be prejudiced by reason of the fact that such lands so assessed as seated land were at the time unseated

When any real estate is so sold no lien whatsoever against such real estate shall be deemed to be discharged during the period for redemption but if such real estate is not redeemed then all liens against the same except such liens as are hereinbefore specifically saved shall be deemed to be discharged from the date that the right of redemption expired

When any real estate is so redeemed by a lien creditor or his heirs assigns or legal representatives or by any person interested for the benefit of the owner the county treasurer shall issue to the person redeeming such real estate a certificate stating the fact of such redemption a brief description of the real estate redeemed and the amount of the redemption money paid which certificate may be entered in the office of the prothonotary of the county as a judgment against the owner of the real estate for the amount stated therein The lien of any such judgment shall have priority over all other liens against such real estate except such liens as would not have been discharged had no redemption been made

Section 15 If any owner his heirs or legal representatives or any lien creditor his heirs assigns or legal representatives or other person interested shall within five years after the day such sale was made if such real estate has been purchased by the county otherwise within two years after the day such sale was made redeem such real estate for the benefit of the owner by payment of the taxes and interest for which the lands were sold and the costs with an additional sum of twenty-five per centum and any taxes which may have been levied against any such property since the treasurer's sale and which remain unpaid by the owner or redeemer to the county treasurer he shall receive and receipt for the same and pay said taxes interest costs and additional percentage over to the purchaser upon demand and the accrued taxes to the district entitled thereto and the county treasurer shall forthwith acknowledge the receipt of the redemption moneys upon the margin of the acknowledgment of the treasurer's deed as the same is entered and recorded in the prothonotary's office as aforesaid and if said deed has been recorded in the office for recording of deeds cause an entry to be made on the margin of the record of the deed in the office of the recorder of deeds by marking thereon the word "redeemed" which shall be signed by the county treasurer and attested by the recorder of deeds and thereafter said deed shall be void and of no effect If such deed be not recorded then such owner or person intrested as aforesaid shall be entitled to have the treasurer's deed delivered to such owner creditor heir assign legal representative or persons interested for cancellation The county treasurer shall certify all such redemptions to the boards of county commissioners who shall enter the same on the Tax Return Docket and who shall certify such redemptions to the county assessors so that the property may thereafter be assessed in the name of the owner

Section 16 When the county commissioners shall purchase any real property at a county treasurer's sale they shall provide a book wherein shall be entered (a) the name of the person as whose land the same was sold (b) a brief description of the property together with any lot and block number (c) the amount of taxes interest and costs for which it was sold Such property shall not so long as it remains the property of the county be charged in the duplicate For the next [two] five years following such sale if the land remains unredeemed the commissioners shall in separate columns in the same book charge every such tract of land with like county city borough town township school and poor taxes as would have been chargeable against the land had the same not been purchased by the county commissioners The right of redemption shall remain in the real owner of such lands or other persons interested for [two] five years after sale to the county commissioners and such redemption may be accomplished by a payment within such period to the county treasurer of all taxes interest and costs due thereon at the time of sale and interest thereon and also the taxes and interest which have been annually levied and charged thereon after the sale and interest thereon beginning on the first day of January in the year succeeding the year when the respective taxes were levied All redemptions of property purchased by the county commissioners shall be noted upon their records and the county treasurer shall forthwith cause an entry of redemption to be made on the records in like manner as if such property were purchased by other than county commissioners

And said bill having been read at length the third time, considered and agreed to.

On the question?

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Eberharter,	Mallen,	Schwartz,
Alexander,	Eroe,	Mason,	Shaw,
Allen,	Ferko,	McCreary,	Shepard,
Altenburg,	Falkenstein,	McDermott,	Shortz,
Andrews,	Finnerty,	McDevitt,	Shugarts,
Arnold,	Fitch,	McElroy,	Siegel,
Atkins,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Forrest,	Melchiorre,	Sinwell,
Baker, F. T.,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Snyder, J. L.,
Bernhard,	Habbyshaw,	Moran,	Sowers,
Blumberg,	Haberlen,	Moul,	Spangler,
Boose,	Hagerty,	Muir,	Sproul,
Boyd, R.,	Haluska,	Munley,	Stank,
Boyer,	Hamilton, F. P.,	Murrin,	Stevens,
Bradley,	Hamilton, R. S.,	Nagel,	Stewart,
Brancato,	Harkins,	Nothnagle,	Stockham,
Brennan,	Harmuth,	O'Keefe,	Stone,
Brown, H. S.,	Hart,	Ominsky,	Stott,
Brown, J. E.,	Hartman,	O'Neill,	Sumney,
Brownfield,	Hefferon,	Panton,	Surface,
Brumbaugh,	Hermansen,	Parks,	Tahl,
Burke,	Hetrick,	Patterson, C.,	Terry,
Cannon,	Hindman,	Patterson, J. W.,	Tronzo,
Caputo,	Hirsch,	Pearson,	Trout,
Carr,	Hoffner,	Perry,	Tumelty,
Carson,	Holstrom,	Peters,	Turner,
Castor,	Hoopes,	Pfaff,	VanAllsburg,
Chervenak,	Horst,	Phillips,	VanSickle,
Coakley,	Jackson,	Piole,	Walker,
Cochran,	Jones,	Powers,	Wall,
Cohen,	Kane,	Reising,	Wasserman,
Coleman,	Kelder,	Reynolds,	Weidemann,
Condon,	Kelso,	Rhys,	Weiss,
Conner,	Kilroy,	Roan,	Welliver,
Coolahan,	Kinney,	Robinson,	Welsh,
Cordier,	Klingler,	Rooney,	Westrick,
Davies,	Kobelak,	Root,	White,
Decker,	LaRue,	Ruffennach,	Winner,
Denning,	Linderman,	Ruth,	Witkin,
Dent,	Long,	Sarraf,	Wood,
Diehl,	Longaker,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Sarig,
Duffort,			

NAYS—1

Wickersham,

The majority required by the Constitution having voted in the affirmative, the question was determined in he affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2653, entitled:

An Act granting permission to the Borough of Camp Hill Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen

Township Cumberland County Pennsylvania and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg,
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2210, entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Flynn,	Mentzer,	Sloan,
Baker, F. T.,	Forrest,	Merrell,	Smith, J. A.,
Baker, J J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Mooney,	Snyder, F. E.,
Barber,	Gerard,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moran,	Sowers,
Bernhard,	Green,	Moul,	Spangler,
Blumberg,	Greenstein,	Muir,	Sproul,
Boose,	Habbyshaw,	Munley,	Stank,
Boyd, R.,	Haberlen,	Murrin,	Stevens,
Boyer,	Hagerty,	Nagel,	Stewart,
Bradley,	Haluska,	Nothnagle,	Stockham,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stone,
Brennan,	Hamilton, R. S.,	Ominsky,	Stott,
Brown, H. S.,	Harkins,	O'Neill,	Sumney,
Brown, J. E.,	Harmuth,	Panton,	Surface,
Brownfield,	Hart,	Parks,	Tahl,
Brumbaugh,	Hartman,	Patterson, C.,	Terry,
Burke,	Hefferon,	Patterson, J. W.,	Tronzo,
Cannon,	Hermansen,	Pearson,	Trout,
Caputo,	Hetrick,	Perry,	Tumelty,
Carr,	Hindman,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Roan,	Welliver,
Conner,	Kelso,	Robinson,	Welsh,
Coolahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klingler,	Ruth,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2383, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two and validating the liens of such taxes

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Aukerman,	Flinchbaugh,	McKinney,	Simpson,
Baine,	Flynn,	Melchiorre,	Sinwell,
Baker, F. T.,	Forrest,	Mentzer,	Sloan,
Baker, J. J.,	Furman,	Merrell,	Smith, J. A.,
Baldi,	Gates,	Moomaw,	Smith, W. G.,
Barber,	Gerard,	Mooney,	Snyder, F. E.,
Barnhardt,	Gillette,	Moore,	Snyder, J. L.,
Bernhard,	Green,	Moran,	Sowers,
Blumberg,	Greenstein,	Moul,	Spangler,
Boose,	Habbyshaw,	Muir,	Sproul,
Boyd, R.,	Haberlen,	Munley,	Stank,
Boyer,	Hagerty,	Murrin,	Stevens,
Bradley,	Harkins,	Nagel,	Stewart,
Brancato,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brennan,	Hamilton, R. S.,	O'Keefe,	Stone,
Brown, H. S.,	Harkins,	Ominsky,	Stott,
Brown, J. E.,	Harmuth,	O'Neill,	Sumney,
Brownfield,	Hart,	Panton,	Surface,
Brumbaugh,	Hartman,	Parks,	Tahl,
Burke,	Hefferon,	Patterson, C.,	Terry,
Cannon,	Hermansen,	Patterson, J. W.,	Tronzo,
Caputo,	Hetrick,	Pearson,	Trout,
Carr,	Hindman,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holstrom,	Pfaff,	VanAllsburg,
Chervenak,	Hoopes,	Phillips,	VanSickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Roan,	Welliver,
Coolahan,	Kilroy,	Robinson,	Welsh,
Cordier,	Kinney,	Rooney,	Westrick,
Davies,	Klinger,	Root,	White,
Decker,	Kobelak,	Ruffennach,	Wickersham,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2488, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employe of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eberharter,	Male,	Schwartz,
Alexander,	Eroe,	Mallen,	Shaw,
Allen,	Falkenstein,	Mason,	Shepard,
Altenburg,	Ferko,	McCreary,	Shortz,
Andrews,	Finnerty,	McDermott,	Shugarts,
Arnold,	Fitch,	McDevitt,	Siegel,
Atkins,	Flanagan,	McElroy,	Simon,
Aukerman,	Flinchbaugh,	McHenry,	Simpson,
Baine,	Flynn,	McKinney,	Sinwell,
Baker, F. T.,	Forrest,	Melchiorre,	Sloan,
Baker, J. J.,	Furman,	Mentzer,	Smith, J. A.,
Baldi,	Gates,	Merrell,	Smith, W. G.,
Barber,	Gerard,	Moomaw,	Snyder, F. E.,
Barnhardt,	Gillette,	Mooney,	Snyder, J. L.,
Bernhard,	Green,	Moore,	Sowers,
Blumberg,	Greenstein,	Moran,	Spangler,
Boose,	Habbyshaw,	Moul,	Sproul,
Boyd, R.,	Haberlen,	Muir,	Stank,
Boyer,	Hagerty,	Munley,	Stevens,
Bradley,	Haluska,	Murrin,	Stewart,
Brancato,	Hamilton, F. P.,	Nagel,	Stockham,
Brennan,	Hamilton, R. S.,	Nothnagle,	Stott,
Brown, H. S.,	Harkins,	O'Keefe,	Sumney,
Brown, J. E.,	Harmuth,	Ominsky,	Surface,
Brownfield,	Hart,	O'Neill,	Tahl,
Brumbaugh,	Hartman,	Panton,	Terry,
Burke,	Hefferon,	Parks,	Tronzo,
Cannon,	Hermansen,	Patterson, C.,	Trout,
Caputo,	Hetrick,	Patterson, J. W.,	Tumelty,
Carr,	Hindman,	Pearson,	Turner,
Carson,	Hirsch,	Perry,	Van Allsburg,
Castor,	Hoffner,	Peters,	VanSickle,
Chervenak,	Holstrom,	Pfaff,	Walker,
Coakley,	Hoopes,	Phillips,	Wall,
Cochran,	Horst,	Piole,	Wasserman,
Cohen,	Jackson,	Powers,	Weidemann,
Coleman,	Jones,	Reising,	Weiss,
Condon,	Kane,	Reynolds,	Welliver,
Conner,	Kelder,	Rhys,	Welsh,
Coolahan,	Kelso,	Roan,	Westrick,
Cordier,	Kilroy,	Robinson,	White,
Davies,	Kinney,	Rooney,	Wickersham,
Decker,	Klinger,	Root,	Winner,
Denning,	Kobelak,	Ruffennach,	Witkin,
Dent,	LaRue,	Ruth,	Wood,
Diehl,	Linderman,	Sarraf,	Woodside,
Dilley,	Long,	Scanlon,	Yeakel,
Downey, G. E.,	Longaker,	Schrock,	Yourishin,
Downey, J. J.,	Lovett,	Schrope,	Sarig,
Duffort,	Lynch,	Schwab,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2676, entitled:

An Act to further amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws seven hundred eighty-nine), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; providing penalties; and repealing existing laws," by providing for the suspension, involuntary dissolution, and liquidation of corporations which have the power to insure owners of real property, mortgages, and others interested in real property from loss by reason of defective titles, liens, and encumbrances.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flanagan,	McKinney,	Simpson,
Aukerman,	Flinchbaugh,	Melchiorre,	Sinwell,
Baine,	Flynn,	Mentzer,	Sloan,
Baker, F. T.,	Forrest,	Merrell,	Smith, J. A.,
Baker, J. J.,	Furman,	Moomaw,	Smith, W. G.,
Baldi,	Gates,	Mooney,	Snyder, F. E.,
Barber,	Gerard,	Moore,	Snyder, J. L.,
Barnhardt,	Gillette,	Moran,	Sowers,
Bernhard,	Green,	Moul,	Spangler,
Blumberg,	Greenstein,	Muir,	Sproul,
Boose,	Habbyshaw,	Munley,	Stank,
Boyd, R.,	Haberlen,	Murrin,	Stevens,
Boyer,	Hagerty,	Nagel,	Stewart,
Bradley,	Haluska,	Nothnagle,	Stockham,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stone,
Brennan,	Hamilton, R. S.,	Ominsky,	Stott,
Brown, H. S.,	Harkins,	O'Neill,	Sumney,
Brown, J. E.,	Harmuth,	Panton,	Surface,
Brownfield,	Hart,	Parks,	Tahl,
Brumbaugh,	Hartman,	Patterson, C.,	Terry,
Burke,	Hefferon,	Patterson, J. W.,	Tronzo,
Cannon,	Hermansen,	Pearson,	Trout,
Caputo,	Hetrick,	Perry,	Tumelty,
Carr,	Hindman,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	VanAllsburg,
Castor,	Holstrom,	Phillips,	VanSickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Roan,	Welliver,
Conner,	Kelso,	Robinson,	Welsh,
Coolahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klinger,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 248, entitled:

An Act fixing the salaries of court criers and tipstaves in counties of the third class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mallen,	Schwartz,
Alexander,	Falkenstein,	Mason,	Shaw,
Allen,	Ferko,	McCreary,	Shepard,
Altenburg,	Finnerty,	McDermott,	Shortz,
Andrews,	Fitch,	McDevitt,	Shugarts,
Arnold,	Flanagan,	McElroy,	Siegel,
Atkins,	Flinchbaugh,	McHenry,	Simon,
Aukerman,	Flynn,	McKinney,	Simpson,
Baine,	Forrest,	Melchiorre,	Sinwell,
Baker, F. T.,	Furman,	Mentzer,	Sloan,
Baker, J. J.,	Gates,	Merrell,	Smith, J. A.,
Baldi,	Gerard,	Moomaw,	Smith, W. G.,
Barber,	Gillette,	Mooney,	Snyder, F. E.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Tahl,
Brumbaugh,	Hefferon,	Parks,	Terry,
Burke,	Hermansen,	Patterson, C.,	Tronzo,
Cannon,	Hetrick,	Patterson, J. W.,	Trout,
Caputo,	Hindman,	Pearson,	Tumelty,
Carr,	Hirsch,	Perry,	Turner,
Carson,	Hoffner,	Peters,	VanAllsburg,
Chervenak,	Holstrom,	Pfaff,	VanSickle,
Coakley,	Hoopes,	Phillips,	Walker,
Cochran,	Horst,	Piole,	Wall,
Cohen,	Jackson,	Powers,	Wasserman,
Coleman,	Jones,	Reising,	Weidemann,
Condon,	Kelder,	Reynolds,	Weiss,
Conner,	Kelso,	Rhys,	Welliver,
Coolahan,	Kilroy,	Roan,	Westrick,
Cordier,	Kinney,	Robinson,	White,
Davies,	Klinger,	Rooney,	Wickersham,
Decker,	Kobelak,	Root,	Winner,
Denning,	LaRue,	Ruffennach,	Witkin,
Dent,	Linderman,	Ruth,	Wood,
Diehl,	Long,	Sarraf,	Woodside,
Dilley,	Longaker,	Scanlon,	Yeakel,
Downey, J. J.,	Lovett,	Schrock,	Yourishin,
Downey, G. E.,	Lynch,	Schrope,	Zimmerman,
Duffort,	Male,	Schwab,	Sarig,
Eberharter,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1074, entitled:

An Act fixing the salaries of members of the county board of prison inspectors in counties of the third class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally-

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eberharter,	Mallen,	Shaw,
Alexander,	Eroe,	Mason,	Shepard,
Allen,	Falkenstein,	McCreary,	Shortz,
Altenburg,	Ferko,	McDermott,	Shugarts,
Andrews,	Finnerty,	McDevitt,	Siegel,
Arnold,	Fitch,	McElroy,	Simon,
Atkins,	Flinchbaugh,	McHenry,	Simpson,
Aukerman,	Flynn,	McKinney,	Sinwell,
Baine,	Forrest,	Melchiorre,	Sloan,
Baker, F. T.,	Furman,	Mentzer,	Smith, J. A.,
Baker, J. J.,	Gates,	Merrell,	Smith, W. G.,
Baldi,	Gerard,	Moomaw,	Snyder, F. E.,
Barber,	Gillette,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Greenstein,	Moran,	Spangler,
Blumberg,	Habbyshaw,	Moul,	Sproul,
Boose,	Haberlen,	Muir,	Stank,
Boyd, R.,	Hagerty,	Munley,	Stevens,
Boyer,	Haluska,	Murrin,	Stewart,
Bradley,	Hamilton, F. P.,	Nagel,	Stockham,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stone,
Brennan,	Harkins,	O'Keefe,	Stott,
Brown, H. S.,	Harmuth,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Terry,
Brumbaugh,	Hefferon,	Parks,	Tronzo,
Burke,	Hermansen,	Patterson, C.,	Trout,
Cannon,	Hetrick,	Patterson, J. W.,	Tumelty,
Caputo,	Hindman,	Pearson,	Turner,
Carr,	Hirsch,	Perry,	VanAllsburg,
Carson,	Hoffner,	Peters,	VanSickle,
Castor,	Holstrom,	Pfaff,	Walker,
Chervenak,	Hoopes,	Phillips,	Wall,
Coakley,	Horst,	Piole,	Wasserman,
Cochran,	Jackson,	Powers,	Weidemann,
Cohen,	Jones,	Reising,	Weiss,
Coleman,	Kane,	Reynolds,	Welliver,
Condon,	Kelder,	Rhys,	Welsh,
Conner,	Kelso,	Roan,	Westrick,
Coolahan,	Kilroy,	Robinson,	White,
Cordier,	Kinney,	Rooney,	Wickersham,
Davies,	Klinger,	Root,	Winner,
Decker,	Kobelak,	Ruffennach,	Witkin,
Denning,	LaRue,	Ruth,	Wood,
Dent,	Linderman,	Sarraf,	Woodside,
Diehl,	Long,	Scanlon,	Yeakel,
Dilley,	Longaker,	Schrock,	Yourishin,
Downey, G. E.,	Lovett,	Schrope,	Zimmerman,
Downey, J. J.,	Lynch,	Schwab,	Sarig,
Duffort,	Male,	Schwartz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2404, entitled:

An Act to further amend Section seventeen of the act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for thea organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing exising laws" to require such societies seeking admission to this Commonwealth to file a valuation report

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Harkins,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	VanAllsburg,
Carson,	Holstrom,	Phillips,	VanSickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Roan,	Welliver,
Conner,	Kelso,	Robinson,	Welsh,
Coolahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klinger,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2742, as follows:

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases shall for the purpose of this act have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning

"Hypnotic drug" shall mean the drugs known as barbital and the salts of barbituric acid also known as malonylurea or any derivative or compounds or any preparations or mixtures thereof possessing hypnotic properties or effects

"Other hypnotic drug or analgesic drug or body-weight reducing drug" shall be held to mean and include sulphonethylmethane (Trional) or sulphonmethane (Sulphonal) or diethylsulphon diethylmethane (Tetronal or bromdiethylacetyl carbamide (Carbromal) by whatever name they may be known or paraldehyde or any derivatives or compounds or preparations or mixtures thereof possessing hypnotic properties or effects and chloral or chloralhydrate or chlorbutanol or any compounds or mixtures thereof possessing hypnotic properties or effects or phenylcinchoninic acid (Cinchophen) an analgesic anti-rhematic drug or any derivative or compound including Atophen and Atoquinol or dinitrophenol a metabolic accelerator body-weight reduction drug or any dinitro compounds including dinitrophenol sodium and dinitrocresol sodium when the drugs herein defined or any derivatives or compounds or mixtures or preparations thereof

Section 2 No hypnotic drug or analgesic or body-weight reduction drug as defined herein shall be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician dentist or veterinarian compodnded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files together with the name of the physician dentist or veterinarian prescribing it Provided That the provisions of this section of this act shall not apply to a duly licensed physician dentist or veterinarian Provided however That they keep a record of the amount of such drugs purchased and a dispensing record showing the date name of the quantity of the drugs dispensed and the name and address of the patient No physician dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser the date dispensed the name and address of the patient and the directions for the use of the drug by the patient

Section 3 No manufacturer pharmacist jobber dealer in drugs or any other person shall sell or have in his possession any hypnotic drug or analgesic drug or body-weight reduction drug defined herein unless the container bears a label securely attached thereto stating conspicuously the specific name of the barbital or other hypnotic drug or analgesic drug or body weight reduction drug and the proportion of amount thereof Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription or dispensed by a physician dentist or veterinarian and the container is labeled in the manner described in section two hereof

Section 4 The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and for that purposes the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act and to employ such assistants and employes as in said Secretary of Health's opinion may be necessary and to fix their compensation

Section 5 Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense and not less than one hundred dollars ($100.00) for the third and each subsequent offense If the violation is by a corporation copartnership or association the officers and directors of such corporation or the members of such copartnership or association their agents and employes with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally

Section 6 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. KOBELAK. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, line 9, by striking out the word "kown" and insert in lieu thereof "known"

Amend sec. 1, page 2, line 14, by striking out the word "anti-rhematic" and insert in lieu thereof "anti-rheumatic"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objections? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1914, entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the quaranty by the Commonwealth of certain of said funds imposing powers and duties upon board having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and pudicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in

On the question,

Will the House agree to the bill on third reading?

Mr. RUTH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 18, by striking out the word "sixth" and insert in lieu thereof "fourteenth"

Amend Sec. 1, page 2, line 19, by striking out the word "twenty-five" and insert in lieu thereof "twenty-nine"

Amend Sec. 1, page 2, lines 19, and 20, by striking out the words "one hundred and fifty" and insert in lieu thereof "one thousand seven hundred and thirty-eight"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

Will the House agree to the bill on third reading as amended?

On the question,

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2339, entitled:

An Act to amend section thirteen and section fourteen as amended of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances return benefits and rights from taxation and judicial process and providing penalties" changing the ages fixed for the retirement of such employes

And said bill having been read at length the third time, considered and agreed to.

On the question,

shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McCreary,	Shepard,
Alexander,	Ferko,	McDermott,	Shortz,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flinchbaugh,	McHenry,	Simon,
Arnold,	Flynn,	McKinney,	Simpson,
Atkins,	Forrest,	Melchiorre,	Sinwell,
Aukerman,	Furman,	Mentzer,	Sloan,
Baine,	Gates,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Mooney,	Snyder, F. E.,
Baldi,	Green,	Moore,	Snyder, J. L.,
Barber,	Greenstein,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holstrom,	Pfaff,	VanAllsburg,
Carson,	Hoopes,	Phillips,	VanSickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Roan,	Welliver,
Coolahan,	Kilroy,	Robinson,	Welsh,
Cordier,	Kinney,	Rooney,	Westrick,
Davies,	Klinger,	Root,	White,
Decker,	Kobelak,	Ruffenach,	Wickersham,
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Scanlon,	Wood,
Dilley,	Longaker,	Schrock,	Woodside,
Downey, G. E.,	Lovett,	Schrope,	Yeakel,
Downey, J. J.,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1576, entitled:

An Act to further amend sections five hundred and twenty-eight and five hundred and fifty of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the conditions of the bonds of collectors and receivers of school taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, J. A.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carr,	Hoffner,	Peters,	VanAllsburg,
Carson,	Holstrom,	Pfaff,	VanSickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,

Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klinger,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2666, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public public officers and State Departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name and the advertisement of certain corporate name and the advertisement of certain corporate procedure

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrnce.

APPOINTMENT OF COMMITTEE UNDER RESOLUTION NO. 137

The SPEAKER. In accordance with the provisions of Resolution No. 137, Printer's No. 66, the Chair appoints the following Committee to investigate the Board of City Trusts of the City of Philadelphia: Miss Brancato, Messrs Hagerty, Pfaff, Burke and Root.

STATEMENT BY MR. WITKIN

Mr. WITKIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I want to say to the members of this House and particularly to the Speaker of the House, that the appointment of the gentleman from Philadelphia, Mr. Root, as a Republican minority representative on this committee is most satisfactory to the Republican minority of this House, and I feel that the delegate this morning was not in vain. I want to thank the Speaker for his fairness in putting a real Republican on that committee.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2659, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted

or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by modifying and clarifying the provisions of the act relating to the corporate name the advertisement of certain corporate procedure and formal actions by shareholders

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shaw,
Alexander,	Falkenstein,	McCreary,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Terry,
Brumbaugh,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carr,	Hoffner,	Peters,	VanAllsburg,
Carson,	Holstrom,	Pfaff,	VanSickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney,	Rooney,	White,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zimmerman,
Duffort,	Male,	Schwartz,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1135, entitled:

An Act to repeal certain parts of acts relating to struck juries.

And said bill having been read at length the third time considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stott,
Brennan,	Harkins,	Ominsky,	Sumney,
Brown, H. S.,	Harmuth,	O'Neill,	Surface,
Brown, J. E.,	Hartman,	Panton,	Tahl,
Brownfield,	Hefferon,	Parks,	Terry,
Brumbaugh,	Hermansen,	Patterson, C.,	Tronzo,
Burke,	Hetrick,	Patterson, J. W.,	Trout,
Cannon,	Hindman,	Pearson,	Tumelty,
Caputo,	Hirsch,	Perry,	Turner,
Carr,	Hoffner,	Peters,	VanAllsburg,
Carson,	Holstrom,	Pfaff,	VanSickle,
Castor,	Hoopes,	Phillips,	Walker,
Chervenak,	Horst,	Piole,	Wall,
Coakley,	Jackson,	Powers,	Wasserman,
Cochran,	Jones,	Reising,	Weidemann,
Cohen,	Kane,	Reynolds,	Weiss,
Coleman,	Kelder,	Rhys,	Welliver,
Condon,	Kelso,	Roan,	Welsh,
Conner,	Kilroy,	Robinson,	Westrick,
Coolahan,	Kinney,	Rooney,	White,
Cordier,	Klingler,	Root,	Wickersham,
Davies,	Kobelak,	Ruffennach,	Winner,
Decker,	LaRue,	Ruth,	Witkin,
Denning,	Linderman,	Sarraf,	Wood,
Dent,	Long,	Scanlon,	Woodside,
Diehl,	Longaker,	Schrock,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zimmerman,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2249, entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler.
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holstrom,	Pfaff,	VanAllsburg,
Carson,	Horst,	Phillips,	VanSickle,
Chervenak,	Jackson,	Piole,	Walker,
Coakley,	Jones,	Powers,	Wall,
Cochran,	Kane,	Reising,	Wasserman,
Cohen,	Kelder,	Reynolds,	Weidemann,
Coleman,	Kelso,	Rhys,	Weiss,
Condon,	Kilroy,	Roan,	Welliver,
Conner,	Kinney,	Robinson,	Welsh,
Coolahan,	Klinger,	Rooney,	Westrick,
Cordier,	Kobelak,	Root,	White,
Davies,	LaRue,	Ruffennach,	Wickersham,
Decker,	Linderman,	Ruth,	Winner,
Denning,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zimmerman,
Duffort,	Mason,	Shaw,	Sarig,
Eberharter,			

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2662, entitled,

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred thirty-five and one thousand nine hundred and thirty-seven fiscal biennium.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Habbyshaw,	Moul,	Spangler,
Bernhard,	Haberlen,	Muir,	Sproul,
Blumberg,	Hagerty,	Munley,	Stank,
Boose,	Haluska,	Murrin,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Panton,	Surface,
Brown, J. E.,	Hefferon,	Parks,	Tahl,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holstrom,	Pfaff,	Van Allsburg
Castor,	Hoopes,	Phillips,	Van Sickle,
Chervenak,	Horst,	Piole,	Walker,
Coakley,	Jackson,	Powers,	Wall,
Cochran,	Jones,	Reising,	Wasserman,
Cohen,	Kane,	Reynolds,	Weidemann,
Coleman,	Kelder,	Rhys,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klinger,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort	Mallen,	Shaw,	Sarig,
Eberharter,	Mason,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2852, entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee and defining its powers and duties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,

Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stewart,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Roan,	Weilliver,
Conner,	Kelso,	Robinson,	Welsh,
Coolahan,	Kilroy,	Rooney,	Westrick,
Cordier,	Kinney,	Root,	White,
Davies,	Klingler,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 314, entitled:

An Act to amend Routes fifty-eight one hundred thirty-nine and one hundred sixty-eight of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid Highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eberharter,	Mason,	Shaw,
Alexander,	Eroe,	McCreary,	Shepard,
Allen,	Falkenstein,	McDermott,	Shortz,
Altenburg,	Ferko,	McDevitt,	Shugarts,
Andrews,	Finnerty,	McElroy,	Siegel,
Arnold,	Fitch,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Flynn,	Melchiorre,	Sinwell,
Baine,	Forrest,	Mentzer,	Sloan,
Baker, F. T.,	Furman,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gates,	Moomaw,	Smith, W. G.,
Baldi,	Gerard,	Mooney,	Snyder, F. E.,
Barber,	Gillette,	Moore,	Snyder, J. L.,
Barnhardt,	Green,	Moran,	Sowers,
Bernhard,	Greenstein,	Moul,	Spangler,
Blumberg,	Habbyshaw,	Muir,	Sproul,
Boose,	Haberlen,	Munley,	Stank,
Boyd, R.,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Roan,	Weilliver,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klingler,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zimmerman,
Downey, J. J.,	Lynch,	Schwartz,	Sarig,
Duffort,	Male,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2756, as follows:

An Act exempting dental fixtures and equipment addressograph machines and multigraph machine attachments and accessories leased loaned or hired or conditionally sold from levy or sale on execution or distress for rent

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter all dental fixtures and equipment addressograph machines and multigraph machine attachments and accessories loaned to or leased or hired by any person or persons residing within this Commonwealth or any corporation or corporations doing business therein or conditionally sold to any such person persons corporation or corporations under a contract of sale reserving title in the vendor until paid for shall be exempt from levy and sale on execution or distress for rent so long as the title thereto remains in the owner lessor or conditional vendor Provided That such owner lessor or conditional vendor of such dental fixtures and equipment or the person or persons leasing or hiring the same or to whom they have been delivered under a contract of conditional sale shall give notice to the landlord or his agent within ten days after such fixtures and equipment and the appurtenances thereto are placed upon the demised premises that the same are loaned leased hired or sold under reservation of title

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—177

Achterman,	Duffort,	Long,	Shepard,
Alexander,	Eberharter,	Longaker,	Shortz,
Allen,	Eroe,	Male,	Shugarts,
Altenburg,	Falkenstein,	Mallen,	Siegel,
Andrews,	Ferko,	Mason,	Simpson,
Arnold,	Finnerty,	McDermott,	Sinwell,
Atkins,	Fitch,	McDevitt,	Sloan,
Aukerman,	Flinchbaugh,	McElroy,	Smith, W. G.,
Baine,	Flynn,	McKinney,	Snyder, F. E.,
Baker, F. T.,	Forrest,	Melchiorre,	Snyder, J. L.,
Baldi,	Furman,	Mentzer,	Sowers,
Barber,	Gerard,	Merrell,	Spangler,
Barnhardt,	Gillette,	Moomaw,	Sproul,
Bernhard,	Green,	Moore,	Stank,
Blumberg,	Greenstein,	Moran,	Stewart,
Boose,	Habbyshaw,	Moul,	Stockham
Boyd, R.,	Haberlen,	Munley,	Stone,
Boyer,	Hagerty,	Murrin,	Sumney,
Bradley,	Haluska,	Nothnagle,	Surface,
Brancato,	Hamilton, F. P.,	O'Keefe,	Tahl,
Brennan,	Hamilton, R. S.,	Ominsky,	Terry,
Brown, H. S.,	Harkins,	O'Neill,	Tronzo,
Brownfield,	Harmuth,	Panton,	Trout,
Brumbaugh,	Hart,	Parks,	Tumelty,
Burke,	Hartman,	Patterson, C.,	Turner,
Cannon,	Hefferon,	Pearson,	VanSickle,
Caputo,	Hermansen,	Perry,	Walker,
Carr,	Hetrick,	Peters,	Wall,
Carson,	Hindman,	Pfaff,	Wasserman,
Castor,	Hirsch,	Phillips,	Weidemann,
Chervenak,	Hoffner,	Powers,	Weiss,
Coakley,	Holstrom,	Reynolds,	Welliver,
Cohen,	Hoopes,	Rhys,	Welsh,
Coleman,	Horst,	Roan,	Westrick,
Condon,	Jackson,	Robinson,	White,
Conner,	Jones,	Rooney,	Wickersham,
Coolahan,	Kelder,	Root,	Winner,
Cordier,	Kelso,	Ruffennach,	Witkin,
Davies,	Kilroy,	Ruth,	Wood,
Decker,	Kinney,	Scanlon,	Woodside,
Denning,	Klinger,	Schrope,	Yeakel,
Diehl,	Kobelak,	Schwab,	Yourishin,
Dilley,	LaRue,	Schwartz,	Zimmerman,
Downey, G. E.,	Linderman,	Shaw,	Sarig,
Downey, J. J.,			

NAYS—21

Baker, J. J.,	Lovett,	Nagel,	Schrock,
Brown, J. E.,	Lynch,	Patterson, J. W.,	Simon,
Cochran,	McCreary,	Piole,	Smith, J. A.,
Dent,	Mooney,	Reising,	Stevens,
Gates,	Muir,	Sarraf,	VanAllsburg,
Kane,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1980, entitled:

An Act to repeal the act approved the twenty-second day of April one thousand nine hundred and fifteen (P. L. 172) entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities to facilitate the assessment levy and collection of taxes and municipal claims in such cities authorizing the preservation and use of records heretofore employed in such cities for such purposes"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shugarts,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flinchbaugh,	McHenry,	Simpson,
Atkins,	Flynn,	McKinney,	Sinwell,
Aukerman,	Forrest,	Melchiorre,	Sloan,
Baine,	Furman,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Gates,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gerard,	Moomaw,	Snyder, F. E.,
Baldi,	Gillette,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Greenstein,	Moran,	Spangler,
Bernhard,	Habbyshaw,	Moul,	Sproul,
Blumberg,	Haberlen,	Muir,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,
Boyer,	Hamilton, F. P.,	Nagel,	Stockham,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stone,
Brancato,	Harkins,	O'Keefe,	Stott,
Brennan,	Harmuth,	Ominsky,	Sumney,
Brown, H. S.,	Hart,	O'Neill,	Surface,
Brown, J. E.,	Hartman,	Panton,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Turner,
Carr,	Hoffner,	Pfaff,	VanAllsburg,
Carson,	Holstrom,	Phillips,	VanSickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Roan,	Welliver,

Condon,	Kelso,	Robinson,	Welsh,
Conner,	Kilroy,	Rooney,	Westrick,
Coolahan,	Kinney,	Root,	White,
Cordier,	Klinger,	Ruffennach,	Wickersham,
Davies,	Kobelak,	Ruth,	Winner,
Decker,	LaRue,	Sarraf,	Witkin,
Denning,	Linderman,	Scanlon,	Wood,
Dent,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2487, entitled:

An Act amending sections eight, ten, sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property,, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by providing for the abandonment of sections of State Highway Routes, providing for an effective date for the condemnation of casements for highway purposes and slopes; providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings; extending the Commonwealth's obligation to additional bridges; providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures; requiring occupancy permits for additional types of structures.

On the question,

Will the House agree to the bill on third reading?

Mr. LaRUE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out the word "Amending" and inserting in lieu thereof: "To further amend"

Amend Sec. 1, page 3, line 4, by striking out the word "amended" and inserting in lieu thereof "last amended by the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 831) and the act approved the twenty-sixth day of June, one thousand nine hundred and thirty-one, (P. L. 1388)"

Amend Sec. 1, page 6, line 19, by inserting after the word "county" the following paragraph: "The Secretary of Highways shall have power, with the approval of the Governor, to change any plan of record by reducing the width of any State highway, or section thereof, established as hereinbefore provided, by causing a new description and plan thereof to be made, showing the center line of said highway and the new established width thereof, and shall attach thereto his acknowledgment. Thereupon such description, plan, and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county as hereinbefore provided, and a notation shall be made on the prior plan that the same has been replaced by a later plan."

Amend Sec. 2, page 7, line 14, by striking out the word "amended" and inserting in lieu thereof "last amended by the act approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1402)"

Amend Sec. 4, page 14, line 24, by striking out the word "amended" and inserting in lieu thereof "last amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one, (P. L. 1388)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

QUESTION OF PERSONAL PRIVILEGE

Mr. HARTMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Adams will state his question of personal privilege.

Mr. HARTMAN. Mr. Speaker and members of the House. I have been instructed by the 1935 Memorial Day committee to state to the members of the House that the Governor of our Commonwealth will be the speaker at the Memorial Day exercises at Gettysburg in the National Cemetery.

The committee has also asked me to extend an invitation to all the members of the General Assembly to come

to Gettysburg on May 30th. The address by His Excellency the Governor will be delivered about 2.30 P. M., but if the members can be there at about 2.00 o'clock, it will be better. The committee has promised to deliver to me by next Monday or Tuesday a number of tickets to be distributed among the members of the House who expect to attend the ceremonies. The necessary seating arrangements will be made. As I have stated, the Governor will be present together with some members of his cabinet and a detail of the National Guard will also be present.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

REPORTS FROM COMMITTEES

Mr. EROE from the Committee on Cities reported as amended, House Bill No. 2143, entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one, (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," requiring cities to make certain payments into the police pension fund.

Mr. McELROY from the Committee on Municipal Corporations reported as committed, House Bill No. 2025, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by exempting municipalties and townships from paying any license fee on their service lines.

Mr. KANE from the Committee on Aeronautics reported as amended, House Bill No. 2501, entitled:

An Act providing for the utilization of labor of adult men who are unemployed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangars for Boroughs Cities and Counties in which they reside.

Mr. EROE from the Committee on Municipal Corporations reported as committed, House Bill No. 1898, entitled:

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purpose; including parks or playgrounds; and providing for the making of such assessments by the Board of View and the entry of such assessments as liens.

Mr. ALLEN from the Committee on Pensions and Gratuities reported as committed, House Bill No. 2204, entitled:

An Act to amend section six and eleven of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; provding for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties," changing the qualifications of mothers entitled to the assistance provided by the said act.

Mr. MENTZER from the Committee on Municipal Corporations reported as amended, House Bill No. 2854 (Senate Bill No. 900), entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

Mr. EROE from the Committee on Municipal Corporations re-reported as committed, House Bill No. 2105, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commisisons shall be determined," by adding thereto section one thousand two hundred and nine; providing for the preparation and furnishing by the Department of Internal Affairs to counties, (except counties of the first class), cities of the third class, boroughs, towns, townships, certain school districts and poor districts, of suitable blank forms for annual budget making and financial report purposes, and requiring the Department to compile comparative statistics therefrom.

Mr. McELROY from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2107, entitled:

An Act to amend sections five hundred forty-seven, eight hundred two, and nine hundred two of, and to add section nine hundred and two A to the act approved the first day of May, one thousand nine hundred and thirty-

three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the township, and the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

Mr. McELROY from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2108, entitled:

An Act to amend section three hundred forty-five as amended, sections three hundred forty-six, three hundred sixty-one, and three hundred sixty-four of, and to add section three hundred seventy, and section three hundred seventy point one to, the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by counties, and the making of an annual budget on form prepared by representatives of the county commissioners, country controllers and the Department of Internal Affairs; requiring a copy of the budget to be filed with the Department of Internal Affairs; requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Mr. MENTZER from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2106, entitled:

An Act to amend section five hundred and eleven, and section five hundred and sixty-three, as amended, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalies for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by school districts, and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth, the Department of Public Instruction and the Department of Internal Affairs; and requiring a copy of the budget to be filed with the Department of Internal Affairs.

Mr. MENTZER from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2104, entitled:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred and sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties

Mr. MENTZER from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2109, entitled:

An Act to amend sections one thousand and three, one thousand one hundred and seven, one thousand seven hundred and one, and one thousand eight hundred and two of, and to add section one thousand seven hundred and one A to, the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by townships and their agents, and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs; requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs; requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

Mr. MENTZER from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2110, entitled:

An Act to amend sections one thousand and six, and one thousand and thirty-five, as amended, and section one thousand and sixty-two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs; and revising, amending, and consolidating the law relating to boroughs;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by boroughs and its agents, and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs; requiring copy of the annual budget to be filed by council with the Department; requiring the auditors or controller to make and file a financial report with the Department; and providing penalties.

Mr. McERLOY from the Committee on Municipal Corporations re-reported as amended, House Bill No. 2120, entitled:

An Act to amend sections one thousand eight hundred four, one thousand eight hundred nine, one thousand eight hundred eleven, and one thousand nine hundred four of, and to add section one thousand eight hundred twelve to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" further providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the city and its agents, and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs; requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs; imposing duties upon the director of accounts and finance; and providing penalties.

Mr. MELCHIORRE from the Committee on Law and Order re-reported as amended, House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed and vin-

ous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties, and repealing existing acts," as amended, by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board; eliminating existing retailer's licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses; providing for the licensing of manufacturers of malt and brewed beverages, and for the issue of public service licenses and special permits relating to entertainment by said board; changing license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties and repealing inconsistent acts.

Mr. MELCHIORRE from the Committee on Law and Order re-reported as amended, House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell for consumption off premises providing for the revocation and suspension of licenses by the board further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL NO. 1641

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1641, Printer's No. 1061, entitled, "An Act For the protection of producers of farm produce providing for the licensing bonding or holding collateral of and regulation of certain individuals and entities receiving selling or offering for sale on consignment or on a net return basis within this Commonwealth farm produce conferring powers and imposing duties on the Department of Agriculture and otherwise providing for the administration of this act providing for appeals and prescribing penalties."

This bill proposes to license commission merchants receiving consignments of farm products, and requires them to post a bond in the sum of at least one thousand dollars conditioned for the faithful accounting for and payment to the consignors of the proceeds of all farm products handled.

With the purpose of this bill I am in entire sympathy, and I reluctantly disapprove of it because the Attorney General advises me that it is unconstitutional in that it offends against Article III, Section 7 of the Constitution, which forbids the General Assembly passing any local or special law changing the methods of collecting debts.

In the case of SAX AND ABBOTT CONSTRUCTION COMPANY v. SCHOOL DISTRICT OF THE CITY OF WILKES-BARRE, 237 Pa. 68 (1912), it was held that an act providing a method for securing moneys due subcontractors on municipal work or public improvements violates this provision of the Constitution. See also STERLING BRONZE COMPANY v. SYRIA IMPROVEMENT ASSOCIATION, 226 Pa. 475 (1910); TREXLER v. KUNTZ, 36 Pa. Super. 352 (1908), where the same was held with regard to a portion of the Mechanics' Lien Act of 1901.

This bill is within the principle laid down in those decisions.

For the reason I have given, the bill is not approved.

GEORGE H. EARLE.

On the question,

Shall the bill become a law, the veto of the Governor to the contrary notwithstanding?

BILL LAID ON TABLE

Mr. SURFACE. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

HOUSE BILL NO. 965 TAKEN FROM TABLE

Mr. DECKER. Mr. Speaker, I move that House Bill No. 965, Printer's No. 147, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs, to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

which was laid upon the table, be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. DECKER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. DECKER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. DECKER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 5 of the title, by inserting at the end of the line after the word "Cemetery" the following: "located at Boalsburg, Centre County, Pennsylvania"

Amend section 1, page 1, line 9, by inserting at the end of the line after the word "Cemetery" the following: "located at Boalsburg, Centre County, Pennsylvania"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is

there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 817.

An Act to amnd section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and providing further for retirements and the rights of retired persons

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

BILL LAID ON TABLE

Mr. HART. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1885.

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

BILL LAID ON TABLE

Mr. STEVENS. Mr. Speaker, I move that the communication together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communication and petitions which were read by the Clerk.

FRATERNAL INSURANCE CODE

A resolution from Lodge No. 171, Slovene National Benefit Society urging the passage of Senate Bill No. 1150.

Referred to the Committee on Insurance.

UNEMPLOYMENT INDEMNITY

A petition from residents of Berks County urging passage of House Bill No. 105.

Referred to the Committee on Insurance.

ADJOURNMENT

Mr. DUFFORT. Mr. Speaker, I move that this House do now adjourn until Monday, May 27, 1935, at 9:00 P. M.

The motion was agreed to and (at 6:18 P. M.) the House adjourned until Monday, May 27, 1935, at 9:00 P. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., MONDAY, MAY 27, 1935 No. 67

SENATE

MONDAY, May 27, 1935.

The Senate met at 9 o'clock, P. M.

The PRESIDENT (Pro Tempore John G. Homsher) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

As all the rivers of earth flow toward the sea and are at last lost in its vastness, so do all the streams of human existence flow toward Thee, O God, to be finally merged into the ocean of Thy being and Thy beneficence. Gravity draws the waters of the world downward unto the fathomless deep. Heart longing and divine love draw our souls upward toward God.

To drift upon the surface of life's stream is to be finally lost in the abysmal depths of failure and ultimate despair. To stem the current and sail upstream means to finally cast anchor in the harbor of achievement, along the shore of the crystal sea of blessedness, from which flow the refreshing waters of Providence to freshen and invigorate humanity.

Grant, O Lord, that the enactments made in this chamber by these Thy servants prove an upward pull drawing our great Commonwealth and all its people toward Thee. Amen.

JOURNAL APPROVED

The President. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HUNSICKER, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. HUNSICKER asked and obtained leave of absence for the Senator from Philadelphia, Dr. Woodward.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from various organizations and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

FAVORING SENATE BILL NO. 1150

The Chair also presented petition from the Polish National Alliance favoring Senate Bill No. 1150.

Which was referred to the Committee on Insurance

ERRATUM

Page 3599, column 1, line 36, strike out the name "Mr. EALY" and insert the name "Mr. Law."

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatitves being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 248 (Senate Bill No. 1430), entitled:

An Act fixing the salaries of court criers and tipstaves in counties of the third class

Which was committed to the Committee on County Government.

House Bill No. 314 (Senate Bill No. 1431), entitled:

An Act to amend Route fifty-eight of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "Sproul State Highway Law," as amended.

Which was committed to the Committee on Highways.

House Bill No. 1010 (Senate Bill No. 1432), entitled:

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by providing for a retirement system for county and poor district employes in counties of the third class.

Which was committed to the Committee on County Government.

House Bill No. 1074 (Senate Bill No. 1433), entitled:

An Act fixing the salaries of members of the county board of prison inspectors in counties of the third class.

Which was committed to the Committee on County Government.

House Bill No. 1135 (Senate Bill No. 1434), entitled:

An Act to repeal certain parts of acts relating to struck juries.

Which was committed to the Committee on Judiciary General.

House Bill No. 1576 (Senate Bill No. 1435), entitled:

An Act to further amend sections five hundred and twenty-eight and five hundred and fifty of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" by changing the conditions of the bonds of collectors and receivers of school taxes; and providing when liability on such bonds shall cease.

Which was committed to the Committee on Education.

House Bill No. 1980 (Senate Bill No. 1436), entitled:

An Act to repeal the act approved the twenty-second day of April, one thousand nine hundred and fifteen (P. L. 172), entitled "An act providing for the registration of ownership to real estate in cities of the second class for the use of said cities, to facilitate the assessment, levy, and collection of taxes and municipal claims in such cities; authorizing the preservation and use of records heretofore employed in such cities for such purposes."

Which was committed to the Committee on Municipal Government.

House Bill No. 1991 (Senate Bill No. 1437)), entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on public debt, and the support of the pubic schools, for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five.

Which was committed to the Committee on Appropriations.

House Bill No. 2210 (Senate Bill No. 1438), entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area, boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War, and to accept gifts or deeds to historic objects, or of land, connected therewith.

Which was committed to the Committee on State Government.

House Bill No. 2249 (Senate Bill No. 1439), entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to corporations and to estates held for corporate religious and charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof.

Which was committed to the Committee on Judiciary Special.

House Bill No. 2339 (Senate Bill No. 1440), entitled:

An Act to amend section thirteen, and section fourteen as amended, of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled, "School Employes Retirement Law," changing the ages fixed for the retirement of such employes.

Which was committed to the Committee on Education.

House Bill No. 2374 (Senate Bill No. 1441), entitled:

An Act to further amend Section 23 of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916) entitled "Fraternal Benefit Society Law" to require such societies to file with the Insurance Commissioner on or before the first day of March, succeeding the submission of the last preceding annual report, a valuation report of its benefit fund obligations in force.

Which was committed to the Committee on Insurance.

House Bill No. 2383 (Senate Bill No. 1442), entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, and validating the liens of such taxes.

Which was committed to the Committee on Judiciary General.

House Bill No. 2404 (Senate Bill No. 1443), entitled:

An Act to further amend Section 17 of the Act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 916), entitled, "Fraternal Benefit Society Law," to require such societies seeking admission to this Commonwealth to file a valuation report.

Which was committed to the Committee on Insurance.

House Bill No. 2442 (Senate Bill No. 1444), entitled:

An Act to amend section twenty-six of the act approved the eighteenth day of January, one thousand nine hundred and thirty-four (1933-34 P. L. 250), entitled "Permanent Registration Cities Second Class Act," changing certain provisions relating to the transfer of registration by removal notices.

Which was committed to the Committee on Elections.

House Bill No. 2450 (Senate Bill No. 1445), entitled:

An Act to amend section one thousand two hundred and seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" reducing the number of votes required to employ teachers in certain cases.

Which was committed to the Committee on Education.

House Bill No. 2483 (Senate Bill No. 1446), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

Which was committed to the Committee on Banking.

House Bill No. 2519 (Senate Bill No. 1447), entitled:

An Act making it unlawful for constables to wear certain types of uniforms.

Which was committed to the Committee on Judiciary General.

House Bill No. 2586 (Senate Bill No. 1448), entitled:

An Act to amend sections nine, fifteen and sixteen of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (P. L. 280), entitled "Delinquent Tax Sales Act of 1931," by extending the period of redemption to five years.

Which was committed to the Committee on Judiciary General.

House Bill No. 2653 (Senate Bill No. 1449), entitled:

An Act granting permission to the Borough of Camp Hill, Pennsylvania, and the Borough of New Cumberland, Pennsylvania, to use, jointly with the Commonwealth of Pennsylvania, the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives, in Lower Allen Township, Cumberland County, Pennsylvania, and authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use.

Which was committed to the Committee on State Government.

House Bill No. 2659 (Senate Bill No. 1450), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, three hundred sixty-four), entitled "Business Corporation Law," by modifying and clarifying the provisions of the act relating to the corporate name, the advertisement of certain corporate procedure, and normal actions by shareholders.

Which was committed to the Committee on Corporations.

House Bill No. 2662 (Senate Bill No. 1451), entitled:

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the 1935-1937 biennium..

Which was committed to the Committed on Appropriations.

House Bill No. 2666 (Senate Bill No. 1452), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 289), entitled "Nonprofit Corporation Law," by modifying and clarifying the provisions of the act relating to the corporate name and the advertisement of certain corporate procedure.

Which was committed to the Committee on Corporations.

House Bill No. 2676 (Senate Bill No. 1453), entitled:

An Act to further amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 789), entitled "Insurance Department Act of 1921" by providing for the suspension, involuntary dissolution, and liquidation of corporations which have the power to insure owners of real property, mortgages, and others interested in real property from loss by reason of defective titles, liens, and encumbrances.

Which was committed to the Committee on Insurance.

House Bill No. 2756 (Senate Bill No. 1454), entitled:

An Act exempting dental fixtures and equipment leased, loaned, hired or conditionally sold, from levy or sale on execution or distress for rent.

Which was committed to the Committee on Judiciary General.

House Bill No. 2852 (Senate Bill No. 1455), entitled:

An Act creating a joint legislative committee to be known as the Joint State Government Committee; and defining its powers and duties.

Which was committed to the Committee on State Government.

HOUSE CONCURS IN SENATE BILL NO. 73

He also returned to the Senate, Senate Bill No. 73, entitled:

An Act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 719), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," as amended, by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the county and canvass of the vote, and the sealing of the ballot box.

with the information that the House has passed the same without amendment.

AMENDMENT TO HOUSE BILL NO. 1865 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1865, entitled·

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the Soldiers' Orphans Schools, extending the time for the discharge of children from said school.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will lie on the table and noted on the calendar.

PROTEST AGAINST PARDON OF GROVER C. BERGDOLL

He also presented extracts from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Federal Relations.

In the House of Representatives, May 8, 1935.

Whereas, The public press again considers as news the latest campaign of our well-known ex-resident Grover C. Bergdoll to secure for himself certain funds sequestered by the Federal Government; and

Whereas, With his customary courage he seeks, from a safe haven in his adopted land behind a screen of women and children, to becloud the memory of our Nation with sickly sentimentality; and

Whereas, Even the thought of a reconsideration of his degrading case is a taunt to our honored dead, to the flag he betrayed, and to the country which heaped munificence upon him through no effort on his part; therfore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania believe the concensus of opinion of the citizens of this great Commonwealth whom he disgraced to be steadfastly and unalterably opposed to any amnesty or pardon being granted to Grover C. Bergdoll at this or any future time; and, be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Attorney General of the United States.

BILL SIGNED

The PRESIDENT (Pro Tempore John G. Homsher) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 2637, entitled:

An Act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances.

Whereupon,

The PRESIDENT (Pro Tempore John G. Homsher) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. NORTON from the Committee on Insurance, reported as committed, Senate Bill No. 938, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance caried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

Also from the Committee on Insurance, reported as committed, Senate Bill No. 939, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the reguation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new sub-division and section providing for the licensing of foreign mutual casualty insurance companies.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 942, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds, associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 944, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies other than life, for admission to do business in this Commonwealth.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 951, entitled:

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve ratio.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 1027, entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulations supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insured against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

Also from the Committee on Insurance reported as committed, Senate Bill No. 1028, entitled:

An Act to amend section 629 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from subdivision (b) of Article 6 of that act, double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

Also from the Committee on Insurance reported as committed, Senate Bill No. 1032, entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

Also from the Committee on Insurance reported as committed, Senate Bill No. 1315, entitled:

An Act to amend sections three hundred and forty-one, three hundred and forty-two, and three hundred and forty-three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to Insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing; existing laws" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto.

Also from the Committee on Insurance reported as as amended, Senate Bill No. 55, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of the home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance ratings bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto section four hundred and eleven A; establishing the effect of medical examinations or the waiver thereof in applications for life insurance, and restricting defenses by insurance companies in such cases

Mr. BATCHELOR, from the Committee on Education, reported as amended, Senate Bill No. 1117 (House Bill No. 1286), entitled:

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending befor the Board providing for method of enjoining violations of the act defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 963, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Also, from the Cmmittee on Appropriations, reported as committed, Senate Bill No. 1415, entitled:

An Act for the establishment, operation and maintenance by corporations and cities of foreign-trade zones in, or adjacent to ports of entry of the United States in accordance with the act of Congress, providing for the formation of private corporations for such purposes; and prescribing the powers and duties of such corporations and of cities in connection with such trade zones.

Mr. SONES, from the Committee on Banking, reported as committed, Senate Bill No. 885, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, subagencies, or branch places of business.

Mr. SHAPIRO, from the Committee on Banking, reported as amended, Senate Bill No. 954, entitled:

An act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

Mr. COYNE, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

S. J. Morgan, 1877 Jancey St., Pittsburgh.
Herman Regenstein, 2009 Center Ave., Pittsburgh.

DELAWARE COUNTY

Lee Shephard, Media.

ERIE COUNTY

William R. Harris, Albion.

NORTHUMBERLAND COUNTY

Thomas H. Williams, Shamokin.

PHILADELPHIA COUNTY

Robert Dalgliesh, 5613 Germantown Ave., Phila.
Walter J. Schweyer, 1125 Sansom St., Phila.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Daly,	McCreesh,	Roberts,	Ziegenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. HARRIS read in his place and presented to the Chair Senate Bill No. 1456, entitled:

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

Which was committed to the Committee on Constitutional Changes.

Also read in his place and presented to the Chair Senate Bill No. 1457, entitled:

An Act to amend section three hundred and two of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," by providing for the selection, tenure and compensation of employes of the Pennsylvania liquor stores and establishments operated by the Pennsylvania Liquor Control Board; creating a civil service commission; and defining its powers and duties.

Which was committed to the Committee on Law and Order.

Mr. BAUMER (by Request) read in his place and presented to the Chair, Senate Bill No. 1458, entitled:

An Act to amend sections six and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers county commissioners, and such distributors; providing for rewards; imposing costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by requiring reports of distributors to show the county within which liquid fuels are used or delivered; and changing the method of apportioning the counties' share of such tax.

Which was committed to the Committee on Finance.

Mr. BATCHELOR read in his place and presented to the Chair, Senate Bill No. 1459, entitled:

An Act to re-enact and amend the act approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by and employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," extending said act to members and employes of volunteer fire companies and fire departments; providing compensation for accidents arising out of em-

ployment, and where injury or death result while a Statute rule or order was being violated by the employe, and also in certain hernia cases; providing compensation for total disability following partial disability; denying compensation to widows in certain cases; changing the time for the commencement of procedings to recover compensation in certain cases, providing for autopsies in cases of death from injury; further regulating the review, modification, reinstatement, suspension and termination of original and supplemental agreements and awards; requiring employers to pay the compensation of physicians, surgeons and experts appointed by the board of referees to make examinations; providing that final receipts for compensation shall be conclusive after two years; and repealing section four hundred and twenty-six of said act.

Which was committed to the Committee on Labor and Industry.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 1460, entitled:

An Act to provide for the nomination of candidates for public office by political parties as herein defined, providing penalties, and abolishing existing primary elections.

Which was committed to the Committee on Elections.

Also read in his place and presented to the Chair Senate Bill No. 1461, entitled:

An Act making an appropriation for the purpose of maintaining the public roads through the Cornplanter Indian Reservation in Elk Township, Warren County.

Which was committed to the Committee on Appropriations.

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 1462, entitled:

An Act limiting the letting of contracts by the Department of Highways for road construction, maintenance or repair to residents of this Commonwealth or corporations, associations or copartnerships having their principal places of business therein.

Which was committed to the Committee on Highways.

Mr. RUPP read in his place and presented to the Chair. Senate Bill No. 1463, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restricting; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the Counties of Berks and Lehigh.

Which was committed to the Committee on Highways.

Mr. GRAFF read in his place and presented to the Chair. Senate Bill No. 1464, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located in such highways; conferring powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act;" establishing an additional route in the County of Butler.

Which was committed to the Committee on Highways.

Mr. MILLER read in his place and presented to the Chair, Senate Bill No. 1465, entitled:

An Act relating to the administration and enforcement of the "Dog Law of 1921"; discontinuing the Department of Agriculture as the administrative and enforcing agency under said law; creating, fixing the compensation, and defining the powers and duties of the Dog Licensing Commission for said purposes; establishing the Dog Fund in the State Treasury; and appropriating the moneys therein for the purpose of enforcing and carrying out the provisions of said act.

Which was committed to the Committee on Agriculture.

Also read in his place and presented to the Chair Senate Bill No. 1466 entitled:

An Act to amend section seven hundred and eighteen of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto" as amended; permitting dogs to be trained on Sunday during the training season with the consent of owners of lands, except in certain cases.

Which was committed to the Committee on Game and Fisheries.

TIME OF NEXT MEETING

Mr. NORTON, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 27, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, June 3, 1935, at nine o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvene Monday evening, June 3, 1935, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

COMMITTEE TO BE APPOINTED TO REVISE RULES OF THE SENATE

Mr. GELDER offered the following resolution, which was twice read:

In the Senate, May 27, 1935.

Resolved, That the President Pro Tempore of the Senate appoint a committee of five members of the Senate, whose duty it shall be to draft a revision of the rules of the Senate and report thereon to the regular session of the Senate in 1937.

Resolved, That the Secretary of the Senate act as the secretary of the committee appointed pursuant to this resolution.

Mr. GELDER. Mr. President, I ask unanimous consent that Rule 39 which requires that resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideraion of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution? ?

It was agreed to.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 712 as follows:

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-ont (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one ((Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" is hereby amended to read as follows

Section 13 (a) The provisions of this act shall not be construed as preventing the conducting of the business or profession of undertaking by a corporation heretofore licensed [or by a corporation all of the officers of which are duly licensed undertakers actively engaged in the conduct of the business of said corporation] if such corporation is registered by and conforms with such rules and regulations as the board may prescribe with relation thereto and no branch licenses shall hereafter be granted any corporation

(b) The board shall not hereafter issue licenses to nor register any corporation nor shall any corporation be permitted to conduct the business or profession of undertaking which has not already been licensed and registered

Section 2 This act shall become effective immediately upon its approval by the Governor

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Batchelor,	Harris,	Norton,	Shapiro,
Baumer,	Harvey,	Owlett,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pyiko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Ealy,	McClure,	Rice,	Ziesenheim,
Frey,	McCreesh,	Roberts,	Homsher,
Gelder,	McGinnis,	Rodgers,	Pres. Pro. Tem.
Graff,	Miller,	Rupp,	

NAYS—2

Aron,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1128, as follows:

An Act to protect the owners of mortgaged property by limiting the amount of deficiency judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where a bond and mortgage is or has ben given for the same debt the real property bound by such bond and mortgage shall first be proceeded against and sold on execution and the amount of the deficiency judgment ascertained as hereinafter provided before any other property real or personal fo the mortgage debtor may be attached levied on or sold for the debt secured by such bond and mortgage and before any other person bound by any obligation securing the payment of said mortgage debt may be proceeded against or any property real or personal of any such other person may be attached levied on or sold for the debt secured by such bond and mortgage

Section 2 Whenever any real property is sold on or before June thirtieth one thousand nine hundred and thirty-seven on any execution on the foreclosure of any mortgage or on a judgment entered on any obligations secured by mortgage and the sum for which such property was sold is not sufficient to satisfy the debt interest and costs the plaintiff or use plaintiff shall within six months after such sale petition the Court out of which such execution issued to fix the fair value of the property sold

Section 3 The petition shall set forth

(a) The location by address or description of the real estate sold the name or names of the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

(b) The price for which said property was sold at Sheriff's sale

(c) The cost of the proceedings under which the property was sold

(d) The amount of the judgment and the accrued and unpaid taxes water rents and other State and Municipal liens and interest and penalties thereon and other prior mortgage or judgment liens at the time of the said sale

(e) A statement of the fair value of said property at the time of said sale and shall name as respondents the mortgagors and all other persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of said mortgage debt

Section 4 The Court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each and all of the persons named therein as respondents at least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer his interest in the proceedings and answering the averments of the petition Any party in interest may prior to the time of the hearing demand in writing a jury trial on any material issue or issues of fact raised by the pleadings whereupon the said issue or issues shall be determined by a jury trial as in other cases

Section 5 Said petition may be served by the Sheriff of the County or by the Sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods and the return of the petition is that the respondent or respondents or any of them cannot be found in this county or state said respondent or respondents may

be served by publishing in the legal newspaper of the county and one newspaper of general circulation in the county a notice to the said respondent or respondents of the filing of said petition and of the time and place fixed for hearing thereon

Section 6 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed at least five days before the time fixed for hearing No judgment shall be entered or hearing had until the Court shall be satisfied that service has been made upon all the respondents in one or the other of the three methods herein provided

Section 7 At such hearings any party in interest may introduce into evidence testimony of the fair value of the premises sold at the time of the sale or of any other matter in issue If the fair value of the said property at the time of the said sale shall be finally determined to be less than the total of the amounts of the judgment with interest and costs any prior mortgage or judgment liens not discharged by the sale the secured and unpaid taxes water rents and other state or municipal liens with interest and penalties thereon the Court shall enter a deficiency judgment in the said proceeding in the amount of the difference and thereupon the liability of all persons directly or indirectly liable for the payment of the said mortgage debt shall be limited to the amount of the said deficiency judgment Provided however that in no event shall the fair value be determined to be less than the price for which the property was sold at such Sheriff's sale

Section 8 After such Sheriff's sale no such plaintiff or use plaintiff shall take any proceedings to recover or collect the amount of the mortgage debt until and unless such deficiency judgment shall have been entered and if the plaintiff or use plaintiff shall fail to present such petition within six months after such sale the Prothonotary shall enter satisfaction of such judgment upon the written motion of the defendant or other party in interest provided however that such motion bears the written approval of a Judge of a Court in which the petition was filed Such satisfaction shall have the effect of terminating as well the liability of all persons directly or indirectly liable for the payment of said mortgage debt

Section 9 The defendant in the foreclosure proceedings or judgment or the real owner of the property sold or any other person or persons bound by any obligation securing the payment of the mortgage debt or other person in interest may at any time after the sale present a petition to the Court in like manner ot fix the fair value of the property sold In such case there shall be named as respondents the plaintiff and use plaintiffs as well as all other persons known to petitioner to be directly or indirectly liable to petitioner or any other person for the payment of the said mortgage debt and the case shall proceed in the same manner as hereinbefore provided for in the case of a petition by the plaintiff or use plaintiff

Section 10 Whenever at such Sheriff's sale the holder of a lien subsequent to that upon which the sale was had shall become the purchaser of the said property he shall not be entitled to take any proceedings to recover or collect the amount of the debt secured by the said lien or encumbrance until and unless a deficiency judgment shall be entered at the time and in the manner as hereinbefore provided for further proceedings to recover the amount of the debt under the mortgage upon which the Sheriff's sale was had and in such case all the provisions of this Act shall apply with the same force and effect as if the said sale had been held upon said subsequent lien or any obligation secured thereby

Section 11 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 12 All acts and parts of acts inconsistent herewith are hereby repealed

Section 13 The provisions of this act shall become effective on July 1 1935

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeaably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Ziesenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to he House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1230, as follows:

An Act to amend Route Seventy-seven of section six of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum

width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Route Seventy-seven of section six of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by the provisions of this act" is hereby amended to read as follows

Route Seventy-seven From Beaver to New Castle Commencing in Beaver and running thence by way of Rochester and over Third Avenue in New Brighton and by way of Beaver Falls to a point on the dividing line between Beaver and Lawrence Counties thence by way of Wampum and Moravia to a point on the boundary line of the city of New Castle Lawrence County

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Daly,	McCreesh,	Roberts,	Ziesenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1294, as follows:

An Act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school district in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" as amended by providing that bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by issuance of bonds pursuant to the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in the Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" which was amended by section one of the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred seventy-three) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where any county city borough municipality or school district in this Commonwealth has by virtue of any general or special act of Assembly issued bonds or other interest-bearing evidences of indebtedness with or without interest coupons attached to secure any indebtedness of any such county city borough municipality or school district or where any municipal corporation has issued bonds or other obligations for the payment of the cost of a public improvement secured or to be secured by assessments against property benefited by such improvement and were to rest alone for their security and payment upon such assessments and such bonds and obligations have been ratified confirmed and made valid and binding obligations and debts of the municipality by act of the Assembly which bonds obligations or other interest-bear-

ing evidences of indebtedness which may have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any county city borough municipality or school district shall have the option to redeem or pay any such bonds obligations or interest-bearing evidences of indebtedness or whenever holders of any bonds obligations or interest-bearing evidences of indebtedness of any county city borough municipality or school district which may not have matured or become redeemable are willing to surrender the whole or any part of such issue of bonds obligations or interest-bearing evidences of indebtedness it shall be lawful for and such county city borough municipality or school district for the purpose of redeeming or paying off any or all of the bond obligations or other interest-bearing evidences of indebtedness together with the accrued interest thereon payable redeemable or offered for redemption as aforesaid to issue and sell or to exchange for outstanding bonds [either] registered or coupon bonds bearing interest at a rate not exceeding six per centum per annum and payable at any time not exceeding twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds obligations or other evidences of indebtedness and the accrued interest thereon so redeemed or paid and the said bonds so issued or sold in accordance with the provisions of this act shall be exempt from taxation except for State purposes Provided however That all moneys for the redemption of the issue of bonds obligations or other evidences of indebtedness proposed to be refunded placed in the sinking fund if any shall be first applied to the payment as far as applicable of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution,. and were as follows. viz:

YEAS—46

Aron,	Harris,	Owlett,	Rupp,
Batchelor,	Harvey,	Pierson,	Salus,
Baumer,	Howell,	Prince,	Shapiro,
Beau,	Huffman,	Pytko,	Sones,
Bennett,	Hunsicker,	Rankin,	Sordoni,
Buckman,	Kahle,	Reed,	Staudenmeier,
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Coyne,	McClure,	(Washington)	Trainer,
Daly,	McCreesh,	Rice,	Ziesenheim,
Frey,	McGinnis,	Roberts,	Homsher,
Gelder,	Miller,	Rodgers,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—3

Cavalcante,	Law,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1295, as follows:

An Act to ratify confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by cities of the third class for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway street or alley or part thereof in any such city of the third class or for the payment of the cost of construction of any sewer or sewers which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost and to authorize the city of the third class to fund such debts by the issuance of bonds and to provide for their payment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any city of the third class has issued improvements bonds or obligations by any other name for the payment of the cost of a public improvement for the purpose of paving or macadamizing or otherwise improving the roadway of any highway street or alley or part thereof in any such city which bonds or obligations were to rest alone for their security and payment upon assessments upon the abutting real estate according to the front foot rule or according to benefits such bonds and obligations are hereby ratified confirmed and made valid and binding obligations and debts of the city That whenever heretofore any city of the third class has issued improvement bonds or obligations by any other name for the payment of the cost of a public improvement for the purpose of constructing a sewer or sewers in any such city which bonds or obligations were to rest alone for their security and payment upon assessments upon the abutting property according to the front foot or the assessed valuation of such property for city purposes or according to benefits such bonds and obligations are hereby ratified confirmed and made valid and binding obligations and debts of the city

Section 2 Whenever any such improvement bonds or obligations have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any such city of the third class shall have the option to redeem or pay any such bonds or obligations or whenever holders of any such bonds or obligations which may not have matured or become redeemable are willing to surrender the whole or any part of any issue of such bonds or obligations it shall be lawful for the city to issue either registered or coupon bonds with or without coupons attached to be designated "refunding improvement bonds"' bearing interest at a rate not exceeding six per centum per annum and payable at any time or times not exceeding twenty years from the date thereof for the purpose of funding and extending the time of payment of the debts represented by such outstanding bonds or obligations and the interest thereon which said refunding improvement bonds may be sold for cash at public sale or exchanged for the outstanding bonds or obligations and the coupons evidencing the accrued interest thereon but no such refunding improvement bonds shall be isued and sold or exchanged except to pay redeem or to exchange for a like amount in par value of such outstanding bonds or obligations and the accrued interest thereon and such outstanding bonds or obligations and the interest coupons when paid redeemed or received in exchange shall be immediately cancelled Such refunding improvement bonds shall be exempt from taxation except for state purposes

Section 3 Nothing in this act contained shall impair the right and duty of any city of the third class to collect from the owners of the real estate abutting on any highway street or alley or part thereof in such city any and all assessments levied for the payment of the cost of paving macadamizing or otherwise improving the same or to enforce the lien of such assessments but the right and duty to collect such assessments and to enforce such lien shall remain and continue unimmpaired as now provided by law Nothing in this act contained shall impair the right and duty of the city to collect from the owners of the property abutting upon any such sewer improvement any and all assessments levied for the payment of constructing any such sewer or sewers or to enforce the lien of such assessments but the right and duty to collect such assessments and to enforce such liens shall remain and continue unimpaired as now provided by law

Section 4 While any of such refunding improvement bonds remain outstanding and unpaid there shall be an-

nually levied assessed and collected by ad valorem tax upon all the taxable property within such city of the third class an amount sufficient to pay the interest on said bonds and the principal thereof within twenty years from he time of the issuance of said bonds

Section 5 Before or at the time of issuing any refunding improvement bonds authorized by this act the city of the third class issuing the same shall create a sinking-fund for the payment of the interest on said bonds and the principal thereof as and when the same respectively become due and payable which said sinking-fund is hereby irrevocably pledged to the payment of the debt thereby incurred It shall be the duty of the city to pay into such sinking fund all ad valorem taxes authorized by this act as and when collected It shall be the further duty of the city to pay into such sinking-fund all assessments applicable to the payment of the bonds or obligations authorized by this act to be funded less the cost of collection as and when such assessments shall be collected and received by the city and the amount to be raised by the taxes provided for in section four of this act shall be reduced accordingly

Section 6 In the event that under the provisions of this act the debt of any city of the third class would be increased to an amount exceeding two per centum upon the assessed valuation of the taxable property within such city the question of the increase of such indebtedness shall be submitted to the electors thereof at a public election in the manner provided by law and if at such election the electors shall consent to such increase of indebtedness then refunding improvement bonds may be issued as provided in this act

Section 7 This act shall be full and complete authority for the issuance of bonds as herein authorized without reference to any other law

Section 8 If any part of this act shall be declared unconstitutional by a court of competent jurisdiction he remainder of this act shall remain in full force and effect

Section 9 This act shall become effective immediately upon its approval by the Governor

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. McCLURE. Mr. President, I voted "aye."

Mr. HARVEY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HARVEY. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. McCLURE. Mr. President, I ask unanimous consent to Amend sec. 6, page 5, line 7, by inserting after the word "corporation" the following: "incurred without the assent of the electors thereof" Amend sec. 6, page 5, line 11, by inserting after the word "indebtedness" the following: "beyond the two per centum debt permissible without the assent of the electors"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

MOTION TO RECOMMIT BILL

Mr. OWLETT. Mr. President, I move that Senate Bill No. 19, on third reading, entitled:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

be recommitted to the Committee on Labor and Industry.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HARRIS. Mr. President, I would respectfully ask that the Senator from Tioga, Mr. Owlett, give his reasons for recommitting the bill.

Mr. OWLETT. Mr. President, my reason for asking that this bill be recommitted is that, in view of the decision of the Supreme Court of the United States today invalidating all codes, this bill has been drawn to follow the codes of the National Recovery Act, and I think the bill ought to go back and be studied, to be sure it is in proper form, and if it needs amendment. I therefore ask that it be recommitted for the purpose of study and amendment.

Mr. HARRIS. Mr. President, when this bill was on the calendar some months ago it was recommitted. It took at least two months for it to be brought out of committee, and I would like to know what the sponsor of this bill has to say about recommitting it.

Mr. GRAFF. Mr. President, I agree, as the sponsor of the bill, to have it recommitted; but certainly not for the purpose of killing it. There had been some amendments submitted to me prior to the decision of the United States Supreme Court, some amendments which our friends on the other side thought ought to be put in the bill, and. also, amendments to correct some printer's errors; and in view of the decision of the Supreme Court I think it ought to be recommitted and amended and brought out again. I am in favor of having it recommitted, although not for the purpose of killing it, but for amendment.

Mr. REED (Washington). Mr. President, I am opposed to recommitting this bill at this time. The Senate has been in session for some considerable time, and this bill, as well as some others, has been batted around the floor of the Senate for two or three months. I see no reason why this bill should go back into committee. The decision of the United States Supreme Court will have no direct bearing on the validity of this statute. I think there is no bill before this Senate today that is of more importance than this very bill, and I think we should now vote on it and dispose of it. For that reason I would like to have he vote of the members of this Senate on the recommitment of this bill.

Mr. SHAPIRO. Mr. President, Senate Bill No. 19 can in no way be affected by the decision of the Supreme Court today, relative to the N. R. A. Senate Bill No. 19 provides for hours of labor far in excess of the code hours. It deals with minors. It does need amendment, though, because it provides that no minor shall work more than eight hours a day nor more than six days a week, and then goes on to provide that no minor shall work more than fifty-one hours a week. Pure arithmetic indicates that that requires some change. No person can work fifty-one hours a week by working eight hours a day for a six day week.

I suggest that the maker of the motion withdraw his motion, and that the bill be placed on the postponed calendar for the purpose of amendment—in the only way, I think, the bill requires amendment, and that is to clarify the provision. There is nothing in the N. R. A. decision that affects the Senate Bill No. 19.

Mr. OWLETT. Mr. President, I will be glad to withdraw my motion to recommit this bill.

Mr. GRAFF. Mr. President, I withdraw my seconding of the motion.

BILL POSTPONED

Mr. OWLETT. Mr. President, I move that further consideration of Senate Bill No. 19, the bill under discussion be postponed for the present.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 150 (House Bill No. 147), as follows:

An Act relating to the preparation of a new or revised Constitution by convention and its adoption or repection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention with limited powers conferring jurisdiction on the Court of Common Pleas of Dauphin County and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That at the municipal election in November one thousand nine hundred thirty-five there shall be elected by the qualified electors of this Commonwealth delegates to a constitutional convention to draft a new Constitution for or revise the present Constitution of this Commonwealth if such convention shall have been called by the electors pursuant to the question herein required to be submitted

At the fall primary election in the year one thousand nine hundred thirty-five the following question shall be submitted to the electors of the Commonwealth in the following form in which the number of this act shall be filled in

Shall a constitutional convention be called in accordance with and subject to the limitations contained in act number of the one thousand nine hundred thirty-five session of the Legislature to prepare a new or revised Constitution of this Commonwealth	Yes	
	No	

Such question shall be submitted on a separate ballot at the said primary election and one such ballot prepared by the county commissioners in the manner provided by the election laws shall be handed to each qualified voter regardless whether he or she is enrolled in a political party Where voting machines are used said question may be voted on such machines if the machines can be so protected that each enrolled voter can vote for such question and only candidates of the party in which he or she is enrolled or if a voter is not enrolled in a party so that he or she can vote only on said question Returns of the votes cast on said question shall be made to the county commissioners who shall compute the vote for the whole county and certify the same to the Secretary of the Commonwealth who shall compute the vote on said question for the entire Commonwealth and certify the result to the Governor If a majority of the votes cast on said question in the entire Commonwealth are in favor of calling said convention the Governor shall issue his proclamation to that effect

Section 2 The constitutional convention if called by the electors shall consist of fifty district delegates one to be elected from each senatorial district and twenty delegates-at-large who shall be elected from the Commonwealth at large

Section 3 In choosing the delegates for each senatorial district each elector shall be entitled to vote for one candidate for delegate from the district and the candidate receiving the highest number of votes shall be declared elected In choosing the delegates-at-large each elector shall be entitled to vote for not more than ten of the candidates for delegates to be chosen from the Commonwealth at large and the twenty candidates receiving the highest number of votes shall be declared elected

Section 4 Each candidate for delegate shall have been a citizen of the United States of America for at least ten years and a qualified elector of this Commonwealth for at least five years prior to the day of the municipal election in the year one thousand nine hundred thirty-five Each candidate for district delegate also shall be a qualified elector of the senatorial district from which he or she shall be a candidate

Section 5 All political parties required by law to nominate their candidates for public office at primary elections may in the manner hereinafter set forth nominate one candidate from each senatorial district as district delegate to the constitutional convention and ten candidates from the Commonwealth at large as delegates-at-large Such political parties shall nominate their candidates for delegates-at-large by State-wide conventions composed of the members of their State committees and their candidates for district delegate shall be nominated in senatorial districts

by conventions called in each senatorial district which except in the senatorial districts located within cities of the first class shall be composed of the members of the county committees who represent the election districts or divisions within the particular senatorial district In the case of senatorial districts within cities of the first class such conventions shall be composed of the members of the ward committees of the election divisions within the particular senatorial district

Conventions for the nomination of delegates-at-large and district delegates shall be convened by the State chairmen of the respective State committees of the political parties at such times not later than October fifth one thousand nine hundred thirty-five and such places as shall be designated by the chairmen

The presiding officer and secretary of each nominating convention shall prepare certificates of nomination for the candidates nominated which shall be sworn to or affirmed by them before an officer authorized to administer oaths to be true and correct to the best of their knowledge and belief More than one nomination may be included in one certificate of nomination Such certificates of nomination shall be filed with the Secretary of the Commonwealth within the time hereafter required in this act

Section 6 Any body of qualified electors not entitled to make nominations of candidates for public office at the primary election may make nominations for delegates-at-large and district delegates to the constitutional convention by nomination papers in the manner provided by law for the nomination by nomination papers of candidates for State offices of for members of the Senate of Pennsylvania except that such papers or objections thereto shall be filed within the priods of time hereinafter provided in this act A qualified elector may sign nomination papers for not more than one candidate for district delegate and for not more than ten candidates for delegates-at-large

Section 7 All nomination certificates or nomination papers shall be filed with the Secretary of the Commonwealth at least twenty-seven days before the date of the municipal election in one thousand nine hundred thirty-five Blank forms for certificates of nomination and nomination papers shall be prescribed and furnished by the Secretary of the Commonwealth and no forms other than the ones so prescribed shall be used for such purposes Objections to nomination papers may be made and shall be disposed of in the manner provided by law for objections to nomination papers except that objections to such papers must be filed in the Court of Common Pleas of Dauphin County and with the Secretary of the Commonwealth at least twenty-two days before the date of said municipal election

Section 8 Any person whose name has been presented as a candidate may cause his or her name to be withdrawn from nomination by request in writing signed by him or her and acknowledged before an officer qualified to take acknowledgments of deeds and filed in the office of the Secretary of the Commonwealth at least twenty-two days previous to the day of said municipal election No name so withdrawn shall be printed upon the ballots

Section 9 The Secretary of the Commonwealth shall at least fourteen days prior to the date of said municipal election transmit to the county commissioners and the sheriff in each county duplicate official lists stating the names and residences of and parties or policies represented by all candidates whose nomination certificates or nomination papers have been filed with him under the provisions of this act and have not been found or declared to be invalid and who are to be voted for at such election

Section 10 The names of the candidates for delegates-at-large to the constitutional convention shall be printed upon the official ballots or ballot labels used at the munimicpal election in one thousand nine hundred thirty-five in a separate column or row under or following the heading "Delegates-At-Large to Constitutional Convention" with the party affiliation of each candidate following the name of the candidate The names of candidates for district delegate to the constitutional convention shall be printed upon the official ballots or ballot labels in a separate column or row under or following the heading "District Delegate to Constitutional Convention" with the party affiliation of each candidate following his name A vote in the party column provided for at the left of the official ballot shall constitute a vote for each candidate of the party for delegate-at-large and for the candidate of the party for district delegate and where voting is done by voting machines a straight party vote shall have a like effect

Section 11 The votes cast at said municipal election for district delegate shall be counted canvassed returned and certified as is now provided by law in the case of elections of members of the Senate of Pennsylvania at general elections.

Section 12 The votes cast at the said municipal election for delegates-at-large shall be counted canvassed certified and returned as is now provided by law in the case of elections of United States Senators.

Section 13 The Secretary of the Commonwealth upon the completion of the computation of the election returns of the delegates-at-large and the receipt by him of the certificates of the proper election officials showing the district delegates elected in the several senatorial districts of the Commonwealth and in all events within fifteen days after said municipal election shall certify to the Governor the names of all district delegates and delegates-at-large to the constitutional convention elected at the municipal election in one thousand nine hundred thirty-five. The Governor shall forthwith issue his proclamation declaring the names of the persons chosen as delegates to the convention and the Secretary of the Commonwealth shall issue a certificate of election to each delegate so chosen.

Section 14 The members of the constitutional convention shall each receive for the payment of their traveling and other expenses the sum of One Thousand Dollars ($1,000) payable in four equal installments.

Section 15 Any vacancy occurring in the nomination for the office of district delegate or delegate-at-large prior to the election may be filled by the party or group on whose ticket such vacancy occurs at any time before the ballots for such election are printed in such manner as the convention or rules of such party or group may prescribe. Any vacancy occurring in the office of district delegate or delegate-at-large after the election shall be filled by the vote of the delegates-at-large of the party or group of which the delegate whose place is to be filled was a representative.

Section 16 The delegates to the constitutional convention shall convene at twelve o'clock noon on the first Monday of December one thousand nine hundred thirty-five in the Hall of the House of Representatives in the City of Harrisburg Pennsylvania and shall immediately organize by electing a president and secretary and shall from time to time elect such other officers and assistants as may be deemed necessary for the transaction of the business of the convention. The convention shall have the power to adopt rules of procedure and to determine the qualification of delegates and to adjourn to such time or times and place in the City of Harrisburg as it shall determine.

Section 17 The convention shall have the power to fix the compensation of the secretary other officers and assistants and shall also have the right to call upon the Legislative Reference Bureau for such aid and assistance as it may require.

Section 18 It shall be the duty of the convention subject to the Constitution of the United States of America to draft prepare and propose a new or revised Canstitution for the Commonwealth of Pennsylvania. The convention in the proposed constitution shall not authorize the future creation of indebtedness for any purposes other than those enumerated in article nine section four of the existing Constitution of the Commonwealth as originally adopted by the people on December sixteenth one thousand eight hundred seventy-three unless the General Assembly shall at the time the indebtedness is authorized be required to enact legislation estimated to produce sufficient revenue to pay the interest on such indebtedness and provide for the retirement thereof at maturity. The indebtedness authorized to be created for the purpose of supplying casual deficiencies in revenue shall never together with any existing indebtedness created for such purpose exceed in the aggregate at any one time fifty million dollars.

If the convention shall not observe the limitations im-

posed by this section any taxpayer may proceed by bill in equity in the Court of Common Pleas of Dauphin County to restrain the submission to the electors of the proposed Constitution and for this purpose jurisdiction is hereby conferred upon the Court of Common Pleas of Dauphin County. The convention may be a majority vote submit the proposed new or revised Constitution to the qualified voters of the Commonwealth for their adoption or rejection at the spring primary election in the year one thousand nine hundred thirty-six or at the general election in the year one thosand nine hundred thirty-six as the convention may designate.

Section 19 Such Constitution as may be proposed by the constitutional convention shall be engrossed and signed by the President and Secretary of the convention and shall if possible be delivered to the Secretary of the Commonwealth not later than the tenth day of March if it is to be submitted at the spring primary in one thousand nine hundred thirty-six and not later than the fifteenth day of September if it is to be submitted at the general election in one thousand nine hundred thirty-six The Secretary of the Commonwealth shall enter the proposed Constitution upon the records of his office He shall cause the proposed Constitution to be published in three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred twenty-nine (P. L. 784) in every county of the Commonwealth wherein such number of newspapers may be published three times before the date of the election at which the proposed Constitution is to be submitted to the electors The newspapers selected in each county shall be those having the largest bona fide circulation He shall also publish the same in convenient form for distribution and shall send a copy thereof to every elector of the Commonwealth making application therefor

Section 20 The Secretary of the Commonwealth shall prepare the proposed Constitution on a special ballot to be designated as "Constitution Ballot" for submission to the voters of the Commonwealth in such form and with such instructions as will enable each voter to indicate by a "yes" or "no" vote his approval or rejection of the proposed Constitution as a whole Such ballots shall be bound into books of convenient numbers with stubs and the ballot and the stub shall bear the name of the county in which the ballot is to be used The stubs shall be numbered consecutively beginning with the number one in each county Each ballot shall have at the upper right-hand corner of the back of the ballot a diagonal perforated printed line and upon the corner of the ballot and included within such line shall be printed the same number as appears on the stub to which the ballot is attached Such number so printed on the ballot shall be removed by the voter in the manner provided by the election laws for removal of such numbers before the ballot is deposited in the ballot box

Section 21 The Secretary of the Commonwealth shall cause to be printed a sufficient number of official "Constitution Ballots" for all the voters of this Commonwealth and at least ten days before the election at which such proposed Constitution is submitted shall distribute the same to the county commissioners of the several counties of the Commonwealth The county commissioners shall at the time distribution is made of the usual ballots for such election distribute the constitution ballots to each of the several voting precincts in their respective counties in sufficient quantities to provide such ballots for the voters of each respective county

Section 22 A majority of the electors voting upon the adoption or rejection of the proposed Constitution shall be necessary for its adoption Such proposed Constitution if approved by a majority of electors voting thereon shall become effective unless the proposed Constitution or the schedule thereto shall otherwise provide upon the first day of June one thousand nine hundred thirty-six if voted on at the spring primary in one thousand nine hundred thirty-six and on the first day of January one thousand nine hundred thirty-seven if voted on at the general election in one thousand nine hundred thirty-six Returns of the vote cast for and against the proposed Constitution shall be counted canvassed and returned by election officers and return boards as provided by law in the case of votes cast on proposed amendments to the Constitution and shall be certified by the prothonotary of each and every county to the Secretary of the Commonwealth who shall compute the same and certify the result to the Governor If from such certificate it shall appear that the proposed Constitution shall have been adopted by the people the Governor shall immediately make proclamation thereof

Section 23 The sum of Three Hundred Fifty-Thousand Dollars ($350,000) or so much thereof as may be necessary is hereby appropriated out of the General Fund of the State Treasury for the payment of the expenses of members of the constitutional convention and the compensation of the officers and assistants of the convention and for the payment of postage telegraph telephone advertising printing and express charges and all incidental and miscellaneous expenses lawfully incurred by the convention or its officers or the Secretary of the Commonwealth in carrying out the provisions of this act All payments from this appropriation shall be made on the warrant of the Auditor General upon requisition of the President of the convention or of the Secretary of the Commonwealth as the case may be

Section 24 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED (Dauphin). Mr. President, last January, I announced to the representatives of the press that I was unalterably opposed to Constitutional revision. My conviction remains unchanged.

I will not discuss the technique of the pending bill. Rather it is my purpose to reply to certain arguments which have been advanced in support of Constitutional revision by its two most conspicuous proponents, Governor Earle and Attorney General Margiotti.

It must be conceded that His Excellency, the Governor, has been most candid in his advocacy of Constitutional revision. He has not resorted to camouflage. Not only in his inaugural address but equally in every address thereafter he has consistently and persistently advanced two reasons for revision:

First, the existing limitation upon the power to tax.

Second, the existing limitation upon the power to borrow.

Undoubtedly, the Governor is sincere in his desire to confer upon the Legislature the privilege of imposing an ever-increasing tax burden upon Pennsylvania. Equally he desires an unlimited right to authorize bond issues whereby to tax our children and our children's children to the third and fourth generation. Governor Earle has demonstrated that he is a sincere governmental spendthrift; a true representative of the New Deal Democracy.

A few days ago, the Governor referred to the Attorney General of the Commonwealth as the "guardian and custodian of the Constitution." Heretofore, we had understood this official to be the legal adviser of the Governor and other executive departments and, as well, the law enforcement officer of the Commonwealth. Our study of government had convinced us that the Courts were intended to be the guardians and custodians of the Constitution.

I have a high regard for the distinguished Attorney General and I hesitate to dissent from his opinions. But I am forced to the conclusion that he is advocating constitutional revision, in part at least, for reasons which are not legally tenable.

On February 6th last, Attorney General Margiotti appeared before the Committee on Constitutional Changes. According to the record, Mr. Margiotti said:

> "I will begin with the first one. I believe that the tax provision of the Constitution should be changed. That is the provision that provides that all taxes shall be uniform on the same class of subjects. I believe under the law as it exists today, considering past decisions, that a graduated income tax with exemptions, would be declared unconstitutional."

He later added:

> "There is a definite decision by the Supreme Court declaring the graduated income tax unconstitutional."

Probably the Attorney General was referring to Cope's Estate, 191 Pa. 1, which we do not regard as controlling, as the tax there considered was a property tax. A graduated income tax has generally been held to be an excise tax.

In the very recent case of Commonwealth vs. Girard Life Insurance Company, 305 Pa., 558, Mr. Justice Schaffer said:

> "Our Constitution enjoins that 'All taxes be uniform upon the same class of subjects'; The Federal constitution directs 'Nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.' As applied to questions of taxation, the constructions of the two enactments run together. That which would violate one would generally controvene the other."

Let us now consider Federal decisions. In his able treatise entitled "The Law of the American Constitution," Professor Burdick of Cornell University says:

> "Income taxes are not new in American law but they have come into much wider use in the last few years. That there is nothing in the Federal Constitution to prevent a State's adopting such method of taxation is quite clear."

He then quotes from Shaffer vs. Carter, 252 U. S. 37, a decision of the Supreme Court of the United States, that:

> "Income taxes are a recognized method of ristributing the burden of government, favored because requiring contributions from those who realize current pecuniary benefits under the protection of the government, and because the tax may be readily proportioned to their ability to pay."

Professor Burdick then adds:

> "The statute in question provided for a progressive income tax. No question was raised in the case with regard to this feature of the statute, but the language quoted above clearly shows approval of it. Such taxes have generally been upheld by state courts."

The above citations convince us that the Attorney General's conclusion that a graduated income tax would be declared unconstitutional is not in harmony with recent State and Federal Appellate court decisions. But granting for the sake of argument that the Attorney General is right, we do not need constitutional revision. The adoption by the people of the Woodward Constitutional Amendment, which has passed the Senate, or of the Simon Constitutional amendment, which passed the House of Representatives, and is now on our Second Reading calendar will make certain the constitutionality of a graduated income tax. Any attempt to change the uniformity clause beyond clarifying the right to impose excise taxes with proper classification, as the Woodward and Simon Constitutional Amendments do, would be dangerous in the extreme.

Attorney General Margiotti's second reason is:

> "Under our present Constitution you have in Article 5 a provision recognizing justices of the peace, aldermen and magistrates as constitutional officers. That takes away from the Legislature the authority it should have from time to time to reorganize the minor judiciary."

We do not need a Constitutional Convention to reorganize the minor judiciary of Pennsylvania. If such change is found to be desirable, the change can be effected by an amendment.

The third reason as it appears in the record is:

> "In Article XIV, Section 1 of the Constitution is fastened, also, upon the State, officers in every county, regardless of size and local conditions—sheriff, coroner, register of wills, recorder of deeds and clerk of the courts. There are many instances where officers provided for in the Constitution today could be eliminated or consolidated, and, there, of course, would be a great saving to the Commonwealth."

The Attorney General is wrong. There is no Constitutional restriction to consolidating the various county officers. In the eighth class counties in Pennsylvania one man now holds the office of Prothonotary, Register of Wills, Recorder of Deeds and Clerk of the Courts. Similar consolidation can be extended to all counties, if desired.

The fourth reason is:

> "Under the Constitution, in Section 7, Article 111, under "Special and Local Legislation Limited," you have this provision 'The General Assembly shall not pass any local or special law authorizing the creation, extension or impairing of liens: Regulating the affairs of counties, cities, townships, wards, boroughs or school districts.' "

This section of the Constitution should never be changed. In response to a great public need, it came into being in the Constitution of 1874. The desire to end the old system of political log rolling by special and local acts was its chief inspiration. To support my contention, I quote from "Old Time Notes of Pennsylvania" by Col. Alexander K. McClure, who, in describing the intolerable conditions which existed immediately preceding 1874, says:

> "During all the tidal wave of legislative venality there were men of the purest purpose and strictest integrity, who served in both branches, with full knowledge of the venal environment, but they knew if they attempted to assail it, they would simply be made powerless to serve their constituents or any important public or private interests they had at heart. This condition continued, varying only in degree, until the adoption of the New Constitution in 1874."

And now the distinguished Attorney General of the Commonwealth would strike down our chief bulwark against venality in legislation by weakening or removing from our organic law the salutary protection of Section 7 of Article III.

The fifth reason is:

> "The provision for the passage of laws in the Legislature requires that every bill shall be introduced in the Legislature and read at length three times and submitted to a Committee. I believe that ought to be changed so that in case of necessity you may get more speed. You may be required to act promptly."

Mr. President, experience has taught that wise legislation will be promoted more by a greater care in the preparation and consideration of bills than by more speed in their enactment. We suggest that in emergencies, greater speed in the office of the Attorney General in fully ap-

preciating and preparing for the emergency and better administration bills is far more necessary and desirable than speed in the Legislature.

General Margiotti's sixth and last specific reason presented to the Committee on Constitutional Changes is as follows:

> "Of course, the next provision is the borrowing capacity of the State, with which you are all acquainted, limiting the borrowing capacity to one million dollars."

For my part, I do not favor any change in the borrowing clause of the Constitution. During its entire history and in great emergencies, Pennsylvania has proved that it can live within its budget, by providing extra revenue for extraordinary needs. We must not strike down our constitutional guarantee against waste, profligacy and future excessive taxation.

A few days ago the Attorney General added to his list of "most obnoxious" limitations the following: the amendatory procedure which prevents amendments more often than once every five years, and the lack of power to take care of needy citizens. Apparently our friends on the Democratic side of the Senate are not in entire sympathy with the Administration for it was only last Monday that seventeen Democratic votes were cast against Senate Bill No. 26 which amends the present Constitution as to speeding up amendments as the Attorney General now urges. And the decision of the Supreme Court in Commonwealth vs. Liveright, 308 Pa. 35, sustaining the constitutionality of the first Talbot Act, has clearly demonstrated that the "Charity Clause" of the Constitution will not prevent the state from taking care of its unemployed. when proper governmental agencies are employed.

Attorney General Margiotti has said:

> "A panic produced our Constitution in 1873 and the emergency with which we are now faced should and will produce a great constitution for Pennsylvania."

The Attorney General is wrong. The delegates to the Constitutional Convention were elected October 8, 1872, and the Convention had virtually completed its work when the panic broke upon the country during September, 1873.

Furthermore, the purpose back of the Constitutional revision of 1873 was the desire to remove venality, injustice and oppression in government. The old Constitution of 1838 was a serious obstacle to salutary legislation in the public interest. The present Constitution made liberty and equality the keynote of Pennsylvania government. It recognizes the inalienable rights of local communities to govern themselves. It stands as a barrier against a state or federal dictatorship. On the other hand, the purpose motivating those who promote constitutional revision today, is to remove the checks and balances by which constitutional liberty is secure. They demand the right to unlimited borrowing and discriminatory taxation. They would annul the charity clause of the Constitution, thereby permitting partisan raids upon the treasury, even for sectarian purposes. They would seek to perpetuate the aims of New Deal Democracy by hamstringing industry, crucifying labor and perpetuating the dole. They would destroy local government by building up executive bureaucracy in Pennsylvania, on the pattern of the dictatorship at Washington.

General Margiotti has his conclusions badly mixed when he says:

> "It required onerous taxes imposed by Great Britain to get us a Boston tea party and a Federal Constitution. But no one would dare say that the framers of our Federal Constitution were radicals or not worthy of such a trust."

It is true that onerous taxes imposed by Great Britain caused the "Boston Tea Party" of 1773. Likewise, it is certain that the insatiate greed of this Democratic Administration in imposing onerous taxes upon Pennsylvania, even by the desperate expedient of striking down the organic law to the end that taxes may be imposed without limit, will bring about a second "Boston Tea Party" in November, 1936, when militant, triumphant Republicanism will achieve Pennsylvania's recovery, by dumping overboard forever the governmental theories of New Deal Democracy, which have so seriously delayed and retarded recovery in Pennsylvania.

Under our Constitution, Pennsylvania has become a state which more perfectly than any other on earth represents every interest and employment of civilized man. Under it, ten million Pennsylvanians are secure against unjust discrimination and oppression. Although it has become hoary with age, it is not "a relic of the horse car, hoop skirt, horse and buggy age," as the Attorney General has asserted. Its provisions are so wise and so liberal, that through judicial construction, it is as responsive to the needs of the present hour as it was to the age in which it was written. To supersede the time honored phraseology of this document with one containing phrases which has never had judicial construction, will make for confusion and uncertainty in government. To supersede our organic law with a radical constitution, under present conditions, will threaten the continued advancement of Pennsylvania.

Forty-four years ago, a great Democratic Governor, Robert E. Pattison, took the oath of office. He had served four years as Controller of Philadelphia and four years as Governor. He had served the people of Pennsylvania so well, that in 1890 he was elected Governor for a second term. In his second inaugural address, Governor Robert E. Pattison said:

> "The present executive will zealously strive to maintain the constitution and the laws. Our constitution as approved by the people is in many respects a model of organic law. It breathes the essential spirit of popular government through all its members. By it the general welfare is sought to be promoted. In it there is no hostility to any interest, individual or corporate. It was drafted by a convention controlled by as noble and choice characters as ever adorned our state. Many of its important provisions are, however, uninforced. * * * Every power of the executive shall be exercised to enforce the constitution of the state in every article and section."

Governor Pattison was right. The Constitution of 1874 was and is a model of organic law. A few needed changes can be easily made by amendment. In view of the chaotic conditions now existing in the nation and in the state, no one can forecast into what dangers a Constitutional Convention may lead. Abraham Lincoln said that it was not wise to swap horses while crossing a stream. Certainly it is not wise to change constitutions in the midst of a nation wide depression.

The people of Pennsylvania will not overlook the fact that when Governor Earle took the oath of office, at his side and towering above him in stature and importance,

stood James A. Farley. Pennsylvania's constitution must not be revised under the dictation of Tammany.

The ideal of Robert E. Pattison was the Jeffersonian ideal of the development of Pennsylvania agriculture, commerce and industry, through a "wise and frugal government." The ideal of "Tammanyized New Deal Democracy" is the enthronement of a federal dictator at Washington. The eyes of thousands of Pennsylvanians will be fixed upon this Senate tonight to see whether we will sanction the attempt to tear down Pennsylvania's Independence Hall in order to erect upon Pennsylvania soil an annex to Tammany Hall. Let us defeat constitutional revision now and thus be sure that "the general, great and essential principles of liberty and free government" may continue to "be recognized and unalterably established in Pennsylvania." That is our guarantee as presently contained in Pennsylvania's great organic law.

Mr. THOMPSON (Centre). Mr. President, in spite of the interest with which I have listened to the arguments of the distinguished Senator from Dauphin against Constitutional revision, I would just like to briefly, Mr. President, mention one or two of the very important matters which are continually before this State which calls for Constitutional revision. Not so long ago that we do not remember, that the Supreme Court of Pennsylvania handed down a decision which definitely fixed the status of old age pension legislation in this State. While the gentleman who handed down the opinion of that Court on a pension in excess of nine hundred dollars a month, that same gentleman could write the opinion and say that the aged of Pennsylvania, on account of the provisions of the "Matt Quay" Constitution, could not receive anything in the nature of subsistence from the State.

We have at the present time in this State a very inadequate substitute for old age assistance. Old age assistance as we all have seen it worked out in this State in the past year, has seemed in its operation to put a premium on profligacy and to penalize the aged who have been frugal and careful in their existence in the earlier years, and I say that if for no other reason, the Constitution of Pennsylvania should be revised so that Pennsylvania could have once and for all a satisfactory old age pension system.

I think perhaps the Senator from Dauphin is going a little too far afield when he attacks Constitutional revision by attempting to confuse the voters by appealing to the age old sectarian prejudices. Somehow or other I cannot help but go back in my mind to some sort of indirect attack that we saw throughout the State when the triumphant Republicanism conquered at the pools in the Presidential election of 1928, and I say that this is entirely apart from a matter of that sort, from any question as to whether there should be a Constitutional revision in the State of Pennsylvania.

The question of the borrowing capacity of the State is and will always be a controversial question. I am not one of those who favor an absolutely unlimited borrowing capacity. We have demonstrated in the past few weeks that if we tap the source of taxation in this State which for generations have enjoyed privileged exemptions, that we do not need to go into debt for certain purposes which we feel are necessary under the present social conditions in the State of Pennsylvania, but we do need a modernized borrowing capacity to take advantage of many things which we have missed in the past two years, and which we will miss in the coming years, if we have not already missed, by our inaction in those things which are offered to us. Certainly no one will dispute the fact that the State of Pennsylvania should be entitled to go into debt for the furtherance of necessary and appropriate governmental functions. When I say that I mean that the Commonwealth of Pennsylvania today should be enabled to take advantage of many things which we cannot do. During the past two years our State and its municipal subdivisions have probably lost in the neighborhood of two hundred million dollars worth of substantial construction, construction which would have added to the enjoyment of public existence in this Commonwealth, and we stand to lose in the next two years unless we do something to modernize our jurisprudence, to lose an equal if not a larger amount of money.

Our insane asylums in many instances are no credit to the State of Pennsylvania. Our hospitals, many of them need enlargement, our State hospitals and our State institutions, we can go through the eleemosenary institutions of the Commonwealth and can pick out practically every one where the Commonwealth can legitimately and sanely spend money if we could take advantage of the program of public works, or something of that sort, which we cannot do under our inadequate policies as laid down by this Constitution, and when, as Senator Reed says, there are so many individual items that should be amended, that should be qualified, those items in which the Constitution is admittedly defective at the present time, coupled with so many of these items such as those just mentioned in brief, there is no question at all but that the Constitution of this State certainly should be brought up to the social necessities of the people of this Commonwealth today:

We talk a great deal about our predecessors in professional lines, particularly in the legal profession, and what they have written and as to the failure of our present organic government, its organization and its qualities, and how we should preserve it and all that sort of thing, but I think, Mr. President, the injunction that should govern this Senate, the lower House, and the people of the State of Pennsylvania, in passing on a problem of this kind, is not the injunction of men one hundred years ago, but I would have you all, Mr. President, go over to the Educational Building, erected some few years ago, and over the arch, as you enter the Law Library in that building, to my mind is written the motto which we should follow in approaching a problem such as we have before us now. Above the arch in that great building is a motto which I will never forget. It says: "The Public Welfare is the Highest Law", and that to my mind, Mr. President, is the injunction that should govern us in deciding a problem of this kind, that "The Public Welfare is the Highest Law", not only in the framing of our legislation in these bodies, but likewise in the revision or amendment to our arganic government.

Mr. PYTKO. Mr. President, I have heard with uncommon frequency my colleagues to the left of this chamber quote copiously from the words of Thomas Jefferson, whose disciples, or, rather, of whose school of philosophy they are disciples. For their information I would like to quote from "The Life and Writings of Thomas Jefferson" by S. E. Forman, Ph. D., of Johns Hopkins. I quote a letter to James Madison, from Paris, in the year 1789:

"No society can make a perpetual Constitution or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The Constitution and laws of their predecessors extinguished them, in their natural course, with those whose will gave them being. This could preserve that being till it ceased to be itself, and no longer. Every Constitution, then, and every law, naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force and not a right.

It may be said that the succeeding generations exercising in fact the power of repeal, this leaves them as free as if the Constitution or law had been expressly limited to nineteen years only. In the first place, this objection admits the right, in proposing an equivalent. It might be indeed if every form of government were so perfectly contrived that the will of the majority could always be obtained fairly and without impediment. But this is true of no form. The people cannot assemble themselves; their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils. Bribery corrupts them. Personal interests lead them astray from the general interests of their constituents; and other impediments arise so as to prove to every practical man that a law of limited duration is much more manageable than one which needs a repeal.

In another letter, written to Samuel Kercheval, in 1816, I quote:

"Some men look at Constitutions with sanctimonious reverence, and deem them like the ark of the convenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know, also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors. It is this preposterous idea which has lately deluged Europe in blood. Their monarchs, instead of wisely yielding to the gradual change of circumstances, of favoring progressive accommodation to progressive improvement, have clung to old abuses, entrenched themselves behind steady habits, and obliged their subjects to seek through blood and violence rash and ruinous innovations, which, had they been referred to the peaceful deliberations and collected wisdom of the nation, would have been put into acceptable and salutary form. Let us follow no such examples, nor weakly believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs. Let us, as our sister States have done, avail ourselves of our reason and experience, to correct the crude essays of our first and unexperienced, although wise, virtuous, and well-meaning councils. And lastly, let us provide in our Constitution for its revision at stated periods. What these periods should be, nature herself indicates. By the European tables of mortality, of the adults living at any one moment of time, a majority will be dead in about nineteen years. At the end of that period then a new majority is come into place; or, in other words, a new generation. Each generation is as independent of the one preceding, as that was of all which had gone before.

It has, then like them, a right to choose for itself the form of government it believes most promotive of is own happiness; consequently, to accommodate to the circumstances in which it finds itself, that received from its predecessors; and it is for the peace and good of mankind that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the Constitution; so that it may be handed on, with periodical repairs, from generation, to generation, to generation, to the end of time, if anything human can endure so long. It is now forty years since the Constitution of Virginia was formed. The same tables inform us, that, within that period, two-thirds of the adults then living are now dead. Have then the remaining third, even if they had the wish, the right to hold in obedience to their will, and to laws heretofore made by them, the other two-thirds, who, with themselves, compose the present mass of adults? If they have not, who has? The dead? But the dead have no rights. They are nothing; and nothing cannot be something. Where there is no substance, there can be no accident. This corporeal globe, and everything upon it, belongs to its present corporeal inhabitants, during their generation. They alone have the right to direct what is the concern of themselves alone, and to declare the law of that direction; and this declaration can only be made by their majority. That majority, then, has a right to depute representatives to a convention, and to make the Constitution what they think will be the best for themselves.

Mr. McGINNIS. Mr. President, I have always had a great admiration for the Senator from Dauphin, Mr. Reed; I have always admired his courage and his frankness; and I am glad that he has at last told us the attitude of the left wing of this Senate on the question of Constitutional Revision. In other words, he has let the cat out of the bag—they do not want any revision of the Constitution at all. I do, however, feel that it would have been much fairer to this body and to the people of Pennsylvania if that had been told to us three months ago, when this bill came over from the House. This bill came here three months ago, and was taken over by the Committee on Constitutional Changes, composed of half a dozen of the best lawyers in Pennsylvania, and I venture to say that any two of those lawyers from that committee could have sat down and in twenty-four hours drafted the machinery to submit this Constitution to the people of Pennsylvania; and that was their only duty. But instead of that they started to hold hearings here in this body, that is, in this chamber, and I listened to a number of them; and instead of seeking advice on how to form the machinery to revise the Constitution there was an invitation, or, at least ecouragement to prejudiced people, little people, narrow people, to come in here and vent their views on what might or might not be in the Constitution—something that was not before that body, something that should not have been considered. The only thing that committee had to consider was the machinery of submitting this question to the people; instead of that it was allowed to fan the fires that could be aroused in Pennsylvania. And to what purpose? For killing the Constitution.

Then, after three months of delay a bill is brought out here amended, limiting the borrowing power to $50,000,000.00. Now, to my mind that was just thrown in there as a scarecrow, because if any voter felt that we should be able to borrow more than $50,000,000.00, he would vote against it.

Then, too, there is a psychological method. When they go into the ballot box, the ordinary voter, if he sees $50,000,000.00 written out there, it scares him.

So this provision was very cleverly thrown into this as a proposed limitation on the Constitutional Convention; and, Mr. President, I feel that this body has no more right to limit what a Constitutional Convention shall do than a bunch of Hershey's cows out here in the pasture. We, here, are the creatures of the sovereign people of this State; and the sovereign people of this State are the only people who can rewrite a Constitution, and when we go about it they ought to have a free hand.

Mr. President, in the last campaign there was distributed in my district a paper called "The Black News." It was not published by the Democrats or by the Republicans; it was published by The Security League and a number of labor groups. That publication declared that this Senate was known as "The Slaughter House of all Humane Legislation;" and I feel, Mr. President, that there was some truth in this statement, because if there was ever a proposition slaughtered it has been slaughtered in this Senate by delaying this bill for three months and then bringing it out with the limitations it has before us tonight.

Whenever this discussion comes up we hear a lot of criticism of the "Dictatorship from Washington." I do not see how that has anything to do, particularly, with amending the Constitution here; but I do know that the people of Pennsylvania want an Old Age Pension, that they want the overlapping governments in this State abolished, that they want a graduated income tax, that they want to increase the borrowing power so that when a crisis arises we will be in shape to meet it; and if we had not had a friendly government at Washington in the crisis that we have passed through during the last four years I do not know where we would have been under our present Constitution. Four years from now we might not have such a friendly Adminisration at Washington, that would look after the poor and the downtrodden.

Therefore, I feel that, for these reasons, we should have a Constitutional Convention that will be free to give the people what they demand.

We have also heard here tonight considerable criticism about the New Deal and the "Dictatorship from Washington," and that this thing may be remedied in 1936; but, Mr. President, I am not fearful of what is going to happen in 1936. I feel that the people of this Commonwealth do not want to go back to 1920, or from 1920 to 1930, the periods of Harding and Coolidge and Hoover; because it was during that period that 10,000 banks closed their doors in this country, when just over the line, in Canada, where they had the same Anglo-Saxon race, the same continent —with nothing but a line drawn between us—not a bank failed. But in that country there was not a partnership between big business and government, such as existed in this country during those three Administrations.

So I feel, Mr. President, that in 1936 we do not need to fear what will happen in this country. I feel that we will never go back to that kind of government. And, Mr. President, I am constrained to vote for this bill because I feel that perhaps with the limitation in there the people of this State will be wise enough to have a Constitutional Convention in spite of the scarecrow that was thrown into it.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Aron,	Kahle,	Prince,	Sones,
Baumer,	Lanius,	Pytko,	Sordoni,
Bennett,	Law,	Rankin,	Staudenmeier,
Cavalcante,	Mallery,	Reed,	Thompson,
Coyne,	McClure,	(Washington)	(Centre)
Frey,	McCreesh,	Rice,	Thompson,
Gelder,	McGinnis,	Roberts,	(Westmoreland)
Harris,	Miller,	Rodgers,	Trainer,
Howell,	Norton,	Rupp,	Ziesenhelm,
Huffman,	Owlett,	Salus,	Homsher,
Hunsicker,	Pierson,	Shapiro,	Pres. Pro. Tem.

NAYS—9

Batchelor,	Chapman,	Graff,	Reed,
Bean,	Clark,	Harvey,	(Dauphin)
Buckman,	Ealy,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 332 (House Bill No. 547), entitled:

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of he Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Ealy,	McGinnis,	Roberts,	Ziesenhelm,
Frey,	Miller,	Rodgers,	Homsher,
Gelder,	Norton,	Rupp,	Pres. Pro. Tem.
Graff,			

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed he same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 521, entitled·

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by extending the benefits of State appropriations to teachers employed after the making of the annual certificates.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of he Constitution, and were as follows, viz·

YEAS—48

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Pytko,	Staudenmeier,
Buckman,	Kahle,	Rankin,	Thompson,
Cavalcante,	Lanius,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Coyne,	McClure,	(Washington)	Trainer,
Ealy,	McCreesh,	Rice,	Ziesenheim,
Frey,	McGinnis,	Roberts,	Homsher,
Gelder,	Miller,	Rodgers,	Pres. Pro. Tem.
Graff,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. CLARK. Mr. President, I move that Senate Bill No. 891, on third reading, entitled:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the Senate Committee created to investigate the Public Service Commission

be recommitted to the Committee on Appropriations.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 928 (House Bill No. 1082), on third reading, entitled·

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violation thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

take another trip back to the Committee on Public Health, particularly since on page 11 I have not been able to find out whether these are brackets or rackets.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ARON. Mr. President, I oppose this motion to recommit this bill. This bill, Mr. President, has been on the calendar for about four weeks, and on one-half dozen occasions I did not object when a motion was made that the bill be passed in order; and only within the last ten days there was a motion made to recommit this bill to the Committee on Health and Sanitation for the purpose of amendment; but when that bill did reach the committee there was no amendment offered, consequently it was re-reported to the Senate and is now on the calendar for final passage.

This bill has been on the calendar now for about four weeks, and I believe that the Senate ought to vote for it now. I have read this bill several times and I find that it is a most inoffensive bill; in fact, it is very laudable. It only attempts to amend the Optometry Act of 1917 in two phases. First, it attempts to do away with bait advertising; and, No. 2, it advances the standard of education for those that study optometry.

Now, that is all the bill does. The objectors to this bill are the osteopaths, and I am definite in my statement that there is not a word in this bill that hurts or affects the osteopathic profession in this Commonwealth—not a scintella—not a word in this bill, I repeat most emphatically.

POINT OF ORDER

Mr. SALUS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Salus, will state his point of order.

Mr. SALUS. Mr. President, the question before the Senate is on the motion to recommit this bill to committee. Any argument on the merits of the bill is out of order.

The PRESIDENT. The point of order of the Senator from Philadelphia, Mr. Salus, is well taken; and the Senator from Philadelphia, Mr. Aron, will confine himself to the motion.

Mr. ARON. Mr. President, in view of what I have already said, I will ask the Senate to vote down this motion, and let us argue the merits of the bill.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, nineteen Senators voted in the affirmative and twenty-five in the negative, whereupon the question was decided in the negative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 928 (House Bill No. 1082), as follows:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonweaith of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined [to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaption of lenses for the correction and aid of the vision of human beings] as

The correction of faulty and defective vision without the use of drugs using instead all or any mechanical method or appliance

A person engages in the "practice of optometry" within the meaning of this act who examines or attempts to and nine hundred and twenty-two who at the time of examine the eyes of any person for the purpose of prescribing glasses or lenses in any form or who holds himself or herself out to the public as being able or legally authorized so to do

Section 2 Sections five and six of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 5 Every person desiring to commence the practice of optometry or if now in practice to continue the practice thereof after January first one thousand nine hundred and eighteen except as herein otherwise provided shall take the examination provided in this act and satisfy the other requirements hereof as here provided Any person who has been engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of this act or for one year in this and for the year preceding it in another State and is of good character shall be entitled to take a limited examination covering the following only

(a) The limitation of the sphere of optometry
(b) The necessary scientific instruments used
(c) The form and power of lenses used
(d) A correct method of measuring presbyopia hypermetropia myopia and astigmatism
(e) The writing of formulae or prescriptions for the adaption of lenses in aid of vision

The board shall also permit the taking of limited examinations by and the license of any person who shall the passage of the act to which this is an amendment or apply therefore before the first day of January one thous- the time when the limited examinations under said act were held was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was at such time or times otherwise unavoidably absent from this State or was physically handicapped and unable to take such examination Provided however That any such person shall have engaged in the practice of optometry in this Commonwealth for two full years prior to the passage of the act to which this is an amendment or for one year in this Commonwealth and one year in another State and shall be of good character

Any person who at the time of the passage of the act to which this is an amendment was unavoidably absent from this State on account of service in the Army or Navy of the United States or who was otherwise unavoidably absent from this State or was physically handicapped and unable to take the examination and who was actually engaged in the practice of optometry but who had engaged in such practice less than two years and any person over the age of twenty-one years of good moral character who has a preliminary education equivalent to two years of the course of high school and after the first day of January one thousand nine hundred and twenty-five has had a preliminary education equivalent to a four year high school course whose standard is approved by the Department of Public Instruction which preliminary education shall be ascertained by examination or by acceptable certificate as to credentials for work done in such approved institution and has graduated from a school or college of optometry approved by the Department of Public Instruction as recommended by the State Board of Optometrical Examiners on satisfactory completion of a course in optometry of not less than three years shall be entitled to take a standard examination Such courses shall be not less than thirty-four weeks of attendance in each calendar year with a total of at least one thousand hours of actual classroom laboratory and clinical instruction Such schools of optometry to be approved must have a separate classroom for each class and have separate laboratories adequately equipped with suitable apparatus for individual instruction in gross anatomy histology chemistry physiology and physiological optics geometrical and physical optics and physics and ophthalmic mechanics The faculty shall consist of a sufficient number of qualified instructors to teach the subjects of the course The clinic shall consist of sufficient space and equipment to take care of a sufficient number of patients to provide at least four hundred clinic hours for each senior student

Said standard examination shall consist of tests in practical theoretical and physiological optics in theoretical and practical optometry and in the anatomy and physiology of the eye and in pathology as applied to optometry Provided That any person not less than twenty-one years of age who is actually engaged in the practice of optometry at the time of the passage of this act shall be entitled to take the standard examination merely upon proof to the board that he is of good moral character and is not addicted to the intemperate use of alcohol or narcotic drugs

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee In case of failure at any limited examinatioon the applicant shall have the privilege of continuing the practice of optometry and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optometry in this Commonwealth Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall

receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office or place of business wherein said person shall practice optometry together with the photograph of said person attached to the lower right hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board Peddling from door to door practicing under any other name but that of a holder of a certificate of licensure or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office or place of business is specifically forbidden under penalty of revocation of certificate by the board except that optometrical service may be rendered in their home to patients who are physically unable to visit the certificate holders' offices Certificate holders may however establish a branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination [and is in charge of a regular licensed optometrist] Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board Each person to whom a certificate has been issued by said board shall before practicing under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 3 Section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws twenty-six) is hereby further amended to read as follows

Section 9 The State Board of Optometrical [Education Examination and Licensure] Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit practicing under any other name but that of a holder of a certificate of licensure or the peddling from house to house or person to person or the establishment of temporary offices or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical business in which untruthful statements are made [or the failure to deliver the certificates provided for in section six of this act] or false or fraudulent or deceptive or misleading advertising or what is commonly known as "bait" advertising or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 4 Sections eleven and twelve of said act as amended by said act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred fifty-nine) are hereby further amended to read as follows

Section 11 [Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or the treatment or diagnosis of diseases of or injuries to the human eye or the right to use drugs or medicines in any form for the treatment or examination of the human eye] Nothing in this act shall be construed as conferring on the holder any title or word indicating that he is engaged in any other practice other than that of optometry The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist without the word "optometrist" following the name immediately following and in conjunction therewith

Section 12 The provisions of this act shall not apply to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery

Section 5 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional provision not been included therein

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. ARON. Mr. President, I will now proceed—well, is the bill before the Senate for a vote?

The PRESIDENT. The bill is now before the Senate.

Mr. ARON. Mr. President, I will continue my remarks regarding this bill. Now, the only objections I find to this bill come from the osteopaths, and I have argued my lungs out with some of these osteopaths to prove to them that there is no attempt made by this bill to affect them in the slightest manner. Now, let me prove what I say:

After reading the bill I just want to call your attention to this one clause, on page 10, section 12: "The provisions in this Act shall not apply to the physicians or surgeons practicing under the authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery."

Now, that is the exception. The optometric bill, after defining what optometry is—and there is absolutely no difference between the definition of optometry in this bill and the definition of optometry under the law of 1917,—the words might be different, the sentences might be different, but optometry, and the practice of it, remains absolutely the same, to wit, it is the right to prescribe glasses and nothing else.

Now, what is the objection; and how are the osteopaths affected? Now, under the old law of 1917, we say that the doctors or the surgeons who are authorized to practice medicine—not by the certificate issued by the medical board of this Commonwealth,—that could be aimed at the osteopaths—but I say that shall not apply to physicians or surgeons practicing under the authority of the Commonwealth; in other words, the osteopaths that practice under the diplomas issued by their own board—they admit that they are doctors, we admit it; they admit that they

are surgeons, and we admit it; and therefore, by this exemption they are not affected in one iota; and therefore, I say that by this bill we aim to lift up the practice of optometry and nothing else; and I repeat we are not aiming a single stick at the osteopaths, we respect their profession, we respect them; but this bill is aimed to better the conditions of the optometrists, and I think that the Senate ought to pass this bill.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Aron.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron, permit himself to be interrogated?

Mr. ARON. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Aron, if this bill does not exempt from its provisions physicians and surgeons.

Mr ARON. Mr. President, it does.

Mr. BUCKMAN. Mr. President, why, then, does not the bill include in that exemption the osteopaths?

Mr. ARON. Mr. President, because they are physicians and surgeons.

Mr. BUCKMAN. Mr. President, are they?

Mr. ARON. Mr. President, they are. They say so themselves.

Mr. BUCKMAN. Mr. President, I do not so understand them.

Mr. ARON. Mr. President, well, they do.

Mr. BUCKMAN. Mr. President, if they are, they should have the same exemptions as the physicians and surgeons have; and surely this bill is not fair in that respect. I understand the optometrists have two years requisite education, and in that two years they may examine the eyes, whereas, the osteopaths, with five years of technical education, may not examine the eyes; and therefore, I think that this is a very unfair bill and should be voted down in its present form. If they would include in the exemption the osteopaths, as well as physicians and surgeons, I would see no objection to the bill; but in its present form I feel it is unfair and unjust and should not be allowed to pass.

Mr. SALUS. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Aron.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron, permit himself to be interrogated?

Mr. ARON. Mr. President, I will.

Mr. SALUS. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Aron, if this bill is not a bill to ostracize the osteopaths, why they object to putting the osteopaths in with the physicians and surgeons. Why do you object to it if it is not especially set to ostracize the osteopaths about that line of business, although they are men and women who have five years education as against men who have only two years education?

Mr. ARON. Mr. President, this bill rewrites the law as it is, and the osteopaths have the right to practice medicine; they are regarded as physicians and they are regarded as surgeons under the laws of this Commonwealth.

Mr. SALUS. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Aron, further,

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron, permit himself to be interrogated further?

Mr. ARON. Mr. President, I will.

Mr. SALUS. Mr. President, my interrogation to the Senator from Philadelphia, Mr. Aron, is that he has not yet answered my question: If it includes the osteopaths, what is the objection to putting the name "osteopaths" in with "physicians and surgeons" so that there can be no uncertainty as to what the terms of this bill are? Why are they not included?

Mr. ARON. Mr. President, there is no uncertainty regarding the right of the osteopaths to practice their profession. They have always had the same right, and the optometrists wish to call this their bill. If the osteopaths want any amendments made to their bill, I will support any amendments they make.

Mr. SALUS. Mr. President, I desire even further to interrogate the Senator from Philadelphia, Mr. Aron.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron permit himself to be interrogated further?

Mr. ARON. Mr. President, I will.

Mr. SALUS. Mr. President, I still want to ask the Senator from Philadelphia, Mr. Aron, if he has any objection to including with the words "physicians and surgeons" the word "osteopaths," who are recognized medical authorities under the laws of Pennsylvania. I ask him if he has any objection to having inserted in this bill the word "osteopaths," in order that there may be no uncertainty in this bill. I want to ask him now if he would have any objection to including the word "osteopaths," in order that they may be no uncertainty, and in order that the members of this Senate may know exactly what they are voting on.

Mr. ARON. Mr. President, I have always objected to having the osteopaths retained in this Act, and I still object.

Mr. SHAPIRO. Mr. President, I am sorry to be obliged to ask the Senator from Philadelphia, Mr. Aron, to rise again; but I, too, desire to interrogate him.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Aron be interrogated further?

Mr. ARON. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia, Mr. Aron, state whether or not it is the intent to exempt from the provisions of this bill persons selling spectacles and eye glasses who do not assume directly or indirectly to adapt them to the eye, nor to practice, nor to profess to practice optometry.

Mr. ARON. Mr. President, that is a little too deep.

Mr. SHAPIRO. Mr. President, if the Senator will look at page 11 of the bill, he might be able to answer my question.

Mr. ARON. Mr. President, in answer to the question, we wish to do away with advertising by "gyps"; we wish to prohibit advertising unless the optometrist himself signs his name to the advertisements. That is the answer.

Mr. SHAPIRO. Mr. President, the Senator from Philadelphia, Mr. Aron, is a professor of the obvious. It seems to me that this bill, which has been in the Committee and which was amended on third reading, has been in the hands of these optometrists who might be in the need of another pair of glasses themselves. On page 11 it reads: "(a) To physicians practicing medicine under the medical act of one thousand nine hundred and eleven, and its amendments, to osteopathic physicians and osteopathic surgeons practicing under the provisions of the act approved the nineteenth day of March one thousand nine

hundred and nine (Pamphlet Laws forty-six, its supplements and amendments," or

"(b) "to persons selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry."

There is a bracket after the word "optometry," and I do not know whether it is intended—and no one else who reads this bill can tell—whether it is intended to include or exclude. The bill also provides or apparently attempted to exempt physicians under the Act of 1911 and its supplements; but I cannot tell from the way the brackets are located whether they are intended to be included or excluded. I think it is obvious to anyone here that a physician who has pursued his course of study, which is more extensive than that of the optometrist, would certainly be entitled to treat the eye, and that under the terms of this bill he may be excluded from that privilege. It is for that reason that I ask that this bill go back to the committee so that we might get some optometrist who would see it well enough to fix it up.

Mr. REED (Dauphin). Mr. President, a few weeks ago, on my motion, this bill was recommitted for purposes of amendment. I immediately prepared an amendment, which I still have in my desk, which not only took out these brackets which the Senator from Philadelphia, Mr. Shapiro, has referred to, and which, in its present form, make the bill meaningless, but I also prepared amendments which would protect the osteopaths. I was informed by the Chairman of the Committee that the bill would not be brought up during that week, and therefore I did not offer the amendments. Much to my surprise, however, the bill did come out of Committee, and has since been upon the calendar of the Senate.

I entirely disagree with the statement made by the Senator from Philadelphia, Mr. Aron, that this bill does not affect osteopathy. It does, in this way: The bill provides for a new definition of optometry, reading on page three of the bill, it provides: "A person engages in the 'practice of optometry' within the meaning of this act who examines or attempts to examine the eyes of any person for the purpose of prescribing glasses" and so forth. That is a new definition. I am reliably informed that the osteopaths at the present time have the right and do have their treatment for the eye; but under this new definition any osteopath who attempts to examine the eye would, in my opinion, be liable for criminal prosecution.

This bill has had considerable juggling. Indeed, turning to page 11, we find that there is an amendment which did exempt osteopaths as well as physicians, but that amendment was stricken out. Now, I entirely disagree with the Senator from Philadelphia, Mr. Aron, that this is not discriminatory under section 12, because that mentions and exempts from the act physicians or surgeons licensed for the practice of medicine or surgery. By no possible definition could an osteopath come within that definition.

I have tried to amend this bill in order to protect this great class of physicians—the osteopaths, who are licensed to practice and have the right to practice at the present time. As I stated before, I have no objection to optometry. I believe in it, but this bill, as it stands, is nothing at all but an attempt to tear down osteopathy in order to build up optometry. Because it is unfair, because it is discriminatory, because it takes away from osteopaths the rights which they now enjoy, I hope this bill will be voted down.

Mr. ARON. Mr. President, I desire to interrogate the Senator from Dauphin, Mr. Reed.

The PRESIDENT. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. REED (Dauphin). Mr. President, with pleasure.

Mr. ARON. Mr. President, under the Act of 1917, creating the Board of Optometry, is not the exemption the same as in this act?

Mr. REED (Dauphin). Mr. President, no, sir: the provision I read, from page three is new.

Mr. ARON. Mr. President, I am talking about the exemptions

Mr. REED (Dauphin). Oh, the exemptions are the same, yes.

Mr. ARON. Mr. President, now, do not the osteopaths treat the eye, under that exemption, at the present time?

Mr. REED (Dauphin). Mr. President, yes, they do treat the eye; but in my opinion they will not be able to treat the eye under this bill.

Mr. SORDINI. Mr. President, I am opposed to this bill in its present form.—exactly for the reason that the Senator from Philadelphia, Mr. Aron said a few moments ago: There are cases in Pennsylvania where osteopaths have been arrested, under the provisions of the act of 1917, and it has taken a court decision to prove that they were entitled to practice on the eye. Now, if the matter is as confusing as it is at the present time, why not clarify it by including in the law that one particular little point, namely, osteopathy. There is no reason on earth why an osteopath who goes to school for a matter of five years, should be excluded from practicing under this or any other act, I think, Mr. President; and I hope the members of this Senate will vote this bill down until such time as it is amended to include the osteopaths, because they are entitled to the recognition.

Mr. COYNE. Mr. President, I ask unanimous consent to offer the following amendment:

The PRESIDENT. The amendment will be read for the information of the Senate.

The amendment was read as follows:

Amend section 1, page 3, line 9 by striking out the bracket before the word "or", amend section 1, page 3, line 12, by striking out the brackets before the word "or" and after the word "a"; amend section 1, page 3, line 14, by striking out the bracket after the words "in charge"; amend section 4, page 11, line 3, by striking out the bracket before the letter "a"; amend section 4, page 11, line 4, by striking out the bracket before the word "to"; amend section 4, page 11, line 8, by striking out the bracket after the word "or"; amend section 4, page 11, line 12, by striking out the bracket after the word "optometry".

The PRESIDENT. Is there objection?

Mr. ARON. Mr. President, I object to these amendments.

The PRESIDENT. The Chair hears objection.

Mr. COYNE. Mr. President, I move to reconsider the vote by which this bill passed second reading.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ARON. Mr. President, I object to this motion. I do not know what those amendments are, I do not

know whether they affect the bill materially, or whether they take out brackets or put in words. I only know this, that there are some brackets in the wrong place. Now this bill is going back to the House to concur in the amendments which we make here—

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the Senator from Philadelphia, Mr. Aron, is discussing a motion which is not debatable.

The PRESIDENT. The point of order is well taken.

Mr. ARON. Mr. President, I just wish to announce that when this bill goes back to the House for concurrence we are going to correct these brackets.

Mr. BUCKMAN. Mr. President, I would like to inform the Senator from Philadelphia, if he is not already aware of the fact, that this is a House Bill and if it passes the Senate tonight it will go back to the House and they will either concur or non-concur in the amendment. They have no right to amend the bill in the House. The only way, if it passes the Senate, would be in conference committee. Therefore the remarks of the Senator from Philadelphia, Mr. Aron, that the bill can be amended in the House do not mean anything.

Mr. ARON. Mr. President, then we can amend the bill in Conference Committee.

And the question recurring,

Will the Senate agree to the motion to reconsider the vote by which the bill passed second reading?

A division being called for, twenty-three Senators voted in the affirmative and twenty in the negative.

Whereupon the question was decided in the affirmative.

BILL POSTPONED

Mr. BUCKMAN. Mr. President, I move that further consideration of the bill be postponed for the present.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1216 (House Bill No. 2242), entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett.	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Ziesenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1273 (House Bill No. 2216), entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Ziesenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1278 (House Bill No. 2393), entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. PYTKO. Mr. President, I ask unanimous consent to amend section 4, page 5, line 10 by striking out after the word "proper" and before the word "record" the words: "[and permanent]"; amend section 4, page 5, line 11 by inserting after the word "kept" and before the word "by" the following: "for a period of two years"; amend section 5 page 8, line 10 by striking out after the word "stir" and before the word "mix" the word "[and]" and inserting in lieu thereof the word "or"; amend section 5, page 8, line 11 by inserting at the beginning of the line before the word "each" the words: "the contents of"; amend section 8, page 10, line 2 by inserting after the word "approved" and before the word "weight" the words: "method of ascertaining"

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Pytko.

The PRESIDENT. Will the Senator from Philadelphia permit himself to be interrogated?

Mr. PYTKO. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Philadelphia, Mr. Pytko, explain the purpose of these amendments?

Mr. PYTKO. Mr. President, the amendments were sent to me by the spokesman of the Administration. As I understand it the amendments do not change materially any provisions of the Act, they simply clarify certain provisions. One provision there with regard to the maintenance of records, is changed from permanent to a period of two years.

Mr. OWLETT. Mr. President, may I ask the Senator from Philadelphia, Mr. Pytko, what department handed in these amendments?

Mr. PYTKO. Mr. President, the Department of Agriculture.

Mr. OWLETT. Mr. President, does the Senator from Philadelphia, Mr. Pytko, mean to say that he does not know what the amendments do, other than that they intend to clarify the bill?

Mr. PYTKO. Mr. President, I looked at the bill before I introduced the amendments. If the Senator from Tioga desires, I will get a copy of the amendments and find the original bill and then I will be able to explain.

Mr. OWLETT. Mr. President, I object to the consideration of the amendments at this time.

The PRESIDENT. The Chair hears objection.

BILL OVER IN ORDER

Mr. PYTKO. Mr. President, I ask unanimous consent that Senate Bill No. 1278 (House Bill No. 2393), on third reading,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, do I understand that the amendments are withdrawn?

Mr. PYTKO. Mr. President, yes.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1346 as follows:

An Act to amend section one of the act approved the sixteenth day of May one thousand nine hundred and thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class' by changing the date on which the installment payments provided therein shall commence

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the day of May one thousand nine hundred thirty-five (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-three and for all previous tax years and the penalties imposed on such taxes for the tax year of one thousand nine hundred and thirty-four shall be abated by the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the said respective delinquent taxes are paid in four equal semi-annual instalments beginning [June] August first one thousand nine hundred and thirty-five and that

(b) The respective current taxes for the years during such instalment period shall be paid before they become delinquent

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Ziegenheim,

Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1382, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Ealy,	McCreesh,	Roberts,	Ziesenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 609

Commonwealth of Pennsylvania,
Governor Office, Harrisburg, May 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives, recalling from the Governor, Senate Bill No. 609, Printer's No. 276, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

The PRESIDENT. The bill will lie on the table.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 66, entitled:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended by prescribing a cash deposit as a condition precedent to the validity and effectiveness of a nomination paper prescribing the amount of such deposit and the officer with whom it is to be made in each case providing that it shall either be returned to the political body making the same or shall be allocated among the retained by the counties interested depending upon the number of votes polled by the nominee or the most successful nominee presented by such political body imposing duties upon the State Treasurer the Secretary of the Commonwealth county treasurers and county return judges and return boards fixing the date when the act shall become effective and repealing inconsistent legislation

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as last amended by the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-five) is hereby further amended to read as follows

Section 3 (a) Nominations of candidates for any public office may also be made by nomination papers signed by qualified electors of the State or of the electoral district or division thereof for which the nomination is made and filed in the proper office as provided in section five of this act Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth and no other form than the ones so prescribed shall be used for such purpose Where the nomination is for any office to be filled by the voters of the State at large the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for In the case of all other nominations the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made Each elector singing a nomination paper shall add to his signature his place of residence and occupation and no person may subscribe to more than one nomination for each office to be filled The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof which affidavit shall accompany the nomination paper Provided That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy subject to the limitations of this act regarding the selection of names that thereafter such political body shall have the exclusive right to use the

said name or appellation for the election for which such nomination or nominations are made provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body And provided further That if five electors composing any political body as hereinbefore provided shall file an affidavit as aforesaid setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or Officers to be elected in any ward such affidavit shall give to such body of electors the exclusive right to use the said name or appellation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made

(b) No such nomination paper shall be valid or effective unless there shall be filed therewith a certificate of the State Treasurer or the county treasurer of the proper county as the case may be certifying that the political body presenting such nomination paper has deposited with him as herein below provided a sum of money equal in dollars to one-half the number of qualified electors required to sign such nomination paper but not in any case less than five hundred dollars as follows where the nomination paper is for an office or offices to be filled by the voters of the State at large the deposit shall be made with the State Treasurer where the nomination papr is for an office or offices to be filled by the voters of any electoral district or division composed of two or more counties or parts of two or more counties the deposit shall be made with the State Treasurer where the nomination paper is for an office or offices to be filled by the voters of an electoral district or division consisting of coextensive with or included wholly within one county the deposit shall be made with the county treasurer of said county The State Treasurer or county treasurer as the case may be shall issue and deliver as many such certificates covering the same deposit as a majority in number of the persons making such deposit may in writing order but shall issue or deliver no such certificate except upon the written order of a majority in number of the persons making such deposit One such deposit in proper amount properly certified shall validate and make effective as many nomination papers for as many candidates and offices as the political body making such deposit may be entitled to file No such deposit made by one political body shall validate or make effective any nomination paper filed by any other political body regardless of identity of party name and the only admissible evidence of the identity of the political body which made the deposit with the political body presenting any nomination paper or papers shall be the written certificate of a majority in number of the persons who made the deposit attesting such identity and attesting the applicability of such deposit to such nomination paper or papers

(c) The deposit hereby prescribed shall in each case be upon condition that if the nominee or one of the nominees of the political body making such deposit shall in the election for which such nomination or nominations are made by reason of such nomination alone poll enough votes to entitle such political body to standing and recognition as a political party entitled thereafter to nominate its candidates to public office and to elect its party officers at primaries to be held in accordance with laws now existing or hereafter to be passed then such deposit shall forthwith be returned by the officer with whom the same was made to the political body which made the same if none of the nominees of the political body which made such deposit shall in such election by reason of such nomination alone poll enough votes as aforesaid then such deposit shal lbe allocated by the State Treasurer to and among the several counties interested or retained by the county treasurer as the case may be according to the following rules If the deposit was made with the State Treasurer in connection with a nomination paper or papers for an office or offices to be filled by the voters of the State at large the State Treasurer being informed in the premises by the certificate of the Secretary of the Commonwealth shall allocate and forthwith pay such deposit to and among the several counties of the Commonwealth in the proportion which the vote polled in each county by such nominee or the most successful of such nominees bears to the total number of votes polled by such nominee or the most successful of such nominees in the State as a whole and in case such political body presented the names of more than one nominee that nominee shall for the purposes of this act be considered the most successful who of such nominees by reason of such nomination alone polled the highest number of votes in the State as a whole if the deposit was made with the State Treasurer in connection with a nomination paper or papers for an office or offices to be filled by the voters of an electoral district or division composed of two or more counties or parts of two or more counties the State Treasurer being informed in the premises by the certificate of the Secretary of the Commonwealth shall allocate and forthwith pay such deposit to and among the counties which or parts of which constitute such electoral district or division in the proportion which the vote polled in each such county by such nominee or the most successful of such nominees bears to the vote polled by such nominee or the most successful of such nominees in such electoral district or division as a whole and in case such political body presented the names of more than on nominee that nominee shall for the purposes of this act be considered the most successful who of such nominees by reason of such nomination alone polled the highest number of votes in such electoral district or division as a whole if such deposit was made to a county treasurer in connection with a nomination paper or papers for an office or offices to be filled by the voters of an electoral district or division consisting of coextensive with or included wholly within such county the county treasurer being informed in the premises by the certificate of the county return judges or return board shall retain such deposit In any case where under the provisions of this act all or any part of any such deposit shall be paid to a county or retained by a county treasurer such funds shall forthwith be deposited to the credit and become part of the general fund of such county to reimburse such county for the direct and indirect expenses imposed on said county by such nomination paper or papers and the candidacies thereby presented and shall be subject to disbursement in the same manner and for the same purposes as other county funds are by law disbursable

On the question,

Will the Senate agree to the section?

Mr. HARRIS. Mr. President, I move to amend Section 1, page 2, line 22 by striking out the word "purpose" and inserting in lieu thereof the following: "purposes".

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act to amend section three of the act approved the tenth day of June, one thousand eight hundred and ninety-three (P. L. 419), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended; by prescribing a cash deposit as a condition precedent to the validity and effectiveness of a nomination paper; prescribing the amount of such deposit and the officer with whom it is to be made in each case; providing that it shall either be returned to the political body making the same, or shall be allocated among and

retained by the counties interested, depending upon the number of votes polled by the nominee or the most successful nominee presented by such political body; imposing duties upon the State Treasurer, the Secretary of the Commonwealth, county treasurers, and county return judges, and return boards; fixing the date when the act shall become effective; and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 458, entitled:

An Act relating to the playing of the game of polo on Sunday prohibiting such games on Sunday before certain hours and also after certain hours unless the electors of a municipality or township are in favor of the same providing for referendums to ascertain the will of the electors providing penalties and repealing inconsistent laws

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "municipality" as used in this act shall be construed to include every city borough town and township of this Commonwealth

The second section of the bill was read as follows:

Section 2 It shall be unlawful for any person copartnership association or corporation to stage or engage in the playing of the game of polo regardless whether a charge or admission thereto is made or whether labor or business is necessary to conduct or stage the same on the first day of the week commonly called Sunday before the hour of two o'clock post meridian and after the hour of seven o'clock post meridian

It shall not be unlawful for any person copartnership association or corporation to stage or engage in playing the game of polo regardless whether a charge or an admission thereto or incidental thereto is made or whether labor or business is necessary to conduct or stage the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian and before the hour of seven o'clock post meridian unless the voters in the municipality have first voted against the playing of polo on Sunday during such hours in any municipality wherein the voters have voted against the playing of polo on Sunday it shall be unlawful thereafter to stage or engage in the playing of said game on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian

Any person copartnership association or corporation violating any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any copartnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten days

On the question,

Will the Senate agree to the section?

Mr. PYTKO. Mr. President, I move to amend Section 2, page 2, line 20, by striking out the word "in" and insert in lieu thereof "In".

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 At any general or municipal election there may be submitted in the manner hereinafter provided a question to determine the will of the electors of any municipality in this Commonwealth with respect to the playing of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian Whenever electors equal in number to at least five per centum of the highest vote cast for any office in the municipality shall in writing petition the corporate authorities of any municipality to cause a question to be submitted to the electors of such municipality at any general or municipal election occurring at least sixty days after the filing of such petition the corporate authorities shall if the petition is sufficiently signed certify the same to the county commissioners who shall cause such question to be submitted to the electors of said municipality at said general or municipal election Such question shall be in the following form

Do you oppose the playing of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

On the question,

Will the Senate agree to the section?

Mr. PYTKO. Mr. President, I move to amend section 3, page 3, by inserting between lines 13 and 14, the following: "at the last preceding general or municipal election".

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth and seventh sections of the bill were read as follows and agreed to.

Section 4 The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns and certify the results of the vote cast on the question to the corporate authorities of the municipality

Any such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Section 5 In any municipality the will of the electors with respect to the playing of the game of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian may after a prior referendum but not oftener than once in three years be ascertained at a general or municipal election and the question as provided in this act shall be submitted to the electors of any municipality upon demand in writing of petitioners

in the manner provided in section three hereof After any such vote the playing of the game of polo on Sunday after the hour of two o'clock post meridian and before the hour of seven o'clock post meridian shall be lawful or unlawful under section two of this act in accordance with the findings as expressed by the voters at such election

Section 6 Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits the playing of the game of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian

Section 7 This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act relating to the playing of the game of polo on Sunday prohibiting such games on Sunday before certain hours and also after certain hours unless the electors of a municipality or township are in favor of the same providing for referendums to ascertain the will of the electors providing penalties and repealing inconsistent laws.

On the question,

Will the Senate agree to the title?

Mr. PYTKO. Mr. President, I move to amend title, page 1, line 4, by striking out the word "unless" and insert in lieu thereof "where"; amend title, page 1, line 5, by striking out the words "are in favor of" and insert in lieu thereof "vote against".

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 558 (House Bill No. 933), entitled:

An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-one) entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 645 (House Bill No. 665) on second reading, entitled:

An Act to amend clause twenty-five as amended and renumbered Clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 679 (House Bill No. 955), entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McCLURE. Mr. President, I move that Senate Bill No. 684 (House Bill No. 1246), on second reading, entitled:

An Act to amend section two hundred and four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended further regulating the establishment and maintenance of certain branch offices or agencies

be recommitted to the Committee on Banking.

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Delaware. Mr. McClure.

The PRESIDENT. Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated?

Mr. McCLURE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Delaware, Mr. McClure, state his reasons for recommitting this bill?

Mr. McCLURE. Mr. President, there is another bill facing the House which will be in the Senate in a day or two, a bill which is approved by the Administration, and which takes in the provisions of this bill as well as other provisions.

Mr. SHAPIRO. Mr. President, is the Senator from Delaware, Mr. McClure, aware that all this bill does is merely to give the right to banks to establish title insurance branches in the same county in which they do business, without the right to take deposits in those branches? Is the Senator from Delaware aware that that is the only effect of this bill?

Mr. McCLURE. Mr. President, I have not read this bill. I am requested by the sponsor of this bill, Mr. Turner, to recommit it.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 884, as follows:

An Act authorizing and regulating the reorganization of banks and bank and trust companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any plan for the reorganization of a bank or a bank and trust company which the Department of Banking shall deem equitable and to the best interests of all depositors other creditors and shareholders may be adopted subject to any terms or conditions prescribed by the Department of Banking in the manner hereinafter provided in this act

Section 2 The plan of reorganization shall be valid only if approved after such notice as the Department of Banking shall sanction by the holders of at least seventy-five per centum of the outstanding shares of capital stock of the bank or the bank and trust company and by depositors and other creditors of such bank or of such trust company to whom is due at least seventy-five per centum of the total amount of all liabilities of the bank or the bank and trust company to depositors and creditors However claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the bank or the bank and trust company in computing the seventy-five per centum thereof required by this section

Section 3 In the case of a bank or a bank and trust company which has restricted the withdrawal of deposits and which has received or is receiving new deposits in accordance with the provisions of Act Number six approved the eighth day of March one thousand nine hundred thirty-three entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" the plan of reorganization shall provide for the payment of all such new deposits in full and upon demand After a plan of reorganization has become effective every such new deposit shall continue to be segregated until the bank or the bank and trust company shall receive from the depositor written authority signed by him to mingle his new deposit with the other funds of the bank or the bank and trust company In the event of the subsequent liquidation of such bank or such bank and trust company by the Secretary of Banking or by liquidating trustees any new deposits which have been mingled with the other funds of the bank or the bank and trust company pursuant to the provisions of this section shall have no preference over any other deposits At any time after the plan of reorganization has become effective the bank or the bank and trust company shall have power to repay in full any such new deposit the owner of which shall refuse to authorize the bank or the bank and trust company in the manner provided by this section to mingle his deposit with the other funds of such bank or such bank and trust company

Section 4 Any plan of reorganization which shall have been adopted and approved in the manner provided by this act shall be binding upon all depositors other creditors and shareholders of the bank or the bank and trust company whether or not they have consented to such plan of reorganization

Section 5 This act shall apply to all banks or bank and trust companies within this Commonwealth incorporated under general or special act of General Assembly whether or not they are operating upon a restricted basis in accordance with the provisions of the aforementioned Act Number six approved the eighth day of March one thousand nine hundred thirty-three but it shall not apply to banks or bank and trust companies in possession of the Secretary of Banking

Section 6 If any part of this act shall be declared unconstitutional by any court the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 7 The power of a bank or a bank and trust company to reorganize in the manner provided by this act shall be in addiiton to any power to reorganize granted and notwithstanding any limitation imposed by existing law The operation of any act or part of any act inconsistent herewith shall be suspended during the period this act shall continue to be effective

Section 8 This act shall become effective immediately upon its approval by the Governor and shall be retroactive to the thirty-first day of March nineteen hundred thirty-five and shall continue to be effective until the thirty-first day of March one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 895, as follows:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 In any suit action or proceeding heretofore or hereafter commenced to enforce the payment of cash by a bank bank and trust company or a trust company acting as fiduciary by reason of the fact that any mortgage upon real estate securing a bond or real estate acquired thereunder constituting a trust investment has been carried in the name of such corporate fiduciary on the public records the court having jurisdiction over such suit action or proceeding may upon such terms and conditions as it seems necessary and proper under the circumstances of each case stay such suit action or proceeding for a period not exceeding two years from the effective date of this Act upon petition of the corporate fiduciary showing the investment to have been made in good faith for the account of the cestui que trustent and otherwise in compliance with law and that such investment has been kept separate and apart from the corporate assets of the fiduciary on its own books and records and clearly designated thereon as the Property of the cestui que trustent

Section 2 In exercising the powers conferred by this Act the courts shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay that the proceeding would work serious inequity by reason of the economic emergency and the right to stays on writs of execution under existing laws

Section 3 This Act shall not in any manner alter limit or repeal any rights or powers heretofore or hereafter granted to banks banks and trust companies and trust companies respecting the investment of fiduciary funds in mortgage or securities pools or participations therein

Section 4 If any clause phrase section or part of this Act is held by any court to be unconstitutional such ruling shall not offect the validit yof the remaining or other portions of this Act it being the Legislative intent that the provisions of this Act are severable

Section 5 All acts or parts of acts inconsistent herewith are suspended while this Act is in effect

Section 6 This Act shall become effective immediately upon final passage by the Legislature and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 935, entitled:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every suit to recover damages for malicious prosecution or for false arrest because of a right of action hereafter accruing must be brought within one year from the date of the accruing of such right of action and not thereafter

On the question,

Will the Senate agree to the section?

Mr. RODGERS. Mr. President, I move to amend section 1, page 1, line 8 by inserting after the word "after" the following: "Provided however that actions already accrued must be brought within one year from the passage of this act"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill were read as follows and agreed to:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. SHAPIRO. Mr. President, my reasons for making that motion are that we have just passed tonight the amendment to Senate Bill 616, which takes care of the abatement of taxes, and which is the bill agreed upon by all parties interested. The present bill offered by the Senator from Allegheny, Mr. Rankin, relates to penalties or abatement of taxes for all prior years and upsets the system of taxation, particularly in cities of the first class. In view of the fact that we have already taken care of abatement of taxes I make this motion to recommit.

Mr. RANKIN. Mr. President, I have no objection.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 960, on second reading, entitled:

An Act providing for the abatement and exoneration of penalties and interest on delinquent taxes in certain cases be recommitted to the Committee on Judiciary General.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 987 (House Bill No. 1613) on second reading, entitled:

An Act to further amend clauses six and nine of section one and section three of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" authorizing persons employed by the Senate and House of Representatives to become members of said retirement system and opening the system further for original members.

be recommitted to the Committee on Judiciary General.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 988 (House Bill No. 1615), as follows:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Geenral Assembly met and it is hereby enacted by the authority of the same That section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 412 Assessment of Seated Lands Divided by Township Lines Where seated lands are divided by the boundary line between [two townships or between] a township and a city borough or town and the mansion house is situate in a township the whole of such lands shall be assessed only in the township where the mansion house is situate Where the mansion house is situated in a city borough or town and the balance of such seated lands are located in one or more townships the land located in such township or townships shall be assessed therein and the land located in the city borough or town shall be assessed therein

Where seated lands are divided by the boundary line between two townships the land located in each township shall be assessed therein notwithstanding the situs of the residence or mansion house

Section 2 The provisions of this act shall become effective immediately upon its final enactment but nothing herein contained shall authorize a change in any existing assessment previous to the next triennial assessment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. OWLETT. Mr. President, I move that Senate Bill No. 1024, on second reading, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

be recommitted to the Committee in Game and Fisheries.

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be glad to.

Mr. HUFFMAN. Mr. President, what is the purpose of recommitting this bill?

Mr. OWLETT. Mr. President, I am asking that this bill be recommitted for further study, I am told that under the terms of this bill the non-residents can come into the State and fish without taking out a fishing license. I think it would be very detrimental to the interests of the fishermen of this State and I think the bill ought to go back to committee for further study.

Mr. HUFFMAN. Mr. President, I would be perfectly willing to have the bill go back but would prefer to have it go over in its order.

Mr. OWLETT. Mr. President, I withdraw my motion to recommit the bill.

Mr. GRAFF. Mr. President, I withdraw my second to the motion.

The PRESIDENT. The motion to recommit has been withdrawn.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 1024, on second reading,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1030, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by removing the exemption in the case of certain private banks

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That Section fifteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws five hundred sixty-five) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as last amended by the act approved the twenty-second day of December one thousand nine hundred thirty-three (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 15 Act Not Applicable to Small Loan Companies [and Certain Private Banks] A This act does not apply to and does not affect any act relating to corporations and persons licensed by the Department to make small loans as provided by the act approved the seventeenth day of June one thousand nine hundred fifteen (Pamphlet Laws one thousand twelve) "An act regulating the business of loaning money in sums of three hundred ($300.00) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements

[B This act likewise does not apply to any individual partnership or unincorporated association engaged in business as a private banker or private bankers if such individual partnership or unincorporated association and his or their predecessor or predecessors or one or more of the members thereof have continuously and in the same locality conducted the business since a date not less than seven years prior to the nineteenth day of June one thousand nine hundred eleven and if such individual partnership or unincorporated association on or before the sixteenth day of June one thousand nine hundred and thirty-four and continuously thereafter shall submit to periodic examination by the Comptroller of the Currency or by the Federal Reserve Bank of the district in which he or they are located and shall make and publish periodic reports of his or their condition exhibiting in detail his or their resources and liabilities such examination and reports to be made and published at the same times and in the same manner as are provided by section twenty-one of the Federal Banking Act of one thousand nine hundred and thirty-three approved the sixteenth day of June one thousand nine hundred and thirty-three its amendments and supplements]

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1040, as follows:

An Act to control and regulate the dispensing of alcoholic beverages at retail under licences as defined dividing the Commonwealth into Retail Licencing Districts creating District Retail Licencing Boards defining their powers and duties and providing for employes of such boards and fixing salaries authorizing and restricting certain classes of licences for the dispensing of alcoholic beverages and the issuing transferring revoking and suspending of such licences and fixing certain licence fees for different classes of such licences and providing for the payment thereof prohibiting certain practices in dispensing liquors certain interests therein and connections therewith by licencees and others providing for the submission to the electors of certain municipalities and counties of the question whether certain classes of such licences shall or shall not be granted for such municipalities making disposition of licence fees and other monies and imposing penalties

ARTICLE I

Section (1) Be it enacted by the Senate and House of Repesentatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE II

PRELIMINARY PROVISIONS

Section (101) Short Title This act shall be known as the "Retail Liquor Law"

Section (102) Definitions

(a) Retail The word "Retail" as used in this act shall mean as a verb to deal out or dispense in small quantities and similarly as any other part of speech the word refers only to the smallness of quantity and the word is used without importing a sale

(b) Dispense The word "Dispense" shall mean to give furnish deliver distribute or in any way manner or form to place alcoholic beverages in the possession of and or at the disposal of a person licenced or otherwise whether by sale gift barter with or without consideration with or without profit by consignment for sale and in any other manner

(c) Alcoholic Beverages The words "Alcoholic Beverages" shall mean any fluid whether distilled spirituous vinous fermented malt brewed blended mixed or other containing one percentum or more alcohol by volume and which is suitable for drinking

(d) Time Wherever "Time" is referred to in this act Eastern Standard Time is intended and wherever an hour is referred to it is intended to be such hour by Eastern Standard Time

(e) Liquor The word "Liquor" shall mean the same as alcoholic beverages

(f) Restaurant and Hotel The words "Restaurant and Hotel" shall mean an establishment having adequate space facilities appurtenances for the serving of food and lodging for the entertainment of the wayfarers and travelers

(g) Club The word "Club" shall mean any association of natural persons organized for social intercourse or other lawful common purpose whether incorporated or not having a regular place of meeting holding regular meetings and conducting its business through officers regularly elected admitting members by application investigation and ballot and charging and collecting dues sufficient to defray the operating expenses of such association without profit from the dispensing of alcoholic beverages

(h) Public Service Companies The words "Public Service Companies" means such companies as operate railway dining cars steam ships or motor ships primarily for the accommodation of the traveling public and adequately equipped for the dispensing of food and alcoholic beverages to passengers thereon

(i) Clerk "To be supplied"

(j) Board "To be supplied"

(k) District "To be supplied"

(l) Office "To be supplied"

Section (103) Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to effect the validity of

any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section (104) Legislative Intent This act is to be construed as a police regulatory measure intended to provide inspection supervision and control of the dispensing of alcoholic beverages in this Commonwealth irrespective of the sale thereof and irrespective of the revenue to be derived under this act therefrom

Section (105) Legislative Intent It is the intention that this act shall furnish a complete and exclusive system for the supervision and control under the police powers of the Commonwealth for the dispensing of alcoholic beverages at retail within this Commonwealth

Section (106) Effective Date This act shall become effective upon approval by the Governor

Section (107) Excluded Subjects

(a) This act shall not conflict with the authority of any State Agency having the duty of inspecting and enforcing fire and safety regulations pertaining to premises used for public entertainment or assembly or having the duty of inspecting foods the health of persons employed at and the sanitary arrangements of places where food is supplied to the public and of enforcing the laws and regulations pertaining thereto

(b) This act shall not conflict with local ordinances or police regulations restricting hours during which liquors may be dispensed except that no closing hours shall be fixed at an earlier hour than ten post meridian

(c) This act shall not conflict with local ordinances on the subject of cabarets and floor shows

(d) This act shall not conflict with local ordinances requiring that cabarets and floor shows be licenced and imposing licence fees but such local licence fees and any other licence fees imposed by law shall be over and above the special licence fee herein provided

ARTICLE III

Section (201) Retail Dicensing Districts For the purpose of this act the Commonwealth is divided into nine retail licencing districts as follows

District Number 1	
Philadelphia	1,950,961
District Number 2	
Delaware	280.264
Bucks	96,207
Chester	126,629
Berks	231,717
Montgomery	265,805
Total	900,623
District Number 3	
Lebanon	63,103
Dauphin	165,231
Cumberland	68,236
Lancaster	296,882
Fulton	9,231
Perry	21,734
Huntingdon	39,021
Mifflin	40,335
Juniata	14,235
Snyder	18,836
Union	17,468
Franklin	65,010
Adams	37,128
York	167,135
Total	1,023,585
District Number 4	
Montour	14,517
Columbia	48,803
Sullivan	7,499
Northumberland	128,504
Schuylkill	235,505
Monroe	28,286
Carbon	63,380
Northampton	169,304
Lehigh	172,893
Total	868,691
District Number 5	
Bradford	49,039
Susquehanna	33,806
Wayne	28,420
Pike	7,483
Lackawanna	310,397
Wyoming	15,517
Luzerne	444,409
Total	889,071
District Number 6	
Lycoming	93,421
Cameron	5,307
Clearfield	86,727
Cambria	203,146
Somerset	80,764
Bedford	37,309
Blair	139,840
Elk	33,431
McKean	55,167
Clinton	32,319
Potter	17,489
Tioga	31,871
Centre	46,294
Total	863,085
District Number 7	
Westmoreland	295,795
Armstrong	79,298
Jefferson	52,114
Indiana	75,395
Fayette	198,542
Greene	41,767
Washington	204,802
Total	947,713
District Number 8	
Erie	175,277
Warren	41,453
Crawford	62,980
Forest	5,180
Mercer	99,246
Venango	63,226
Clarion	34,531
Lawrence	97,258
Butler	80,480
Beaver	149,062
Total	808,693
District Number 9	
Allegheny	1,374,310

ARTICLE IV

DISTRICT RETAIL LICENCING BOARD POWERS DUTIES AND SALARIES

Section (301) District Retail Licencing Board Creation Appointment of Members and Filling of Vacancies The Governor shall appoint for each retail licence district a board consisting of three members to be known as the "District Retail Licencing Board" The Governor shall designate one of the members of each such board as chairman Each such board shall be an independent administrative board of the State Government and shall be subject to and have all the powers and perform all the duties vested in and imposed upon independent administrative boards Members of district retail licencing boards shall be appointed for a term of six years and shall be removable only for cause by the Governor The first appointment shall be as follows One for a term of six years one for a term of four years and one for a term of two years and upon the expiration of the term of any member appointments to fill vacancies caused thereby shall be for six year terms no more than two members of any board shall at the same time be members of the same political party Whenever a vacancy shall occur on any board the Governor shall in the manner above provided appoint a qualified person for the unexpired term.

Section (302) Powers and Duties Each District Retail Licensing Board shall have the power of granting refusing revoking and suspending licences for the dispens-

ing of alcoholic beverages at retail in the Retail Licensing District for which it is appointed The Governor shall suspend all licences within any municipality or municipalities whenever they shall be advised by the Governor that an emergency exists which renders such action advisable

Section (303) Each Board and each member of a board shall have the power to administer oaths issue subpoenas and conduct business with all the powers necessary for the effecting of the ends for which this limited jurisdiction is conferred and one member may sit and do all things the board might do except that the board shall act as a whole in hearing arguments and in making final orders two members of a board constituting a quorum

Section (30) Offices and Places of Hearings Each District Retail Licencing Board shall establish in its Retail Licencing District such number of offices and places of hearing as shall best audit the convenience of the board and of the licencees to be supervised and shall define the territory subject to the jurisdiction of each office and such offices and territory may from time to time be changed but no greater number of offices shall be established at one time than three offices in Retail Licencing Districts

Section (305) Salaries of Members of District Retail Licencing Boards Each member of the District Retail Licencing Board shall receive a salary of $4200.00 and the chairman of each board shall receive a salary of $4500.00 per year payable in monthly installments

Section (306) Expenses of Members and Employees of District Retail Licencing Boards Members and employees of the boards shall be entitled to their necessary expenses of travel and hotel accommodations incurred in the performance of their duties

Section (307) The several boards may from time to time lease premises for offices and hearings and offices for the members of the boards and purchase such equipment stationery and supplies as may be required for the transaction of their business such leases and purchases to be made through the Department of Property and Supplies

(f) Inspectors in all offices shall receive $2400 per annum Chief Inspectors in all offices shall receive $2700 per annum

ARTICLE V

EMPLOYEES AND SALARIES OF DISTRICT RETAIL LICENSING BOARDS

Section (351) Chief Clerk and Assistants For each office established by a District Retail Licencing Board there shall be employed by such board a chief clerk and as many clerks and stenographers as may be necessary for the transaction of the business of such office

Section (352) Attorney to the Board For each office of the District Retail Licensing Board there shall be appointed by the Attorney General an attorney who shall prepare and conduct as a Commonwealth attorney all legal matters coming before such board except in the Counties of Philadelphia and Allegheny there may be appointed by the Attorney General a chief attorney and such assistants as may be necessary for the transaction of the business of the office

Section (353) Inspectors For each office established by a District Retail Licencing Board there shall be appointed by such board an inspector or inspectors There shall be one inspector for each two hundred licencees further inspectors shall be appointed under the supervision of such office or the greater portion of two hundred after the first two hundred and when more than one inspector is appointed the District Retail Licencing Board shall name one of such inspectors as the chief inspector whose duty it shall be in addition to performing the ordinary duties of an inspector to have general supervision of and to apportion the inspection work of the office among the inspectors

Section (354) Duties of Inspector or Inspectors It shall be the duty of each inspector or inspectors in his or their districts to visit at least once every ninety days all places within their respective jurisdictions where any said liquors are sold or kept to ascertain if any of the provisions of this or any act of assembly relating to the sale or furnishing of such liquors are being violated and whenever any of the inspectors above mentioned shall learn of any such violation it shall be his duty to forthwith make written return of the same to the District Retail Licencing Board with the names of the witnesses and to do whatever shall be in his power to bring the offender to justice and upon any neglect or refusal of any said inspector or inspectors to perform the aforesaid duties the said District Retail Licencing Board shall impose the same penalties provided in unlawful acts and penalties and prosecutions thereof in this act

Section (355) Salaries of Employees The foregoing employees shall be paid the following salaries payable in semi-monthly installments

(a) Chief Clerk of Philadelphia and Allegheny counties shall receive $3000.00 per annum

(b) Chief Clerks of other district offices shall receive $2700.00 per annum

(c) Attorneys in offices of Philadelphia and Allegheny counties shall receive the following salaries The Chief Attorneye shall receive $3000.00 per annum and Assistants shall receive $2400.00 per annum

(d) Attorneys of other district offices shall receive $2400.00 per annum

(e) Assistant Clerks and Stenographers in all offices shall receive not less than $1200.00 per annum nor more than $2000.000 per annum according to their duties and efficiency such salaries to be fixed by the Board

Section (353) Selection of Personnel The District Retail Licensing Board shall select the various employees as required in the various district offices

ARTICLE VI

LICENCES TO DISPENSE AT RETAIL THEIR CLASSES NATURE AND RESTRICTIONS

Section (451) Classes of Licences The licences to dispense liquor at retail shall be divided into four classes Hotels Restaurants Clubs and Public Conveyances

Section (452) Restrictions upon Licencees The dispensing of alcoholic beverages by licencees is restricted as follows

(a) It shall be unlawful to keep or maintain any house room or place hotel or restaurant where any vinous spirituous malt or brewed liquors or any admixture thereof are sold by retail except a licence theerefor shall have been previously obtained as hereinafter provided

(b) Licences for the sale of vinous spirituous malt or brewed liquors at retail in quantities not exceeding one quart shall only be granted to citizens of the United States of temperate habits and good moral character

(c) Such licences may be granted only by the District Retail Licencing Board and shall be for one year from a date fixed by rule or standing order of the District Retail Licensing Board The said District Retail Licencing Board shall fix by rule or standing order a time which application for said licencees shall be heard at which time all persons applying or making objections to applications for licences may be heard by evidence petitions remonstrance or counsel provided that licences under previous laws shall not be granted later than June thirtieth of the said year

(d) Every person intending to apply for a licence as aforesaid in any city if county of this Commonwealth shall file a written application with the District Retail Licencing Board in such form as the board shall from time to time subscribe which shall be accompanied by an application fee of $10.00 The prescribed licence fee and the bond hereinafter specified The said District Retailing Licensing Board shall cause to be published three times in two newspapers designated by the said board a list containing the names of all such applicants their respective residences and the place for which application is made the first publication shall be not less than fifteen nor more than twenty-five days before the time fixed by the board provided that no licence shall be granted under the provisions of this act to any person to sell in any room where groceries are sold at wholesale or retail

(e) Said petition shall contain first the name and present residence of the applicant and how long he has there resided Second the particular place for which a

license is desired Third the place of birth of said applicant and if a naturalized citizen where and when naturalized Fourth the name of the owner or owners of the premises Fifth that the place to be licenced is necessary for the accommodation of the public Sixth that none of the applicants are in any manner pecuniarily interested in the profits of the business conducted in any other place in said district where any of the said liquors are sold or kept for sale Seventh whether applicant or any of them has held a license for the sale of liquor in this Commonwealth during any portion of the year preceding this application revoked Eighth this petition must be by affidavit of applicant made before the clerk of the board a magistrate notary public or justice of the peace and if any false statement is made in any part of said petition the applicant or aplicants shall be deemed guilty of the crime of perjury and upon indictment and conviction shall be subject to its penalties

Section (453) There shall be attached to such application an affidavit sworn to and signed by at least twelve reputable qualified electors of the borough incorporated town township or ward in which such liquors are to be dispensed setting forth that they are personally acquainted with the applicant and the period of time that they have known him and that they have made inquiry and investigation concerning such applicant that they believe the applicant is a fit person to be entrusted with a licence for the dispensing of liquor at retail and that the place for which a license is sought is necessary for the convenience and entertainment of the public

Section (454) Appeals from Refusal or Revocations of the Board to Issue Licences Any person aggrieved by the refusal of the board to issue a hotel restaurant or club liquor licence may appeal to the Court of Quarter Sessions of the county in which the hotel restaurant or club is located such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the Court upon ten days notice to the board which shall be represented in the proceeding by the Department of Justic at such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the refusal of the board or order the issuance of the license to the applicant there shall be no further appeal

Section (455) Display of Licence Every licence issued under this act shall be constantly and conspicuously exposed in that part of the hotel restaurant or club specified in the licence where liquor may be kept sold and consumed under such licence

Section (456) Bonds for Retail Hotel Restaurant and Club Licences No retail restaurant hotel or club licence shall be issued until the licencee shall have excuted a bond to the Commonwealth with a warrant of attorney to confess judgment in the penal sum of one thousand $1000.00) dollars with two sufficient sureties where the same are individual or one sufficient surety where the same is a security trust or surety company organized and existing under the laws of this Commonwealth or organized and existing under the laws of any other State of the United States of America and duly authorized to do business within the State of Pennsylvania by the Insurance Commissioner thereof to be approved by the clerk of the District Retail Licensing Board granting such license conditioned for the faithful observe by the licencee and his agents or employees of all the laws of his Commonwealth relating to the dispensing of alcoholic beverages and for the payment of all damages which may be recovered in any action which may be instituted against such licencee under the provisions of any act of assembly relating to dispensing alcoholic beverages or under common law and for the payment of any licence fees at any time due under this law and the said bond shall be filed in the office of the clerk for the use and benefit of all persons interested therein and such bond shall be renewed yearly on or before the yearly licence day and upon failure to renew such bond the licence shall be suspended and unless such bond be renewed within ten days after the said yearly licence day then the said licence shall be void where the licensee is the manager or agent for another or another is interested in the business such other person must also join in the bond

Section (457) Qualifications of Surety No Distiller Brewer Vinter Rectifier Wholesaler or Public Conveyance Company licence under this act and no partner employee agent officer director stockholder or person financially interested in the business of such licencee and no person directly or indirectly interested in the ownership or leasehold of any property in which a licence is applied for or in any mortgage liens against the same shall become surety upon the bond of a retail licencee under this act nor shall any such person lend any monies or extend any credit or guarantee any acts of such retail licencee connected with the conducting of the business of such licencee but these prohibitions shall not prevent any such person from extending the usual commercial credits for beverages sold and delivered

ARTICLE VII

RETAIL LICENCE FEES AND DISPOSAL OF LICENCE FEES

Section (501) Initial Retail Licence Fee Each licencee of the classes hereinafter mentioned shall pay to the clerk as the agent of the Department of Revenue on or before the day fixed by rule in the office having supervision of the territory in which the licenced place is located a yearly initial licence fee as follows

(a) Retail Restaurant and Hotel Licences Cities of the first class ($1000.00) cities of the second class ($600.00) cities of the third class ($500.00) and the sum of $300.00 in all boroughs townships and incorporated towns

(b) Retail Club Licences Cities of the first class ($250.00 cities of the second class ($200.00) cities of the third class ($150.00) and the sum of $100.00 in all boroughs townships and incorporated towns

(c) Public Service Liquor Licences Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licences to railroad or pullman companies permitting liquor and malt beverages to be sold in dining club or buffet cars to passengers for consumption while enroute on such railroad and may issue liquor licences to steam ship companies permitting liquor or malt beverages to be sold in the dining compartments of steam ships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited such licences shall be known as public service liquor licences for the purpose of considering an application by a steam ship company for a public service liquor licence the board may cause an inspection of the steam ship or vessel for which a licence is desired the board may in its discretion grant or refuse the licence applied for and there shall be no appeal from its decision except that an action of mandamus may be brought against the board in the manner provided by law every applicant for a public service liquor licence shall before receiving such licence pay to the board for each dining club or buffet car for which a licence is desired an annual fee of ($20.00) and for each steam ship or vessel for which a licence is desired an annual fee of ($100.00) the board shall collect a proportionate licence fee for such licence issued during a licence year as elsewhere provided in this act in the case of hotels restaurants or club liquor licences a public service liquor licence shall not be granted and issued to any railroad pullman or steam ship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licencee under this act except that in the case of a railroad or pullman company or steam ship company such bond shall cover every dining club buffet car or steamship for which a licenec is issued under this section

(d) That druggists and apothecaries shall not be required to obtain licence under the provisions of this act but they shall not sell intoxicating liquors except upon the written prescription of a registered physician—alcohol—however——or any preparations containing the same may be sold for scientific mechanical or medicinal purposes any one violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sub-

ject to the same penalties as are provided in this act provided that no spirituous vinous malt or brewed liquors shall be sold or furnished to any person more than once on any one prescription of a physician and provided further that any person who shall wilfully prescribe any intoxicating liquors as a beverage to persons of known intemperate habits shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the same penalties and fines as prescribed in the act

(e) Wholesale Malt Beverage Distributors Licenses Cities of the first class ($1000.00) cities of the second class ($600.00) cities of the third class ($500.00) and the sum of $300.00 in all boroughs towns townships and incorporated towns A license shall not be granted and issued to any wholesale malt beverage distributor until the applican has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licencee under this act

Section (502) Disposal of Licence Fees and other Monies Initial Licence Fees All initial licence fees paid by hotel restaurant club and malt beverage distributor licencees collected by the board shall be paid into the state treasury through the Department of Revenue into a special fund to be known as the "Retail Licence Fund" and the said money shall be paid on the fifteenth day of February and the fifteenth day of July of each year as follows (50%) fifty percent to the respective municipalities where the said licence is located (25%) twenty-five percent for the maintenance of the board (25%) twenty-five percent to the state treasury for the unemployed And all additional licence fees and other monies shall be paid over by the board into the state treasury through the Department of Revenue for the use of the Commonwealth

ARTICLE VIII

TRANSFER OF LICENCES

Section (551) Transfer of Licences from one Holder to Another The Disrtict Retail Licencing Board shall by general rule establish a day in each month of the year except one vacation month upon which day applications for the transfer of all licences shall be heard for each office and such applications for transefrs shall be substantially the same in form and shall be filed and advertised in all erspects except as to the day of hearing and the procedure thereon shall be the same as in the case of original applications filed under this act the applicant shall upon filing his application pay to the clerk of the District Retail Licencing Board to the order of the Commonwealth a fee of ($10.00) ten dollars upon grant of such transfer the new licencee shall account with the office for licencee fees under the same terms as the licencee whom he succeeds and no such transfer shall be granted if such fees are in arrears so as to avoid the former licence except upon full payment of such arrearages before transfer bond shall be given in all respects the same as in the case of an original licence of the class transferred

Section (552) Transfer of Licence from Place to Another Any licencee may be granted a transfer of his her or their licence from one place to another place within the same municipality town township borough or ward provided that he shall prove to the satisfaction of the board that the new place to be licenced is equipped for the service of food to the public as required herein and that the location of the new place to be licenced is as well adapted to the service of the public and to the same public as the licenced place from which the licence is to be moved the fees bond and procedure shall be in all cases the same as in the other transfers

Section (553) Death or Incompetence of Licencee Upon the death or mental incompetence of any licencee the licence of such decedent or incompetent may be transferred as from one licencee to another and the clerk of the office having supervision shall upon the application of the executor administrator guardian or his her or their agent to continue to dispense liquors The board may impose provided that if such licencee die or become mentally incompetent more than six months before the yearly licencing day then an application for transfer of the licence shall be made and may be granted at any time on or before the yearly licencing day as provided in this act

ARTICLE IX

RESTRICTIONS UPON LICENCEES

Section (601) The dispensing of alcoholic beverages by licencees is restricted as follows

(a) The licencee shall at no time have in his possession any alcoholic beverages purchased or procured from any one other than a Pennsylvania Liquor Store or a dealer licenced to sell alcoholic beverages

(b) The licencee shall not dispense for consumption off the premises distilled spirituous mixed or blended liquors in quantities of more than one quart to an individual vinous or fermented liquors Malt or brewed liquors not more than twenty four bottles No distributor shall sell less than twenty four bottles to an invidual such dispensing to be in original unbroken containers

(c) No licencee (except clubs) shall dispense liquors after two ante meridian on the Sabbath or on any election day primary general or special from a time one hour before the opening of the polls until one hour after the closing time of the polls No liquor shall be dispensed to a person visibly intoxicated to a minor to an insane person or to a person of known intemperate habits It shall be unlawful for any licencee to dispense any liquor to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor

(d) It shall be unlawful for any licencee to offer to give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle or package containing liquor or to offer or give foods or anything of value as a premium or present to induce the purchase of liquor or for any other purpose whatsoever in connection with the dispensing of such liquor or to dispense any liquor with the exception of pretzels and peanuts Provided however that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

(e) No liquor shall be dispensed upon any premises where amusement other than instrumental or mechanical music only with or without dancing by guests is allowed except that the board may grant to any licencee an additional and special licence permitting the furnishing of theatrical or vaudeville acts at licenced places for the entertainment of the guests of the licenced place provided such acts are not prohibited by local ordinances or police restrictions for which special licence the licencee shall pay as a separate licence fee an amount equal to the minimum initial licence fee for the licenced place

(f) Persons interested in retail licences shall not be interested directly or indirectly in any other liquor licence

ARTICLE X

UNLAWFUL ACTS AND PENALTIES AND PROSECUTION THEREOF

Section (651) The following shall be unlawful acts

(a) The commission of any unlawful act as defined herein shall be a misdemeanor

(b) Any person who shall hereafter be convicted of selling or offering for sale any vinous spirituous malt or brewed liquors or any admixture thereof without a licence shall be sentenced to pay a fine of not less than ($500.00) five hundred dollars and undergo imprisonment in the county jail of not less than three months nor more than twelve months Any persons having licence who shall hereafter be convicted of violating any of the provisions of the licence laws shall be subject to a fine of not less than ($100.00) one hundred dollars nor more than ($500.00) five hundred dollars and for any second offense whereof he shall be convicted of not less than ($300.00) three hundred dollars nor more than ($1000.00) one thousand dollars and for any third offense whereof he shall be convicted a fine of not less than ($500.00) five hundred dollars nor more than ($5000.00) five thousand dollars and undergo an imprisonment in the county jail not less than three months or more than twelve months or both at the discretion of the court

Any person convicted of more than one offense shall not again be licensed in any city or county of the Commonwealth and the license of any person permitting the customary visitation of disreputable persons or keeping a disorderly place may upon proof be at any time revoked by the board and when thus revoked the same party shall not again be licenced in any city or county of the Commonwealth

(c) Any person peace officer or county detective may be a prosecutor for any unlawful act defined herein Inspectors or chief inspectors under this act may be the prosecutors for unlawful acts defined herein but only with the approval of a District Retail Licencing Board or a member thereof

ARTICLE XI

REMONSTRANCES AGAINST LICENCES AND PROCEDURE THEREON

Section (701) Remonstrances against an Original Application Whenever an original application is made to a board any (15) fifteen registered voters of the borough incorporated town township not divided into words or ward in which the place for a license sought is located may remonstrate by petition praying that the licence be not granted setting forth as in a bill of particulars the reasons why such licences should not be granted either because of the unfitness of the individual licencee or of the place to be licensed or both verified by affidavit of all the remonstrants and filed in the office having jurisdiction of the place for which a licence is sought like remonstrance may be made against any transfer

Section (702) Disposal of Costs of Remonstrance Upon disposing of such remonstrance the board shall make an order imposing the costs of the remonstrance including witness fees as now allowed with mileage in the courts of quarters sessions of this Commonwealth either upon the remonstrants upon the applicant or directing that they be paid by the Commonwealth and such costs shall be paid by the Commonwealth and such costs shall be collectable if not paid within ten days as fines shall be collectable if not paid within ten days as fines under summary convictions are not collectible at law

Section (703) Remonstrances by Inspectors Any inspector or chief inspector may with the approval of the board or a member thereof remonstrate against the granting of an original licence or against the continuance of a licence in the same manner as individual remonstrants and the procedure and findings of the board shall be the same as in other cases

Section (704) Service of Notice of Remonstrances The clerk shall issue his summons to the licencee requiring him to file an answer and to appear at time certain and shall notify the licencee that upon failure to do so the prayer of the remonstrance may be granted pro confesso and such summons together with a copy of the remonstrance duly certified by the clerk shall be served on the licencee as summons in actions personal are now served not less than ten days before the return day

ARTICLE XII

REVOCATION AND SUSPENSION OF LICENCES

Section (751) Powers of the Board Each District Retail Licencing Board shall have the power at any time upon cause shown to suspend any licence granted by such board under the following conditions

(a) Crimes conviction of the licencee in any court of Pennsylvania or elsewhere of an infamous crime

(b) Unlawful acts conviction of the licencee of an unlawful act as defined herein

(d) When after hearing as in the case of a remonstrance it appears to the board that the licenced place is no longer necessary for the convenience and entertainment of the public The board may in its discretion order the immediate suspension of the licence pending the disposal of the remonstrance

(d) Effect of Revocation on Licencee and Licenced Place It is the intent of this act that a distinction shall be observed between the individual who holds a licence and the place which is licenced and the board upon making any order refusing or revoking the licence of an individual licencee or refusal a transfer shall set forth in such order whether it also effects the licenced place and where the licence of the individual licencee only is revoked or the transfer only is refused the board may in its discretion allow a transfer as tho such licence had not been revoked or such transfer and may condition the revocation of the licence as to the licenced place upon an application for transfer being made by a fit licencee within a certain time and may attach further reasonable conditions as to the conducting of the licenced place or alterations or reconditioning of the said place and where the refusal or revocation of a licence is based upon the nature of the place an order granting the licence conditionally or a conditional order of revocation may likewise be made

ARTICLE XIII

AUDITS BY AUDITOR GENERAL

Section (801) It shall be the duty of the Department of the Auditor General to make all audits which may be necessary with the administration of the financial affairs of the District Retail Licencing Boards at least one audit shall made each year of the affairs of the board Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor unless the Department of the Auditor General shall neglect to make an annual audit as hereby required it shall be unlawful for the boards to expend any money appropriated to them by this act for any audits of its affairs except for the payment of the compensation and expense of employees of the boards

ARTICLE XIV

LOCAL OPTION

Section (851) Local Option Areas Authorized In any borough incorporated town township or city an election may be held but not oftener than once in four years on the day of any general election to determine the will of th electors with respect to the granting of licences by the board within the limits of such municipality for the dispensing of alcoholic beverages

Section (852) Petition of Electors for Local Option Whenever electors equal to at least ten per centum of the highest vote cast for any office in the borough incorporated town township or city at the last preceding general election shall petition the county commissioners of the county in which such political sub-division is situated for a referendum on the question of granting such licencees the county commissioners shall thereupon cause to be prepared a separate ballot to be provided for and used in the said political sub-division at its various polling places for submission of the question of granting licences to be submitted at the general election occurring at least sixty days thereafter or to make provisions for the submission of such question on voting machines at such election in the manner provided by the election laws of this Commonwealth the question submitted shall be in the following form

Do you favor the granting of licences for the dispensing of beer and liquor in .... of ..... County	Yes	
	No	

If a majority of persons voting on such a question vote no then the District Retail Licensing Board of the District in which the voting municipality is located shall not have the power to issue licences under this act in such municipality and all such licences issued for the said municipality shall expire at the next annual licencing day and the board shall have no power to grant any licences in such municipality until such time until an affirmative vote shall be taken

ARTICLE XV

ACTS REPEALED SAVING PROVISIONS AND EXCEPTIONS

Section (901) The following acts and parts of acts of assembly are hereby repealed as particularly set forth

the act approved the third day of may one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled "An Act to Regulate and Restrain the Traffic in Malt Brewed and Vinous and Fruit Juice Beverages as herein defined providing for the licencing of the sale and distribution of such beverages imposing licence fees and providing for collection and distribution thereof restricting ownership and interest in licence places permitting municipalities and townships by vote of the electors to prevent the licencing therein etc" The act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws of the Special Session fifteen) entitled on act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State Government Courts and District Attorneys authorizing the establishment and operation of State Stores for the sale of such beverages not for consumption on he premises and the granting of licences subject to local option to sell such beverages not for consumption on the premises and the granting of licences subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practises in connection with and transactions in such beverages by licencees and others making disposition of the receipts from State Stores and of liceence fees and imposing penalties insofar as the said act pertains to the dispensing of alcoholic beverages at retail and except insofar as any of its provisions are temporarily retained and continued by this act The act approved the twentieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws of the Special Seession seventy-five) entitled an act to amend the title and certain sections of the act approved the third day of May one thousaand nine hundred and thirty-three (Act Number ninety-one) entitled an act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licencing of the sale and distribution of such beverages imposing licencee fees and providing for collection and distribution thereof restricting ownershp and interest in licenced places permitting municipalities and townships by vote of the electors to prevent the licencing therein of placees where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue Quarter Sessions Courts District Attorneys proper authorities of political sub-divisions of the State and election officers providing penalties and repealing existing acts by limiting the provisions of the act to malt liquors as defined therein and clarifying certain provisions of the act insofar as the said act pertains to the dispensing of alcoholic beverages at retail and wholesale and except insofar as any of its provisions are temporarily retained and continued by this act The repeal of the foregoing acts shall not be construed to revive any provisions of other acts repealed therein All other acts or parts of acts supplied by inconsistent with or pertaining to the subject matter of this act are hereby repealed

And said bill having been read at length the second time,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. MILLER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1042 (House Bill No. 153), on second reading, entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

be recommitted to the Committee on Constitutional Changes.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, Senate Bill No. 1042, what seems to be going on in this Session of the Legislature? On May 20, 1935, the Senate passed Senate Bill No. 106, which is an amendment to Section 1, Article 9, of the Constitution of Pennsylvania. It permits the exemptions in income taxes. On May 21st, the day after this bill went to the House, the House resurrected a bill which had been lying in Committee since April, House Bill No. 153, which is an amendment to Section 1, Article 9, of the Constitution, covering the same subject matter. In my opinion there is no necessity in passing Senate Bill No. 143, and I, therefore, move that this bill be recommitted to the Committee on Constitutional Changes.

Mr. STAUDENMEIER. Mr. President, I think the Senator from Philadelphia, Mr. Shapiro, is making a mistake by presenting the motion which he has just presented here. This will be a safeguard, the passage of this particular bill. If Senator Woodward's bill does not go through the House, if it is in a Committee in the House which is hostile, that would mean the end if we adjourned, unless we as a Senate pass this bill. We have been annoyed, we have been criticized since 1923, that I know of, by not having an amendment to the Constitution which would permit exactly what this bill is asking to do, and I think as a precautionary measure, the proper thing to do is for the Senate to pass this bill. If the House wants to play fair, they in turn ought to pass Senator Woodward's bill, but if we stand here and wait because a bill is passed in the Senate and the House for some reason has not taken any action on it when the Senate by practically a unanimous vote passed the Woodward bill, we would be placing this desired legislation in jeojardy, and I respectfully request—under ordinary circumstances I would agree with the Senator from Philadelphia that it is not proper for the House to discriminate legislation that happens to go over from the Senate, and then resurrect some legislation of their own and send it over here—but this is of such a vital nature in its character, that there is not a man in this Senate who can afford to turn his back upon it, and under the extraordinary, I might say extenuating circumstances surrounding this particular bill, I request the Senator from Philadelphia to withdraw his motion.

Mr. SHAPIRO. Mr. President, I take the position that if there is any politics in this situation that this is the time to bring it out. I have listened to a great deal of talk about politics interfering with the proper conduct of business. I have the courage of my convictions and I say that when the House of Representatives has put itself on record to pass a bill which is similar on terms to a bill which is already in its committee, that the criticism, if any, must go to them, I think, if they refuse to pass that bill which has already been prepared by the Senate. I point out again that we passed a similar amendment to the Constitution, that on May 20th it arrived in the House, and on May 20th the House of Representatives passed a similar amendment to the same section and article of the

Constitution. It, in effect, is the same as ours and I say if the members of this Senate have any fear that the House will refuse to bring that bill out and pass it, then they ought to let the criticism fall upon them. It is high time that we know where we stand on this kind of legislation. We talk about economy and every time anything is done by the members on this side of the Senate we are criticised because we are wasting money and extravagant and everybody on the other side is interested in the poor and saving money. Here is a bill that will be printed now for three days upon this calendar. There are two bills of the same effect. We started a bill that is in the House now and can be passed in three days time. We had the same bill sent over here from the House.

I say to the members of the Republican organization and the members of this Senate that I have courage enough to send it back to committee and let it stay there and see what the House is going to do with the bill which we passed last week. We can bring it out, if necessary.

ORDER OF THE DAY CALLED FOR

Mr. HARRIS. Mr. President I call for the order of the day.

Mr. SHAPIRO. Mr. President, I insist upon my motion, and I will not withdraw it.

Mr. HARRIS. Mr. President, I must insist on the order of the day. It is precisely twelve o'clock and under the rules when the order of the day is called for the business ceases.

The PRESIDENT. A call for the order of the day cannot interrupt the taking of a vote.

And the question recurring,

Will the Senate agree to the motion?

A division being called for three Senators voted in the affirmative and nineteen in the negative, whereupon the question was decided in the negative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1042 (House Bill No. 153), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. BUCKMAN. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 55, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto section four hundred and eleven A; establishlishing the effect of medical examinations or the waiver thereof in applications for life insurance, and restricting defenses by insurance companies in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 885, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers of private bankers and of the officers directors trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 938, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 939, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 942, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending,, revising, and consolidating the law providing for the incorporation of insurance companies, and regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 944, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies, other than life, for admission to do business in this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 951, entitled:

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws" by establishing yearly minimum reserve ratio.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 954, entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 963 entitled:

An Act making an apropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1027, entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled, "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," by excepting from that section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insures against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1028, entitled:

An Act to amend Section 629 of the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from subdivision (b) of Article 6 of the Act, double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1032, entitled:

An Act to amend Section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges, providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1117 (House Bill No. 1286), entitled:

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows nonresidents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1315, entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two, and three hundred and forty-three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1415, entitled:

An Act for the establishment, operation and maintenance by corporations and cities of foreign-trade zones in, or adjacent to ports of entry of the United States in accordance with the act of Congress, providing for the formation of private corporations for such purposes; and prescribing the powers and duties of such corporations and of cities in connection with such trade zones.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NOS. 42, 888 and 4.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 42, Printer's No. 142, entitled, "A Supplement to the act approved the eighteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred forty) entitled 'An act concerning declaratory judgments and decrees and to make uniform the law relating thereto' prescribing the practice to be pursued in such proceedings."

Senate Bill No. 888, Printer's No. 339, entitled, "An Act To amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled 'An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth' as amended by exemptnig in certain cases the security required of State depositories for State deposits."

Senate Bill No. 4, Printer's No. 406, entitled, "An Act to amend the title section two as amended section nineteen and sections twenty-six twenty-nine thirty thirty-six and thirty-seven as amended of the act approved the eleventh day of May one thousand nine hundred and twenty-one (Pamphlet Laws five hundred twenty-two) entitled 'An act relating to dogs and the protection of live stock and poultry from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture pro-

viding for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock and poultry by dogs and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and making an appropriation thereof and providing penalties' requiring chiefs of police of boroughs towns and townships to properly keep and feed licensed dogs detained and to give notice to the owner thereof providing for the payment of claims for damages for lives stock dying from or killed because of rabies and for certain game birds killed or injured by dogs providing for the payment of certain costs and the value of licensed dogs illegally killed by the Commonwealth and giving the Commonwealth the right to recover sums so paid from persons illegally killing dogs."

GEORGE H. EARLE.

BILLS ON SECOND READING

Mr. REED (Dauphin). Mr. President, I move that the Senate do now continue with the consideration of bills on second reading.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1056, as follows:

An Act relating to tennis on Sunday in cases where an admission is charged permitting tennis on Sunday for which an admission is charged during certain hours and providing for the licensing of exhibitions of tennis where an admission charge is made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "municipality" as used in this Act shall be considered to mean and include any city borough town or township of this Commonwealth

Section 2 It shall be lawful for any person partnership association or corporation to conduct stage manage operate or engage in the game of tennis although a charge of admission thereto is made and although labor or business is necessary to conduct manage operate or stage the same on the first day of the week commonly called Sunday after the hour of one o'clock post meridian or before the hour of seven o'clock post meridian

Section 3 It shall and may be lawful where admission is charged as aforesaid for any municipality by ordinance to require that a license be first issued by the municipality before it shall be lawful for any person copartnership association or corporation to conduct stage or operate any public exhibition of the game of tennis at which an admission entrance fee or other charge is made And such municipality may impose a reasonable license fee upon any one who shall conduct operate manage or stage a public exhibition of the game of tennis not exceeding twenty-five dollars ($25)

All license fees collected under the provisions of any such ordinance shall be paid into the treasury of the municipality

Section 4 All acts and parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1080 (House Bill No. 1976), entitled:

An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1101 (House Bill No. 2129), entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1110 (House Bill No. 2236) on second reading, entitled:

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant auditor certified public accountant or public accountant under a false assumed fictitious or trade name prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1123 (House Bill No. 2117), as follows:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same

Whereas Due to the fact that trout cannot be fed for several days prior to stocking streams with them they fall easy prey to any bait immediately following such stocking therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 254 Streams and Lakes to be Free for Fishing Exception Any natural stream or lake in this Commonwealth which has been or may be stocked with fish furnished by the Commonwealth or the Board shall be open to the public for the purpose of lawful fishing but nothing in this section shall be so construed as to free any person trespassing on the lands of any person in this Commonwealth from liability for any damage he may do to said lands or the improvement thereon or to any crops or livestock or poultry thereon

Notwithstanding the provisions of this section whenever any stream is stocked with trout during the open season for trout the Board of Fish Commissioners may close such stream or any part thereof, to fishing for a period of five days after the same has been stocked Whenever any stream or part of a stream is closed to fishing under the provisions of this section the portion thereof that has been closed shall be posted with signs giving notice of such crossing together with the date of stocking and the date when such stream or part thereof will again be open to fishing A statement of the stocking of such stream giving the number of cans of trout planted the fact that the stream or part thereof has been closed and the dates of the stocking and reopening of the stream shall be given to at least one newspaper published in the vicinity of such stream with the request that the same be published as a news item nothing in this act contained shall authorize the Board of Fish Commissioners to close any stream or part thereof which is owned or held by any individual association or corporation and which has not been stocked with fish furnished by the Commonwealth or the Board

Any person fishing in any stream or part of a stream during the period the same has been closed to fishing under the provisions of this section shall on conviction as provided in chapter fourteen of this act be subject to a penalty of twenty-five dollars

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1215 (House Bill No. 2222), entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1241, as follows:

An Act to amend section four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund and adding to said board a member of the Pennsylvania Historical Commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred sixty-seven) entitled "An act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township Berks County from the Conrad Weiser Memorial Park Association providing for the control management supervision restoration and improvement thereof authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation therefor" is hereby amended to read as follows

Section 4 Upon transfer of the perpetual endowment fund the Governor Auditor General State Treasurer [in conjunction with the members of the Pennsylvania Historical Commission] Secretary of Forests and Waters and a member of the Pennsylvania Historical Commission appointed by the Governor shall constitute a board of trustees for the care of such perpetual endowment fund and shall have power to invest the same in securities in which trust funds may legally be invested by fiduciaries under the laws of this Commonwealth and to employ the interest and income thereof to such uses as may have been specified by the donors of such fund

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELDER. Mr. President, I ask unanimous consent that Senate Bill No. 1243, on second reading, entitled:

An Act to amend section one thousand and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1247, as follows:

An Act requiring persons selling attempting to sell or soliciting the Pennsylvania Liquor Control Board to purchase vinous and spirituous liquors for sale in Pennsylvania Liquor Stores to register in a record or book provided for such purposes and providing penalties

Section 1 Be it enacted by the Senate and House of Representatievs of the Commonwealth of Pennsylvania in General Assembly met and is hereby enactd by th authority of the same That the Pennsylvania Liquor Control Board shall prepare and keep a proper record or book in which each person who sells to or attempts to sell to or solicits said board to purchase vinaus or spirituus liquors for sale in Pennsylvania Liqour Stores whether as attorney agent representative or owner shall be required to register his or her name address and the person copartenrship association or corporation he or she represents. Such record shall be a public record open to inspection by any taxpayer during business hours.

Any person who shall violate this act by failing neglecting or refusing to register in the record or book provided for in this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars ($300.00) or suffer imprisonment for not more than three months or both in the discretion of the court

Secion 2 This act shall become effective on the first day of July one thousond nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to thc second reading and consideration of Senate Bill No. 1248, as follows:

An Act to amend section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" extending the time within which certificates of registration may be issued without examination

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" is hereby amended to read as follows

Section 9 Exceptions to Examination Requirements Present Students and Apprentices Any person who has practiced or taught beauty culture or acted as manager of a beauty shop or school of beauty culture under a certificate license or permit for not less than two years in another state territory or District of Columbia or any person who has done so in this Commonwealth for at least six months next preceding the effective date of this act and is thus engaged in this Commonwealth at the time this act goes into effect may secure the certificate of registration required by this act without an examination or compliance with other requirements as to age or education provided such person shall make application to the department for registration within [ninety days] six months after the effective date of this [act] amendment Such application shall be accompanied by an affidavit of a practicing physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this act Any person studying beauty culture in a school of beauty culture or as an apprentice in a beauty shop in this Commonwealth at the time this act goes into effect shall receive credit for such time and studies without complying with the requirements of this act as to age and preliminary education provided such person shall make application to the department for registration as a student or apprentice within three months after this act goes into effect Students upon graduating from registered schools of beauty culture may apply for and receive from the department a temporary permit to practice as an operator until the next regular examination held by the department under the provisions of this act

Section 2 This amendment shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1280 (House Bill No. 2491), entitled:

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same that Sections five hundred three five hundred five and seventeen hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) are further amended to read as follows

Section 503 Refunds of State Taxes License Fees et cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys paid to the Commonwealth [as the result of an error of law or of fact or of both law and fact] and to which the Commonwealth is rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund. All such petitions must be filed with the Board within two years of the payment [alleged to have been erroneously made] of which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the Board within one year of the payment of which refund is requested

[(1)] (2) When the estate upon which any transfer inheritance tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue with one year from the termination of such litigation or ascertainment of such overvaluation

[(2)] (3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the Board shall be filed within six months after the court shall have rescinded its order and adjudication

[(3)] (4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconsitutional or under any interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the Board shall be filed within five years of the payment of which a refund is requested.

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the Board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appriation or appropriations made for the purpose or credit the acount of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petition for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe

(e) The action of the board on all petitions filed under this section shall be final

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervisions and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largerly held by a few individuals and the length of time its charter Each such statement shall be verified by the that said institution has been engaged in business under oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2. Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interest to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided that when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of bonds of the United States bonds of the Delaware River Joint Commission bonds of this Commonwealth or any municipal subdivision or county thereof [United States municipal or county bonds] to be approved by the board in an amount measured

by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rate of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day [of] on which any change in interest rates shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in [other parts] any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located anywhere in [any of the counties above mentioned or in any other county of] the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars Provided however that in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The Secretary shall however not vote on any question coming before the board

Section 1702 Failure of Corporation Association Exchange or Person to make Bonus or Tax Reports on Time If any corporation association exchange or person or the officer or officers of any corporation association or exchange shall neglect or refuse to furnish to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue any bonus or tax report required by section seven hundred six seven hundred seven seven hundred eight seven hundred ten seven hundred thirteen seven hundred fourteen seven hundred sixteen or seven hundred twenty of this act it shall be the duty of the Department of Revenue to add to the bonus or tax of such corporation association exchange or person for each and every tax period for which such report was not so furnished the following percentages which shall be collected with the bonus or tax in the usual manner of settling and collecting such bonus or tax

On the first one thousand dollars of bonus or tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum

On the question,

Will the Senate agree to the section?

Mr. REED (Dauphin). Mr. President, I move to amend Section 1, page 2, lines 4 and 5, by striking out with heavy-faced brackets the words "Sections five hundred three, five hundred five and seventeen hundred two" and insert in lieu thereof: "section three hundred one"; also page 3, lines 21 to 23, by striking out with heavy-faced brackets the words "first day" in line 21, all of line 22, and the words "phlet Laws, three hundred eighteen) are" in line 23, and insert in lieu thereof: "third day of June, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand four hundred seventy-four), is hereby"; also page 3, by inserting between lines 24 and 25 the following: "Section 301. Deposit of Moneys.—The Treasury Department shall deposit all moneys of the Commonwealth received by it, including moneys not belonging to the Commonwealth but of which the Treasury Department or the State Treasurer is custodian, in State depositories approved by the Board of Finance and Revenue. The Treasury Department shall not, at any time, have in all active depositories more than an aggregate of such total sum as the Board of Finance and Revenue shall, by resolution, have prescribed, and shall not deposit in any one inactive depository an amount in excess of twenty-five per centum of its paid-in capital and surplus, nor in excess of five hundred thousand dollars: Provided, however, That in the case of any particular depository, these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank, banking institution or trust company designated as an inactive depository. All departments, boards or commissions, having in their possession any moneys belonging to the Commonwealth, shall deposit them in State depositories approved by the Board of Finance and Revenue. In all such cases the depositing department, board or commission shall forthwith, upon opening the account, notify the Department of the Auditor General and the Treasury Department of the name of the depository and the nature of the funds to be deposited in the account." Section 2. That sections five hundred three, five hundred five, and seventeen hundred two of said act, as amended by the act, approved the first day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, three hundred eighteen), are hereby further amended to read as follows: Amend Bill, page 4, line 22, by striking out with light-faced brackets the word "erroneously"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

On the question,

Will the Senate agree to the section?

Mr. REED (Dauphin). Mr. President, I move to amend Bill, page 11, line 18, by striking out the figure "2" and insert in lieu thereof: "3"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

On the question,

Will the Senate agree to the section?

Mr. REED (Dauphin). Mr. President, I move to amend Bill, page 11, line 25, by striking out the figure "3" and insert in lieu thereof: "4"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to variously amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, boards, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1299, as follows:

An Act making an appropriation to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid according to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1305, entitled:

An Act to further amend subsection twenty of and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools subject to the reduction of taxes on real property by schools districts and imposing duties on school districts

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection twenty of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same of providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-nine of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Twenty On or before the first day of November of each year each school district of the first and second class and each school district of the third class having a district superintendent shall file a certificate with the Superintendent of Public Instruction in such form as he

may prescribe and on blanks to be furnished by him showing the number of full-time teachers supervisors principals and other full-time members of the teaching and supervisory staffs the number thereof employed in elementary schools and the number employed respectively in three and four year junior high schools the certificates held by each and the compensation paid each for the current school year and showing further the number of part-time teachers supervisors and principals employed in extension schools and classes established as herein provided the certificates held by each and the compensation paid each during the preceding school year On or before the first day of October of each year each school district of the third class not having a district superintendent and each school district of the fourth class shall forward such a certificate to the county superintendent and if approved by him the county superintendent shall forward the same to the Superintendent of Public Instruction on or before the first day of November of each year

The second section of the bill was read as follows:

Section 2 Section one thousand two hundred and ten of said act is hereby further amended by adding at the end thereof two new subsections to read as follows

Twenty-five In addition to all payments which the Commonwealth is now by law required to make to school districts on account of the salaries of members of the teaching and supervisory staffs of such school districts the Commonwealth shall pay for the fiscal year beginning June first one thousand nine hundred and thirty-six and each fiscal year thereafter to such school districts as comply with the laws governing the public schools of the Commonwealth and with the further requirements of these amendments for the payment of the whole balance not now required to be paid by the Commonwealth of the annual minimum salary prescribed by law of all full-time members of the teaching and supervisory staffs of all elementary schools employed by all school districts and for the payment of such part of the annual minimum salary prescribed by law of all full-time members of the teaching and supervisory staffs of all junior high schools giving work for the seventh eighth and ninth years as prescribed by law employed by all school districts as shall equal two-thirds of the annual minimum salary prescribed by law for the teaching and supervisory staffs of elementary schools and of all junior high schools giving work for the seventh eighth ninth and tenth years as prescribed by law as shall equal one-half of the annual minimum salary prescribed by law for the teaching and supervisory staffs of elementary schools as shown by the certificate required by law to be filed with the Superintendent of Public Instruction in the November immediately preceding any such fiscal year Such payments shall be made in the same manner and at the same times as payments on account of such salaries are by law required to be made

Twenty-six Except as hereinafter provided no school district shall be entitled to receive or shall be paid State-aid under the provisions of these amendments unless the board of education or board of school directors of the school district shall for the fiscal year of such school district commencing on the first day of January one thousand nine hundred and thirty-six or on the first Monday of July one thousand nine hundred and thirty-six as the case may be and for each fiscal year thereafter reduce the amount of its budget to be raised by means of taxes on real estate per estimated pupil and correspondingly its tax rate as compared with the amount of tax revenue raised from real estate per pupil during the fiscal year one thousand nine hundred and thirty-two or one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three as the case may be by an amount not less than the State-aid per estimated pupil to be received from payments received to be made by the Commonwealth under the provisions of these amendments and payable to the school district during said school year Provided That no school district shall reduce its tax levy on real estate for any school year below that required to pay the interest and sinking fund charges on the funded debt of the school district or as may be required for capital expenditures

If any question shall raise under this subsection whether a school district in accordance with the spirit and intent of these amendments has either effected a reduction of taxes on real estate or has failed to do so only because of the reasonable requirements of its educational program such question shall be decided by the Superintendent of Public Instruction whose action thereon shall be final

On the question,

Will the Senate agree to the section?

Mr. ZIESENHEIM. Mr. President, I move to amend section 2, page 5, line 8, by striking out after the word "year" the words "one thousand nine hundred and thirty-two or" and inserting in lieu thereof the words: "one thousand nine hundred thirty-four or"; also page 5, line 9, by striking out all of the words in that line and inserting in lieu thereof the words: "one thousand nine hundred and thirty-four one thousand"; also page 5, line 10, by striking out the words "nine hundred and thirty-three" before the word "as" and inserting in lieu thereof the words: "nine hundred and thirty-five".

Mr. OWLETT. Mr. President, I second the motion

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to further amend subsection twenty of, and to add subsections twenty-five and twenty-six to, section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to established a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools, subject to the reduction of taxes on real property by school districts; and imposing duties on school districts.

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill on second reading?

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President. I ask unanimous consent that Senate Bill No. 1305, on second reading, entiled:

An Act to further amend subsection twenty of and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the payment by the Commonwealth of the whole of the minimum salaries of members

of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching supervisory staffs of junior high schools subject to the reduction of taxes on real property by school districts and imposing duties on school districts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1313 (House Bill No. 2512), on second reading, entitled:

An Act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Th Senate proceeded to the second reading and consideration of Senate Bill No. 1317, as follows:

An Act requiring authorities in charge of State State-aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person is admitted to a State State-aid or county institution in this Commonwealth where mental patients are received for treatment the authorities in charge of such institution shall endeavor to ascertain whether such person has served in the naval or military forces of the United States

Section 2 Whenever it shall appear or the authorities have reason to believe that such person admitted is an ex-service man or woman it shall be the duty of the authorities in charge of such institution to notify the Department of Military Affairs of this Commonwealth of their findings together with as complete information concerning the military history of each such individual as possible

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1331 (House Bill No. 1962), entitled:

An Act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred and eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" as amended by section one of the act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [on and after the first day of January (1912) nineteen hundred and twelve it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class having a system of sewerage and water-supply of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the Director of the Department of Public Health or the Bureau or Board of Health of such cities nor until they have registered as such in the office of the Board of the Board or Bureau of Health of said cities Provided however That nothing in this act shall be construed to prevent the employment or working of apprentices under the direction of duly registered and licensed master or employing plumbers And provided further That master or employing plumbers duly registered and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and journeymen plumbers who have served not less than four years apprenticeship shall not be required to undergo any examination and they shall be entitled to register provided said persons firms or corporations register prior to January first one thousand nine hundred and twelve and annually thereafter between the first and thirty-first days of December of each year as per section two of this act And provided further That before such certificate or license to engage in the work of said business shall be granted to any master plumber firm or corporation such master plumber firm or corporation shall file a bond annually in the sum of two hundred and fifty dollars ($250.00) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnity the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Public Health in the performance of work done by such master plumber firm or corporation Said bond shall contain a provision that no suit thereon shall be instituted or maintained unless and until the Department of Public Health issues a certificate certifying that said master plumber firm or corporation has failed to comply with such acts of Assembly and/or such rules and regulations of the Department of Public Health In the event of such bond being cancelled or becoming ineffective for any reason whatsoever the license granted to such master

plumber firm or corporation may be revoked] on and after the first day of January one thousand nine hundred and thirty-six it shall be unlawful for any person or persons to carry on the business or work at the trade of plumbing defined as drainage water piping or the construction alteration and repairing any drainage cesspools trap waste vent or water piping and fixtures attached thereto directly or indirectly connected to the city service water supply or any connection or connections in relation thereto in cities of the first class having a system of sewerage and water supply of this Commonwealth until a master plumber's license and certificate of registration to engage in or work at said business shall have been granted said persons by the Department of Health of such cities Provided That nothing in this act shall be construed to prevent the employment of apprentices except as hereinafter provided journeymen and licensed plumbers under the direction of duly certified and licensed master plumbers or under the direction of registered journeymen plumbers And provided further That master plumbers duly certified and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and registered journeymen plumbers shall not be required to undergo an examination and they shall be entitled to apply for registration annually thereafter

On the question,

Will the Senate agree to the section?

Mr. HUNSICKER. Mr. President I move to amend page 4, line 22, by inserting after the word "thereto" the following: "except gas or electric water heaters"

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth sections of the bill were read as follows and agreed to:

Section 2 Said act is hereby amended by adding thereto Sections 1.1 1.2 1.3 1.4 1.5 to read as follows

Section 1.1 All and every person or persons desiring to engage in the business or trade of plumbing as a master plumber in cities of the first class shall apply in person and file an application in writing containing the recommendation of two registered master plumbers certifying to the fact that such applicant has the necessary knowledge and experience and bears a good reputation and the applicant shall have been duly registered apprentice plumber for no less than four years and a registered journeyman plumber for at least one year prior to the filing of such application for license as master plumber which application shall be made to the Department of Health and after proper examination given by the Board of Plumbing Supervision of the Department of Health of said cities if such person or persons so applying shall be found competent and the fee has been paid as hereinafter provided the same shall be certified to the Director of Public Health of said cities who shall only to those so certified by the Board of Plumbing Supervision issue a license and certificate of registration to such persons certifying that they are registered master plumbers Such license shall so long exist as such master plumbers shall comply with all the rules and regulations of the Department of Health and obey the provisions of this act and shall entitle them to annually apply for a certificate permitting them to engage in or work at the trade of plumbing

One desiring to secure the status of an apprentice shall cause his name to be recorded on the register or rolls of the Department of Health at a cost to be fixed by the Director of the Department of Health and if approved shall receive a card of registration The employer of the apprentice shall certify on the said register or rolls that he is the certified licensed master plumber employing the apprentice If the apprentice changes employers each employer shall certify his employment of the apprentice The apprentice shall be sixteen years of age or over Provided That every certified master plumber may employ one apprentice and shall be entitled to employ not more than one additional apprentice for every four journeymen plumbers employed

No one but a qualified plumber as specified and provided for herein may do plumbing work however a helper or laborer may work under the direction of such a qualified licensed plumber performing only ordinary unskilled labor such as excavating drilling cleaning and moving

Section 1.2 No person firm or corporation not directly engaged in the trade or business of plumbing shall engage in the said business trade or work by himself itself employe or by any other means attempt to engage in the said plumbing work or business of plumbing No member of a firm of three or more persons or a corporation can engage in or continue in the plumbing trade unless one member is a certified licensed master plumber and a second member of said firm or corporation possesses a license as a master plumber

Should a certified master plumber or a licensed master plumber member of the firm or corporation die become incapacitated or sever his connection with the business the business can be continued during the process of administration for a period of not exceeding one year providing the necessary steps are taken satisfactory to the Board of Plumbing Supervision of the Department of Health to admit another master plumber qualified as above provided for as a member of the said firm or corporation Provided That a certified licensed master plumber approved by the Board of Plumbing Supervision of the Department of Health during this interim of administration supervises all work and assumes full responsibility therefor And provided further That municipal authorities shall be permitted to employ a licensed plumber for the repairing of plumbing in municipal buildings

Section 1.3 In the month of November the Department of Health shall send to the shop of each licensed master plumber possessing a certificate of that year an application for a certificate for the succeeding year and those desiring to continue in the trade of plumbing may either deliver in person or mail into the Department of Health the said application properly executed and signed together with the fee prescribed hereinafter not later than the thirty-first day of December and the Department of Health plumber certifying him as a licensed registered master plumber The cost of securing such certificate each year shall be three dollars ($3.00) and no other cost to be imposed by the city

Upon the failure of a licensed master plumber to make proper application for his certificate as herein provided by the thirty-first day of December he shall pay a penalty of two dollars ($2.00) and those licensed master plumbers who fail to secure a certificate for two years shall take an examination as required of applicants by this act

Section 1.4 Those desiring to become journeymen plumbers shall apply to the Department of Health and be given an examination by the Board of Plumbing Supervision of the Department of Health for the privilege of which examination they shall pay five dollars ($5.00) The names of those persons found competent shall be certified to the director of health of said cities who shall thereupon issue a certificate of registration to the applicant Registered journeymen plumbers who have been registered for four years shall be entitled to take the examination and qualify for a license as a master plumber. The journeyman plumber shall register each year in the month of January with the Department of Health and receive a certificate of registration at the cost of fifty cents (50c)

Those applying for a license as a master plumber shall pay for the privilege of examination the sum of twenty-five dollars ($25.00) and those who shall fail to pass an examination shall be permitted to retake the examination after the lapse of three months for which he shall pay five dollars ($5.00) Should the applicant again fail he may retake the examination at intervals of one year at the cost of twenty-five dollars ($25.00)

If the applicant for registration as a journeyman plumber fails he may retake the examination after three

months at the cost of one dollar ($1.00) and if he fails again he may retake the examination at intervals of three months at the cost of five dollars ($5.00) All fees for examinations and registration as herein provided for shall be paid into the city treasury

A register or roll of all master plumbers and journeymen and apprentices who shall secure their certification each year shall be kept in the said department which rgister or roll shall be open to the inspection of all persons interested therein

Section 1.5 Every certified licensed master plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business the word "Registered" and the name or names of the person firm or corporation in letters not less than three inches high

No person other than a certified licensed master plumber shall be allowed to display the sign of plumbing or plumbing repair or house drainage or water piping or any advertisement pertaining thereto and the same shall apply to a firm or corporation

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate to the Department of Health

Section 3 Section two of the said act as amended by section two of said amending act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one is hereby further amended to read as follows:

Section 2 [All and every person or persons engaged or engaging in the business or work of plumbing and house drainage in cities shall apply in writing to the said Director of the Department of Public Health Board or Bureau of Health for such certificate or license and if after proper examination made by the board or bureau of health of said cities such person or persons so applying shall be found competent the same shall be certified to the Director of Public Health Board or Bureau of Health who shall thereupon and upon the giving of a bond as hereinabove provided for issue a certificate or license to such persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing and house drainage

A register of all such applicants and the license or certificates issued shall be kept in said department which said register shall be open to the inspection of all persons interested therein

The Director of the Department of Public Health is hereby authorized to appoint a board of examiners to consist of the Director of the Department of Public Health one plumbing inspector and two competent plumbers in no wise connected with the city government who shall examine all applicants for license under the provisions of this act The said board shall make all reasonable rules regulations and examinations which shall be approved by the said Director of the Department of Public Health An examination of any one member of a firm or corporation or of the superintendent or foreman thereof shall be deemed sufficient

Said person or persons firm or corporation engaged or engaging in the business or plumbing or house drainage shall pay for each examination the sum of twenty-five dollars and each journeyman or person engaged in the work shall pay the sum of fifty cents which sum shall be paid into the city treasury for the use of said cities The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of ten dollars per day for each day or session thus actually employed

Every registered plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

No person other than a registered master plumber shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing or house drainage or any advertisement pertaining thereto unless he or they have first given such bond secured a license or certificate and been registered in the office of the Board or Bureau of Health of such cities nor shall any person or persons other than a registered master plumber or person in his or their employ or under his or their supervision be allowed to alter repair or make any connection with any drain soil waste or vent-pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its Every person firm or corporation or representative thereof in registering shall give the full name or names of the person firm or officers' names of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall between the first and thirty-first days of December of each year surrender the said certificate or license for the current year to the Department or Board or Bureau of Health and re-register his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by said Department or Board or Bureau of Health

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make application for re-registration at the specified time The sum of twenty-five dollars shall be paid by master plumbers firms or corporations and the sum of twenty-five cents by journeymen plumbers for re-registration which sums shall be paid into the city treasury for the use of said cities A register of all such applicants and license or certificates issued shall be kept in said Department Board or Bureau of Health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license granted by any city of this Commonwealth to engage in or work at the business of plumbing and house drainage desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted shall without examination by registered before entering upon such work Provided however That such registration shall be restricted and limited to such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his or its name or their names and addresses as hereinbefore provided] The Director of the Department of Health shall appoint a board to be known as the Board of Plumbing Supervision of the Department of Health It shall consist of the Director of the Department of Health one representative of the House Drainage Division of the Division of Housing and Sanitation four certified licensed master plumbers and one licensed journeyman plumber A master plumber who may qualify as an appointee must conduct a bona fide shop and be actively engaged in the trade of plumbing and those qualifying must not hold a position with the city or in any other manner be connected with the city or be an officer of a political party Three members of the board shall be appointed for a term of three years and two for a term of two years

Section 4 Said act is hereby amended by adding thereto Sections 2.1 2.2 2.3 2.4 2.5 to read as follows

Section 2.1 This board shall examine all applicants for licenses as master plumbers as provided for under the provisions of this act and upon finding the applicant competent shall certify his name to the Director of Health as qualified to be licensed and registered

Section 2.2 The said board shall have the power to hear complaints made by licensed plumbers of irregularities committed by registered journeymen plumbers and apprentices and the said board of the Department of Health shall have the power to suspend or revoke the certificate or the license of the master plumber and also suspending or revoking the certificate of registered journeyman plumber upon cause shown The aggrieved respondent shall have the privilege of appeal from the action of the Board of Plumbing Supervision of the Department of Health to the court of common pleas as in all other appeals made and provided for under the laws of the Commonwealth of Pennsylvania from executive bodies

The said board shall make all rules and regulations for the conducting of its business The board shall further have the power to hear complaints of licensed certified master plumbers and of registered journeymen plumbers against employes of the Department of Health connected with the plumbing division

In furtherance thereof the Board of Plumbing Supervision of the Department of Health may recommend to the Director of the Department of Health the punishment or dismissal of said employe of the house drainage division of the division of housing and sanitation

The proper officers of the said cities shall pay the plumbers acting on said board the sum of ten dollars ($10.00) for each day or session thus actually employed in carrying out the duties provided for by the provisions of this act The Board of Plumbing Supervision shall be convened for the purposes of carrying out the provisions of this act as frequently as they deem necessary Such meetings shall be held in a fixed centrally located headquarters provided by the Department of Health

Section 2.3 That person holding the position of supervising plumbing inspector and that person holding the position of assistant supervisor of plumbing and those persons holding the positions of plumbing inspectors must sucessfully have passed the examination of licensed master plumber as given by the Board of Plumbing Supervision Provided however That those men holding those positions upon the passage of this act shall not be affected thereby so long as they shall continue in their employment

Section 2.4 The Department of Health shall issue to each master plumber who re-registers as a master plumber for the year one thousand nine hundred and thirty-six and to every master plumber who is granted a license thereafter a license and a permanent license number stating that the applicant has successfully passed the examination for a master plumber and is entitled to apply for re-registration annually thereafter provided he has established a place of business After this place of business has been approved by the Department of Health he shall be pranted a certificate of registration and the Department of Health shall furnish one metal plate bearing the words "Registered Master Plumber" Philadelphia and his permanent license number If additional metal plates are required they shall upon written application be furnished by the department as a cost to be set by the Department of Health and provided further that each and every vehicle used by master plumbers and equipped for trade of plumbing or used for the regular transportation of tools and equipment used for plumbing must have attached thereto on its exterior in a plainly visible position the herein described metal plate

Section 2.5 Any person firm or corporation holding a license or certificate granted by any city of this Commonwealth to engage in or work at the trade of plumbing house drainage and water piping desiring to do plumbing house drainage or water piping in a city of the first class shall without examination be registered before entering upon said work Provided however That such person or persons shall prior to such registration post a surety bond in the sum of five hundred dollars ($500) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnify the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Health in the performance of work done by such master plumber firm or corporation and pay the sum of fifteen dollars which sum shall be paid into the city treasury And provided further That such registration shall be restricted and limited to such plumbing repair drainage work or water piping as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his their or its name or names and addresses as hereinbefore provided

Section 5 Section sixty-nine of said act is hereby repealed

Section 6 Section seventy of said act is hereby amended to read as follows

Section 70 [Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house drainage or cesspools shall be liable for every such offense to a fine of not less than ten dollars nor more than fifty dollars which fines shall be recoverable before any alderman or police magistrate in said cities by summary proceedings and shall be sued for in the name of such cities and when collected shall be paid into the treasury thereof

All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace in said cities and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be to the city treasurer thereof In default of the payment of any fine or penalty imposed by any police magistrate or justice of the peace under the provisions of this act the person or persons so offending may be committed to the jail workhouse or other penal institution of the county in which said city is situated for a period not exceeding thirty days] Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply additions alterations and repairs to plumbing house drainage water piping cesspools wastes traps or vents shall upon summary conviction before a magistrate or upon conviction in a court of record for the first offense committed by such person or persons pay the cost of prosecution and enter a bond of two years duration of an approved surety company approved by the court of common pleas of the county in the sum of five hundred dollars ($500) to the city in which said offense shall have been committed/conditioned that he will not violate any of the provisions of said acts of Assembly thereafter if the violator shall fail to procure a bond he shall be committed to the county jail for thirty days and upon any subsequent violation of any provision of this act the magistrate must hold the person or persons for the next term of court and upon conviction the said bond shall be forfeited to said city Provided That such person or persons shall be liable to a fine of fifty dollars for each and every day he or they shall engage in or work at said business without having first obtained the certificate and license as herein set forth and at the discretion of the court shall be imprisoned for a period not exceeding twelve months

Section 7 Said act is hereby amended by adding thereto Sections 70.1 70.2 70.3 to read as follows

Section 70.1 Licensed plumbers who shall violate any of the rules regulations or requirements made by the Board of Plumbing Supervision of the Department of

Health in accordance with the provisions of said act as amended regarding the construction reconstruction additions alteration repairing or testing of plumbing house drainage water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools and wastes traps or vents shall be liable for every such offense to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace or court of record in said cities and all suits or actions at law may be instituted by any individual for the recovery thereof and shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be paid to the city treasurer thereof

Section 70.2 At the instance of the Director of Health the city solicitor shall institute all legal proceedings for violations of the provisions of this act

Section 70.3 All permit secured for the doing of any plumbing house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools wastes traps or vents shall be conspicuously posted upon the front of the premises where the work is being done Any police official or inspector of the Department of Health of the said cities shall immediately order such work discontinued until a permit is produced Provided That if said work be nevertheless continued without placing said permit in a conspicuous place said person or persons shall be guilty of a violation and punished as set forth herein

Section 8 Section 71 of said act is hereby amended to read as follows

Section 71 The Board of Plumbing Supervision of the Department [or Board or Bureau] of Health shall have power to make such rules regulations and changes in the foregoing specifications relative to the construction of the plumbing or house drainage as said [department] board [or bureau] may from time to time determine to be necessary or advisable for the better protection of the safety or health of the occupants of any house or the community

Section 9 Said act is hereby amended by adding thereto Section 73 to read as follows

Section 73 Wherever it does appear in the act to which this is an amendment the phrase "Board or Bureau of Health" the same shall be taken to mean the Board of Plumbing Supervision of the Department of Health

Section 10 All acts and parts of acts inconsistent with the provisions of this amending act or supplied thereby are hereby repealed

All rules and regulations ordinances of council of the said cities of the first class inconsistent contradictory or contravening the provisions and purposes of this amending act are hereby declared null and void

The title of the bill was read as follows and agreed to:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:4, 2:5, 70:1, 70:2, 70:3 and, 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1362 (House Bill No. 2315), entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1380, as follows:

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E S Blackburn deceased in favor of her residuary devisees and/or heirs-at-law

Whereas Carrie E S Blackburn deceased late of the City of Pittsburgh Allegheny County Pennsylvania by her last Will and Testament duly probated and recorded in the office of the Register of Wills of Allegheny County Pennsylvania in Will Book Volume two hundred eighteen page thirty-five devised a farm in Sewickley Township Westmoreland County Pennsylvania to the Commonwealth of Pennsylvania to be reforested all coal to remain intact and all water to remain intact and all minerals clay gas and oil to remain intact and to be used for convalescent camps when practical and

Whereas It appears that the farm so devised is of little value and wholly unsuited for the uses specified in the Will and that the said farm under the conditions contained in said Will would be of no benefit or advantage to the Commonwealth of Pennsylvania therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania doth hereby reject renounce and disclaim the devise contained in the Will of the said Carrie E S Blackburn deceased and doth hereby release disclaim renounce and relinquish all right title and interest in and to the said farm in Sewickley Township Westmoreland County Pennsylvania late the property of the said decedent and said title of the Commonwealth is hereby relinquished in favor the residuary devisees and/or heirs-at-law of the said Carrie E S Blackburn

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1381, entitled:

An Act to amend section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act Number one) entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court the action shall be ratified confirmed and make valid preserving tax liens in such cases and providing for the fixing of dates for tax sales in such cases

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act Number one) entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty?five and one thousand nine hundred and thirty-six validating any action in adjourning or readjournment tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That during the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six any county treasurer may adjourn any tax sale of seated or unseated lands for nonpayment of taxes if the county commissioners of the county have first petitioned the court of common pleas of the county to permit an adjournment or readjournment of a tax sale and the court has approved such adjournment or readjournment Any such tax sale so adjourned may thereafter be readjourned from time to time in the manner above provided but in no event shall such adjournment or readjournment be beyond the first day of May one thousand nine hundred and thirty-seven Where any such tax sale is so adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for such adjourned or readjourned sale

Where any county treasurer has prior to the effective date of this act on his own initiative or with the consent and approval of the county commissioners or court or both or pursuant to any action by the General Assembly or pursuant to any order or decree of any court adjourned or readjourned any tax sale or for any of the aforesaid reasons has failed to advertise or hold any tax sale such action in so adjourning or readjourning failing to advertise or hold a tax sale is hereby ratified confirmed and made valid and no such adjournment or readjournment failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or any penalty or interest due thereon but the lien of all such taxes shall be fully preserved until the date fixed for such sale in accordance with this act or where said sale was adjourned pursuant to any order or decree of the court until such date as may be fixed by the county treasurer but not later than the date herinbefore fixed notwithstanding that the period fixed by existing law as the life of such a tax lien has expired

Section 1 This act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the section?

Mr. THOMPSON (Centre). Mr. President, I move to amend Section 1, page 3, line 26, by striking out the figure "1" and insert in lieu thereof: "2"

Mr. FRY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend section one of the act approved the nineteenth day of March, one thousand nine hundred and thirty-five, (Act No. 1), entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six; validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act, and preserving the lien of all taxes on lands to be sold at such sales," providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court, the action shall be ratified, confirmed and made valid; preserving tax liens in such cases; and providing for the fixing of dates for tax sales in such cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1383, as follows:

An Act to classify certain surface lands as auxiliary forest reserves to prescribe the terms and conditions of their continuance in such classification or removal therefrom defining the duties of the Secretary of Forests and Waters of the county commissioners and of the county treasurer of the respective counties in connection therewith providing for the appointment of viewers and appraisers providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers and from the action of the Secretary of Forests and Waters providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection thereof providing for the asecrtainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom permitting the removal of certain trees from lands so classified by the owners thereof providing that lands so classified may be sold only subject thereto prescribing the method of assessment of such lands during their continuance in such classification making it a misdemeanor to cut fell and remove trees from lands so classified and defining the punishment therefor validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly and repealing all acts or parts of acts inconsistent herewith

Section 1 Be it enacted by the Senate and House of Representatitves of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it having been the experience of the people of this Commonwealth that the denuding of vast areas of the Commonwealth of their natural forest growths has resulted in loss of water supply recurring floods and soil erosion as well as the undue exhaustion of the lumber supply of the Commonwealth that the former forest lands if left to unaided natural reproduction cannot again supply adequate forests and that the growing of forests on such lands of the Commonwealth as are suitable for that purpose will result not only in furnishing needed forest products but will as well constitute a protection to water supply and an aid to flood control and

the prevention of soil erosion it is hereby declared to be the policy of this Commonwealth to encourage its people in the growing of such trees as will at the proper age be suitable for merchantable forest products whether they are now existing or shall hereafter be planted out sown by seed or reproducted naturally to the end that the people may have an adequate supply of timber products that the water supply may be protected and that aid may be given to flood control and the prevention of soil erosion

Section 2 To effectuate the policy of this act all surface land which would be suitable for the growing of merchantable forest products whether they are now growing or shall hereafter be planted out sown by seed or reproduced naturally and would thereby contribute to an adequate lumber supply for the people protect the water supply and give aid to flood control and to the prevention of soil erosion may be set apart accordingly to the provisions of this act and exclusively used for growing trees for production of such merchantable products and is hereby constituted a separate and distinct class of land to be known as forest reserves auxiliary to the State owned forest reserves

When any owner of surface land desires to have such land placed in such class such owner shall notify the Secretary of Forests and Waters of the Commonwealth of his desire in manner and form to be prescribed by said secretary. Said notice shall contain a description of the lan dits location boundaries area and character and shall state as far as practicable the species character and condition of the trees growing thereon and whether they are of natural reproduction or are from seed sown for the purpose or have been set out on said land or all combined and such other information as the secretary may require. Upon receipt of such notice the secretary shall cause said land to be examined by some properly qualified person and a report made thereon and if upon receipt and consideration of such report the secretary decides that such land is suitable for the growing of trees so as to contribute to an adequate lumber supply for the people protect the water supply and give aid to flood control and to the prevention of soil erosion and should be placed in such class he shall so notify the county commissioners of the county in which said land is situate the board of school directors o fthe school district the supervisors of the township the directors of the poor district in which such land may be situate and such other political subdivision as may have an interest in taxes derived therefrom. Such notices shall be in writing and shall be sent by registered mail directed to the official post office addresses of the several official boards above enumerated

At any time within thirty days after the date of mailing such notices an appeal from the action of said secretary may be taken by the county or any of the districts or political subdivisions above referred to to the court of common pleas of the county in which such land is situate. For the purpose of such appeal a copy of the notice together with the usual affidavit of appeal shall be filed. Notice of such appeal shall be given to the secretary and the land owner. No papers in the nature of pleadings need be filed by any party interested and the matter shall be proceeded in by hearing before the court or a judge thereof at a time to be fixed by the court upon application of any interested party. Appeals to the Superior Court and the Supreme Court as in other cases shall be allowed.

Should the secretary decide that such land should not be placed in such class he shall notify the owner in writing by rigistered letter to his address as shown by the notice of desire hereinabove provided for. Should such owner be dissatified with such action of the secretary he may appeal therefrom to the court of common pleas aforesaid by appeal in the manner as hereinabove prescribed for the county and other political subdivisions and he shall give notice thereof to the secretary the county and the other political subdivisions interested and the practice upon such appeal shall be as hereinabove provided for. Appeals shall lie to the Superior Court and the Supreme Court from the determination of the court of common pleas therein

Should the secretary decide that such land should be placed in the class established by section two of this act and should no appeal therefrom be taken as above provided or should such appeal confirm the action of the secretary then and in such case the secretary shall so declare and certify to the commissioners of the county in which said land is located. And said secretary shall certify in like manner when his action is reversed upon appeal by the owner

Section 3 Upon receipt by the county commissioners of such certificate of the secretary it shall be their duty at once to place said surface land in the class established by section two of this act and keep the same therein until the trees growing thereon shall in the judgement of the secretary become sufficiently large and suitable for merchantable forest products or the lnad be devoted to other purposes. Provided however That the certificate of the secretary shall not become operative to place said surface land in said class until the owner of said surface land has agreed in writing with the secretary to care for the trees then or thereafter growing thereon according to the instructions and directions fo the secretary up to such time as such trees become suitable for merchantable forest productions and if any such owner at any time fails to care for the trees growing on said land os agreed with the secretary and due proof thereof is made the secretary may remove said surface land from the class established by section two of this act. Such action by the secretary shall be subject to appeal by the owner as provided in section two of this act. In case of such removal either through failure of the owner to care for the trees or on his expressed desire for removal before the trees shall have been cut at maturity and tax paid thereon the county commissioners shall on notice from the secretary proceed to recover from said owner for the use of the county and ther political subdivisions where said land is situate the difference in the amount of tax which would have been paid by the said owner at the rates of valuation established for the years in which said land has been classified as provided in section two of this act and the amount of taxes actually paid on said lands during said years. The amount of said tax shall be entered as liens against said land in the books kept in the county treasurer's office for the purpose of showing returned taxes and the same shall continue a lien against said land until paid and shall carry the same penalties and interest as are carried by like taxes when returned by the collectors and the non-payment of such taxes shall authorize sales of such land by the county treasurer in accordance with existing laws.

Section 4 Whenever trees growing on said surface land have become suitable for merchantable forest products the secretary shall at the request of the owner or on his own motion make an examination of said land and designate for the owner the trees to be cut if in the judgement of the secretary there be any and the cutting and removal of said trees so designate shall be in accordance with the instructions of the secretary. Should any dispute arise between the secretary and the owner as to the desirability of the cutting and removal of said trees so designated by the secretary or any of them either the secretary or the owner may apply to the court of common pleas of the county wheer said land is situate for the appointment of viewers to view the premises and determine whether such trees so designated by the secretary or any of them should be cut and removed at such time said viewers to report to the court as in the case of viewers appointed in road cases and such report of the viewers shall be subject to appeal to such court of common pleas by either party dissatisfied with the action of such viewers. Appeals to the Superior Court and the Supreme Court shall be as in other cases

Section 5 If the owner of said surface land faithfully carries out the instructions of the secretary with regard to the removal and maketing of such mature or other trees as may be designated in the instructions of said secretary or otherwise determined as provided in the fourth section of this act and shall immediately replant other trees of valuable species or so protect the young growth that the said land may promptly become covered with young forest growth and does so with the approval of the secretary then such surface land shall remain in the said class established by section two of this act. Otherwise the secretary shall notify the county commissioners that said land is not being maintained in ac-

cordance with the written agreement of the owner and the instructions of the secretary in which event the county commissioners after thirty days' notice in writing to the owner by registered letter mailed to hsi last known address shall remove said land from the class established by section two of this act

Should the owner be dissatisfied with such removal of said land from the class established by section two of this act he shall have the right within said thirty day period to appeal said matter to the court of common pleas of the county in which said land is situate the papers to be filed on such appeal to consist of the usual appeal affidavit and a copy of the notice from the county commissioners to said owner and no papers in the nature of pleadings in such proceeding need be filed. Notice of such appeal shall be given by the owner to the secretary the county commissioners and the other political subdivisions above mentioned. The matter shall thereafter be heard before the court or a judge thereof whose determination therein shall be subject to appeal to the Superior Court and the Supreme Court as in other cases.

Secton 6 The owner of said auxiliary forest reserves shall at all times have the right to remove therefrom trees or portions of trees which may be killed by fire thrown or broken by the wind or injured by other natural causes and shall under the direction of the secretary be privileged to make necessary thinnings or removal of undesirable species of trees in oredr to improve the condition of th eremaining trees and under the same direction may be privileged to remove therefrom such timber from time to time as may be necessary and essential for use upon the neighboring cleared lands of said owner for general farm purposes

Section 7 Any tract of land while remaining in the class of auxiliary forest reserves as above provided may nevertheless be sold or encumbered by or through the owner thereof but no sale or encumbrance whether voluntary by the owner or involuntary under any statutory or judicial proceeding whatsoever either of this State or of the United States shall effect a discharge of any obligation imposed under this act and said land shall be removed from said class only in accordance with the provisions hereof

Section 8 All surface land which may hereafter be classified and set apart as auxiliary forest reserves in the manner provided by thsi act shall be rated in value for the purpose of taxation not in excess of one dollar ($1.00) per acre and shall continue to be so rated so long as the said land remains within the class established by section two of this act. Provided however That if the said surface land be underlaid with coal iron ore oil gas or other valuable minerals said minerals may be separately assessed. Where said minerals are not separately assessed their value shall be added to hte value of the surface hereinabove provided for in making up the total value of the land for purposes of taxation. The assessors in the several districts in which such lands are situate shall assess such lands in the manner now or hereafter provided for the assessment of real estate for purposes of taxation as if they had not been set aside as auxiliary forest reserves and shall make their returns to the county commissioners in like manner as is now or hereafter may be provided by law subject to exception appeal and final adjustment

Section 9 Upon receipt of assessment rates from the various assessors the county commissioners shall reduce on their records to a sum not in excess of one dollar ($1.00) per acre the assessment on the surface of all those lands which shall have been placed in the class established by section two of this act in accordance with certificates filed with them by the Secretary of Forests and Waters but the original assessment rates made by said assessors shall be preserved

Section 10 Whenever timber on land which is included in the class of land estalished by section two of this act is about to be harvested the then owner of the timber on said land shall give a bond to the county treasurer in twenty per centum of the amount of the estimated stumpage value o fthe timber to be harvested and to be approved by the court of common pleas of the county conditioned to pay to the county treasurer within ninety days after harvesting ten per centum of the stumpage value of the trees immediately at and before the time of harvesting which said amount shall be ascertained by in triplicate one to the county commissioners one to the statement and return under oath or affirmation furnished county treasurer and one to the secretary immediately after harvesting by the then owner of the land setting fort hsaid value. The sum which shall be paid as above provided shall be divided and distributed by the county treasurer of such county to the county poor district the township and the school district of the township or other political subdivision in which the land aforesaid is situate pro rata based upon the last assessed millage of taxation for county poor district road and school purposes within said taxing district

Such sum of money when ascertained to be due as a tax by the filing of the foregoing statement and return under oath and as hereinbefore provided directed to be paid to the county treasurer by the owner of an auxiliary forest reserve shall from the time of such filing be and remain a lien upon said land of the owner until payment thereof shall have been made

Section 11 Should the county commissioners be dissatisfied with the return made as hereinbefore provided in section ten hereof the court of common pleas of the proper county on petition of the commissioners shall appoint a board of three appraisers who shall be duly sworn or affirmed before entering upon their work and who shall go upon the land in question estimate the quantity and value of the trees immediately at and before the time of harvesting and make a return thereof to the court which said return shall then be made the basis upon which such owner shall make payment to the county treasurer unless changed upon appeal

Either party if dissatisfied with the report of the appraisers shall have the right of appeal to the court of common pleas of the county within thirty days after such report shall be filed and notice thereof given to the owner. The said appraisers shall be allowed their expenses and a compensation to be fixed by the court both to be paid by the county commissioners. In the event of an appeal from the action of the appraisers and determination thereof by the court of common pleas the same shall be subject to appeal to the Superior Court and the Supreme Court as in other cases

Section 12 In case of the removal of said lands from the class established by section two of this act prior to the maturity of the timber and prior to payment of the tax of ten per centum of the value thereof as provided by section ten of this act the county commissioners shall on notice from the secretary ascertain the amount of the the original assessment or on such assessment as changed taxes which would have been paid by the said owner on from time to time by the triennial assessment had the reduction provided for in section nine of this act not been made adding legal interest from the date when each tax payment would have become delinquent. The said commissioners shal llikewise ascertain the amount of the taxes which have actually been paid upon the land in question adding legal interest upon all such payments between the two amounts with costs. Such difference so from the date when paid and certify the result thereof to the county treasurer who shall then proceed in the manner provided for the collection of county taxes under general laws to recover from such owner the difference ascertained to be due as tax as aforesaid shall be and remain a lien upon the land of such owner until payment shall have been made. For the purpose of giving notice of the existence and amount of such lien an entry thereof shall be made in the delinquent tax record kept by the county treasurer weherin are entered the records of taxes returned by the collectors as unpaid and delinquent and a note shall be made in the margin of such record showing that such lien arises under the provisions of this act

If such land shall be so removed from said class immediately after the cutting of a matured crop and the payment of tax thereon the owner shall in that case not be liable for such past assessment but the land shall thereafter be liable to assessment and tax as all other land not classed as auxiliary forest reserves

Section 13 Should the owner of any land included within the class established by section two of this act or any other person enter thereon and cut and fell or

cut fell and carry away any timber and trees therefrom while said lands are so classified except in accordance with the provisions of the previous sections of this act the person or persons so offending shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine equal to but not exceeding double the stumpage value of the trees so cut and felled or cut felled and carried away such value to be ascertained by the pudge imposing sentence by such means of information as he in his discretion shall determine and imprisonment in the county jail not exceeding three years or until such fine shall have been paid. All such fines shall be paid to the county treasurer of the county where such lands lie and by him divided and distributed to the county the poor district the township and the school dstrict where the lands lie ratably in accordance with the last millage for taxation purposes therein

Section 14 All contracts which have heretofore been entered into between the owner of lands and the State Forestry Reservation Commission or the Department of Forests and Waters under the provisions of section three of the act approved the fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws four hundred twenty-six) or under any other act of Assembly for the purpose of placing lands in the class of lands known as auxiliary forest reserves which in the opinion of the Secretary of Forests and Waters comply with the provisions of this act are hereby validated Notice of the decision of the Secretary of Forests and Waters with respect to each of said contracts shall be given within ninety days of the approval of this act to the several parties to said contracts and to the several political subdivisions interested in the same manner as is hereinabove provided in section two of this act for giving notce of decsions of the Secretary of Forests and Waters upon applications for classification of lands as forest auxiliary reserves Any part to any such contract or any county township school district poor district or other political subdivision interested dissatisfied wth the decision of the secretary may appeal to the court of common pleas of the proper county at any tme within thirty days of the notice from the Secretary of Forests and Waters that such contract or contracts have been validated or rejected as the case may be and with the further right of appeal by any interested party from the action of said court to the Superior Court and the Supreme Court

Section 15 All acts or parts of acts inconsistent herewith are hereby repealed

Section 16 This act shall take effect immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1384, as follows:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Section 1205 In school districts of the second third and fourth class all contracts with teachers shall be in writing in duplicate and shall be executed on behalf of the board of school directors by the president and secretary and signed by the teacher

After the thirtieth day of June one thousand nine hundred and twenty-nine each board of school directors or board of public education in school districts of the second third and fourth class in this Commonwealth shall enter into contract in writing with all teachers supervisors supervising principals and principals employed by them and said contract shall contain the following

"IT IS AGREED BY and between ..... Teacher and the Board of Directors of the school district trict of .....Pennsylvania that said teacher shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools teach in the said school district for a term.....months for an annual compensation of $..... payable monthly or semi-monthly during the school term less the contribution required by law to be paid to the Teachers' Retirement Fund

"This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto and to such regulations as the Board of School Directors of this district may impose consistent with the said act

"And it is Further Agreed by the parties hereto that this contract shall continue in force year after year with the right of the Board of Education or the Board of School Directors to increase the compensation over the compencation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district or to change said salary subject to the provisions of law without invalidating any other provision of this contract [unless terminated] Any such increase or change of salary for each ensuing year shall be made at least sixty days before the end of the previous school term

A teacher's contract may only be terminated by the teacher at the close of the school term by written resignation presented sixty days before the close of said school term or by the Board of School Directors for reasons specified and in accordance with the procedure provided by this act by official written notice presented to the teacher sixty days before the close of the school term"

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1386, as follows:

An Act to amend section one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" establishing a board for the determination and payment of minor damages caused by the National Guard

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizating or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administratiin officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding thereto the following clause

(j) Appoint a board of not less than three commissioned officers of the Pennsylvania National Guard for the purpose of investigating claims for damages based on injuries to persons or damages to property arising out of accident or negligence and incident to the organization training discipline maintenance and servce of the Pennsylvania National Guard and upon the recommendation of the board so appointed to adjust and pay such claims for damages Provided however That each such claim shall be in an amount not exceeding two hundred and fifty dollars ($250) And provided further however That all claims paid here under shall be subject to audit by the Department of the Auditor General

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1387, as follows:

An Act authorizing the publication of legal and official advertising and notices in newspapers of general circulation published on Sunday

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter newspapers of general circulation published on a Sunday shall be deemed a proper newspaper for the publication of legal and official advertisements and notices required by law to be published in any newspaper or newspapers of general circulation and such publication in a Sunday newspaper shall have the same force effect and validity as if published in a newspaper published on a secular day

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 11 o'clock.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until Tuesday, May 28, 1935, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

MONDAY, May 27, 1935

The House met at 9:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Reed O. Steely, pastor Evangelical Church of Lemoyne, Pennsylvania, offered the following prayer:

Jehovah, God, Thou Who art from everlasting to everlasting, the author and completer of our faith; Thou Who art the same yesterday, today and forever, in Whom there is no variableness, neither shadow nor turning, Thou Who art in my presence everywhere, Thou Who art omnipotent and all loving; Thou art our Heavenly Father.

We come to invoke Thy blessing upon that which shall be transacted in this House.

We thank Thee, our Heavenly Father, for this legislative body composed of individuals gathered from the various parts of this fair Keystone state of ours. We pray Thee, our Father, that Thy blessing may rest upon their individual efforts and initiative as they shall endeavor to think through and act finally upon such legislation as shall be for the best advantage of the citizens of this great Commonwealth.

We thank Thee, Dear Father, for the priceless boon of liberty, and we thank Thee too for the victories and the achievements of the past, for the goodly heritage that comes to us from the hands of our forefathers, coming no doubt many times as it does, foot-sore and worn on paths that made individuals tired in other days but that are blessing those of us who are in this present day.

We thank Thee for the opportunity we may have in making this world better, a fit place in which to live, helping individuals to become fit to live with. We are

thinking of the Fatherhood of God and the Brotherhood of Man and in name of the one Who was the Great Brother to everyone, we ask these blessings. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, May 22, 1935.

The Clerk proceeded to read the Journal of Wednesday, May 22, 1935, when, on motion of Mr. McKINNEY, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

STATE VETERANS COMMISSION

A resolution from Henry M. Houston, 2nd Post No. 3, Philadelphia, urging passage of House Bill No. 1753, making an appropriation to State Veterans Commission.

Referred to the Committee on Appropriations.

BLUE LAWS

A petition from citizens of Indiana protesting amendment of Blue Laws.

Referred to the Committee on Law and Order.

QUESTION OF PERSONAL PRIVILEGE

Mr. STEVENS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Westmoreland, Mr. Stevens, will state his question of personal privilege.

Mr. STEVENS. Mr. Speaker, being from the third largest county in the Commonwealth of Pennsylvania, I was very much embarassed this evening that one of my worthy colleagues from the County of Philadelphia came into this House and asked me to get him a seat. I was necessitated in stealing one of the chairs from the rostrum, from the good Speaker, and when I was stopped from taking that Chair, I was notified that the Speaker's wife was going to be with us tonight, for which we are very happy to have her as our distinguished guest, and I have made the statement, and I wish to fulfill that statement, if the lady is in the audience or will come to this Assembly tonight, I shall bring a chair from the rear of the House so that she is properly seated. I am also happy to know that my friend, Mr. Jaffee, one of the former members of this House from Philadelphia, is present with us tonight.

The SPEAKER. The remarks of the gentleman under the question of personal privilege will be spread upon the Journal.

LEAVES OF ABSENCE

Mr. Cannon asked and obtained leave of absence for Mr. BURKE on account of death in the family.

Mr. Hoopes asked and obtained leave of absence for Mrs. WISON for the week on account of illness.

REPORTS FROM COMMITTEES

Mr. WICKERSHAM from the Committee on Cities reported as committed, House Bill No. 1687, entitled:

An Act to amend sections one thousand four hundred and two, two thousand five hundred and fifty-two, two thousand five hundred and fifty-four; section two thousand five hundred and fifty-six as amended; sections two thousand five hundred and fifty-seven, two thousand five hundred and fifty-eight; sections two thousand five hundred and fifty-nine, two thousand five hundred and sixty-seven as amended; and section two thousand five hundred and sixty-eight; and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" providing for the collection of city, county, school and poor taxes in cities of the third class by the city treasurer as tax collector; providing for his compensation to be fixed and paid jointly by the city, county and school district; requiring the city treasurer to give one bond as treasurer and collector of all of said taxes, the premiums thereof to be paid jointly by the county, city and school district; and generally revising and clarifying the powers and duties of said tax collector.

Mr. LOVETT from the Committee on Military Affairs reported as amended, House Bill No. 272, entitled:

An Act to amend section one of the act approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 148), entitled "An act to require all magistrates and other officials in cities of the first, second and third class, authorized to take acknowledgments and administer oaths, to perform such service free of charge for soldiers and widows of soldiers, when making affidavit to papers for the purpose of drawing pensions," as amended, providing for notice of the provisions of this act to be furnished newly qualified magistrates, aldermen and justices of the peace and others and providing penalties for violations thereof.

RESOLUTION

SYMPAHTY EXTENDED ON DEATH OF HON. J. ROSS HORNE

Mr. ALLEN offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, May 27, 1935.

Whereas, On May nineteenth, God, in his infinite wisdom, removed from our midst, the Honorable J. Ross Horne, a member of this House from Cambria County during the sessions of 1919-1921-1923-1925; and

Whereas, This body, which he long honored by his membership, by his counsel and wisdom desires to express its high regard for his character and its sorrow for his loss, and

Whereas, It is fitting and proper that we should take official note of his passing and inscribe in our records a tribute to his memory; therefore be it

Resolved, That the people of the community in which he last resided and the people of the County of Bedford—his birthplace and residence for twenty-five years—have lost a modest and kindly man—one who was respected and admired by all who knew him and whose record among them will always stand as one above reproach and well worth emulation, and be it further

Resolved, That while we feel the ineffectiveness of any act or expression on our part to in any way reduce the grief and sense of loss to his family who sorrowfully survive and mourn his death, we extend to them our deepest and most profound sympathy; trusting that in their knowledge of our love and admiration for him, and of our grief at his passing, they may perhaps find a fuller measure of joy in the life that was; and be it further

Resolved, That a copy of this resolution shall be forwarded by the Chief Clerk to the family of the late Honorable J. Ross Horne.

Mr. ANDREWS in the Chair.

RESOLUTION

Mr. JOHN E. BROWN offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution? Are there objections? The Chair hears objection and consent is not granted.

The Resolution will be filed with the Clerk under the rules.

RESOLUTION NO. 147

Mr. BERNHARD. Mr. Speaker, I desire to call up Resolution No. 147, Printer's No. 114.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 13, 1935.

Whereas The Switch Back Railway running between the Boroughs of Mauch Chunk and Summit Hill in Carbon County a distance of nine miles in the oldest railway in the United States having originally been constructed to carry coal from the Panther Valley Coal District to the Lehigh Canal and

Whereas With the construction of railroads said gravity railway was abandoned as a coal carrying road and was converted into a scenic railway and thus operated for a great many years through the mountainous region known as the 'Switzerland of America" and

Whereas Said railway was finally sold by the operating railroad company to private citizens who have endeavored to continue to operate the same as a scenic railway and

Whereas This historic property has fallen into disrepair and unless aided financially must shortly be abandoned entirely therefore be it

Resolved That the House of Representatives of the Commonwealth of Pennsylvania joining with municipal bodies societies organizations and citizens respectfully urge the Federal Public Works Administration and the Pennsylvania Public Works Administrator to include within its work relief projects in this State the rehabilitation of the Switch Back Railway in Carbon County in order to preserve this historic property

Resolved That a copy of this resolution be transmitted to the Federal Public Works Administration and Pennsylvania Public Works Administrator by the Chief Clerk of the House

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION NO. 141.

Mr. HALUSKA. Mr. Speaker, I desire to call up at this time Resolution No. 141, Printer's No. 1044.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 2, 1935.

Whereas, The policy of the administrators of unemployment relief is to refuse work relief to persons except such as are beneficiaries of direct relief; and

Whereas, Many conscientious citizens refuse to become beneficiaries of direct relief, and even though in want, are thus denied work to which they are entitled; therefore be it

Resolved, (if the Senate concur), That each city, borough, town and township is hereby urged to form a committee or committees which shall sit for the purpose of hearing applications of persons who are in need of employment and who are not receiving direct relief, and also of persons who are receiving direct relief, and who are able to secure part-time employment in industry, which if amplified with work relief would provide sufficient income to enable such persons to forego direct relief;

Resolved, That such committees shall be constituted as follows:

In each city the mayor of the city shall appoint two members of council, and the president of the board of school directors shall appoint two members of the school board, who together with the mayor of the city, shall constitute a committee of five. In any city the committee so constituted may appoint sub-committees composed of one member of the committee of five, and other persons by them selected who, in the public interest, will agree to serve without compensation in order to carry out the spirit and intent of this resolution.

In each borough and town the burgess shall appoint two members of the council and the president of the board of school directors shall appoint two members of the school board, who together with the burgess, shall constitute a committee of five.

In each township of the first class the president of the board of township commissioners shall appoint two township commissioners, and the president of the board of school directors shall appoint two members of the school board, who together with the president of the board of township commissioners, shall constitute a committee of five.

In townships of the second class, the president of the board of school directors shall appoint two members of the school board, who together with the chairman of the board of township supervisors shall constitute a committee of three.

Resolved, That the committees constituted in accordance with this resolution be urged and requested to sit at least one day or one evening each week, to hear applications of persons desiring work relief and who come within the terms of this resolution, and shall have power to issue to persons who are deemed worthy, certificates, furnished by the State Emergency Relief Board, evidencing the belief that the holder thereof is entitled to employment, full time or part time, on any work relief project. No such certificate shall be denied to any person for the reason that he or she is not presently receiving direct relief, and no such certificate shall be issued to any person who in the opinion of any such committee is not entitled to work relief;

Resolved, That the State Emergency Relief Board and its agencies and those entrusted with the employment of persons on work relief projects be directed to cooperate with the committees constituted by this resolution and provide work to the fullest extent for the holders of certificates issued by such committees, and where work is available no such holder of a certificate shall be denied work for the reason that he is not a beneficiary of direct relief, or that he may be employed part time in industry;

Resolved, That no such committee shall hear applications of persons receiving direct relief unless the applicant is able to secure part time employment in industry, and is in need of additional income in order to forego direct relief;

Resolved, That the State Emergency Relief Board shall send such information as may be deemed advisable to each city, borough, town and township in this Commonwealth in order to bring into being the committees contemplated by this act;

Resolved, That a copy of this resolution be transmitted to the State Emergency Relief Board by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

RESOLUTION AMENDED

Mr. HALUSKA. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend resolution, page 1, lines 1, 2, 3 and 4, by striking out the words "each city, borough, town and township is hereby urged to form a committee or committees which shall sit for the purpose of hearing applications" and insert in lieu thereof "the President of the United States and

the Federal Emergency Relif Administrator be respectfully memoralized to permit the employment on Federal Emergency Relief Projects"

Amend resolution, page 1, lines 10 and 11, by striking out the words "such committees shall be constituted as follows" and insert in lieu thereof "the Federal Emergency Relief Administrator be requested to constitute in each political subdivision of this Commonwealth a committee of five persons to pass upon applications of persons mentioned in the preceeding resolution who are in need of work relief"

Amend resolution, page 2, lines 1 to 26, by striking out all of said lines, both inclusive

Amend resolution, page 3, lines 27 and 28, by striking out both of said lines

Amend resolution, page 4, lines 1, 2 and 3, by striking out all of said lines

Amend resolution, page 4, line 5, by inserting before the word "State" the following: "President of the United States, the Federal Emergency Relief Administrator and to the"

On the question,

Will the House agree to the amendments?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, seventy-one members having voted in the affirmative and sixty-four in the negative the question was determined in the affirmative and the amendments were agreed to.

On the question,

Will the House agree to the resolution as amended?

It was agreed to.

Ordered, That the resolution lie over for printing.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The hour of 10:00 o'clock having arrived the Chair lays before the House the special order of business fixed for this hour being House Bill No. 2675.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2675, entitled:

An Act to amend article two section one (f) and article five section four of an act approved the tweny-sixth day of July one thousand nine hundred and thirteen (P. L. 1374) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such Commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporaions or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the Commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expense and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensations of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate procedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subjec to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commissinn making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for he appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved twenty-fourth day of May Anno Domino one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved he twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public servicce company and empowering the Public Service Commission to decree reparations

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker, and members of the House, House Bill No. 2675 amends the Public Service law by requiring the approval of the Public Service Commission to proposed increases of rates. It also places the burden of proof upon public service companies to justify their increases in rates, and empowers the Public Service Commission to decree reparations under certain circumstances. This bill will prevent public service companies from changing their rates at will, and will eliminate the annoying practice in certain companies in giving refund slips pending the approval of changes and rates by the Commission.

The matter of increases in rates by operating companies upon the mere filing of the proposed schedule of rates with the Public Service Commission has evoked much criticism in recent years. It is a matter to which attention was directed on numerous occasions, and on which many bills have been introduced in the House. Under the present law a utility may increase rates upon filing the schedule with the Commission, unless the latter acts to prevent the increase from becoming effective.

Rates are supposedly based upon the fair value of the property of a utility used and useful in rendering value to the public. Actually, (I suspect), they are fixed at that point where the untility feels that the least public complaint will be made. True it is that the Commission is authorized to ascertain the value of the properties and to fix rates accordingly but Chairman King testified before the Rail Committee that valuations of property as a general rule have not been made. I doubt whether the Commisison has evaluated even ten per cent of the utility

properties in this Commonwealth. If that be true, and it stands as a fact that no final valuation of so important a property as that of P. R. T. in Philadelphia has been valued by the Commission, then how can it be said that rates are based on the fair value of the properties? The argument of the utilities refutes itself, until the Commission does in fact fix the value of utility properties.

As a matter of fact, the utilities in recent years have not welcomed valuations by the Commission, because under the law one of the measures of the value of their properties is the reproduction costs thereof. Since reproduction costs have been lower than original costs, due to the period of low prices through which we have been passing, the utilities have shunned valuations and have been willing to make slight reductions in rates in order to escape Commission evaluations of their properties. Once the price level starts upward and the costs of labor, materials, etc. increase the utilities will be filing schedules increasing rates. In order to make certain that any such proposed increases are reasonable, it is my suggestion that they should not be put into effect unless and until they have been approved by the Commission and that the burden of demonstrating the reasonableness of the proposed increase be, by law, imposed upon the utilities.

Of course, the argument of many utility men at the present time is that no such legislation is necessary because the utilities are not now asking for increases in rates. At the hearings before the Kansas Commission at Topeka on April 2, 1935, Dr. Elgin E. Croseclose, formerly financial editor of Fortune magazine, analyst for the Guaranty Trust Company, expert for the United States Department of Commerce, and author of numerous books and magazine articles, testified that an increase in utility rates is in the offing due to the moves now being taken in Washington to increase prices. If this be true, and I regard it as such, then it strikes me as better to place the law on the statute books and keep increases under control, rather than wait until they come and then attempt to correct the evil.

I therefore ask every member of this House to vote "aye" on this Bill.

Mr. TURNER. Mr. Speaker and members of the House, I listened with a great deal of interest to the statement made by the gentleman from Philadelphia in support of this bill.

I first want to comment on his statement as to rate increases, wherein he said that while a utility is entitled to a fair return upon the valuation of its property, used and useful, that with rising prices we are likely to have an increase in rates. Throughout the last fifteen years in Pennsylvania the history of the utilities has been that there have been decreases in rates and not increases in rates, although during that period we had times when prices had reached a peak which we cannot hope to reach again, if commodities prices are restores, because, as I understand it, in the index that the Federal Government is using they are attempting to establish prices on a basis of 1913 to 1914, and from 1920 on we have had prices that have exceeded that many times over.

As to the valuation of the utilities of Pennsylvania, the gentleman from Philadelphia is correct when he says that it is extremely difficult. He mentioned the P. R. T. If you will turn to the General Appropriations Bill which you passed this last week, you will find that this House voted to give the Public Service Commission the sum of $250,000.00 for a valuation of the P. R. T. The P. R. T. had a valuation proceeding in 1920 to 1923 that cost a million dollars, and it is expected at this time that the Public Service Commission in nine months time and for the sum of $250,000 will be able to bring that valuation down to date.

If the Public Commission of Pennsylvania were to be called upon to re-value all of the utility properties in Pennsylvania, you wiuld find that the cost would be so great that is would be impossible for this Legislature to appropriate the sums of money that would be neccssary. In addition you would have the milions of dollars that would be spent by the utility Companies themselves, and after all, these valuation expenses would come back upon the cost of the business of the utility and would be added to the rates which the rate payers would have to pay.

My objection to this bill is not so much from that standpoint, although it has always been considered in my recollection of times past in this House when the question has been before us, and it has been very many times—it has always been considered almost impossible for the Public Service Commission to pass upon all of the rates that have been presented to them during a year. Perhaps the gentleman from Philadelphia is thinking of electric rates, or thinking of water rates, or thinking of gas rates. He forgets that there are railroad companies that are continually filing schedules of rates before the Public Service Commission, and that those schedules of rates in many instances are up and down. Those rates would likewise have to be passed upon. There are something like 19,000 schedules, I think, filed during the year, which the Commission would be requested to pass upon during any one year. That would make it an almost impossible task for the Public Service Commission, and you would have to appropriate many times the money that you are now appropriating to the Public Service Commission for them to go ahead and accomplish that task. But the thing I object to in this bill is this: We have had before us all kinds of utility bills. I have been informed today that there are about three hundred bills in the Legislature that affect the operations of the Public Service Commission, and therefore in some respect affect the public service companies of Pennsylvania.

This House passed some time ago House Bill No. 950, introduced by the gentleman from York, Mr. Moul. That bill provided for increases in rates and also provided for reparations, two of the things that are provided for in this bill. But in the bill of Mr. Moul it provided that no rate could go into effect in case of an increase or change or discontinuance, unless the Commission approved of it within 90 days.

House Bill No. 2675, which is now before us, says that no rate shall go into effect until the Commission has passed upon them. Therefore, we are putting up two diametrically opposite propositions. There ought to be some time limit within which the Commission is compelled to act. Under the bill before you there will be no limit of time that the Commission might delay their decision upon an increase in rates, which, of course, is unfair to the utility companies.

As to reparations, the Moul bill provides for reparations, and therefore it seems to me in this bill we are taking up a subject that we have already passed upon. In one instance we have passed upon it in a diametrically op-

posite way from the provision in this bill. We have made a hotch potch of this legislation. Some of the utility company bills provide there shall be no discount, ni minimum charge, no increase. Some of them provide that the Commission shall approve of it within thirty days or ninety days. Therefore, if this legislation keeps on you will have the public service company law in Pennsylvania in such a mess that no one will be able to determine what it really is.

The House having spoken upon this question and the and the bill now being in the Senate, there is no reason to pass this bill now before the House.

Mr. SPROUL. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Ominsky, permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, from a practical standpoint, does the gentleman from Philadelphia, Mr. Ominsky, believe that in a comparatively prosperous period and fairly high prices where an extension is made into a community or a city requring an expenditure of some hundreds of thousands of dollars, that if a consequent depression and falling period ensues, that the rate should be reduced, and that the valuation be set up immediately when these prices have fallen and we believe the value of the property has decreased? I think it not practical. I do not think that the gentleman would attempt that in his bill. Do you think that would be practical?

Mr. OMINSKY. Mr. Speaker, I do not know whether that is a statement or an interrogation, but if I understand the gentleman correctly, I believe the question was put as to whether I would approve of a decrease in time of prosperity, is that correct?

Mr. SPROUL. Mr. Speaker, in times of depression and falling prices.

Mr. OMINSKY. Mr. Speaker, I might state for the information of the gentleman from Delaware and the members of this House that this bill only takes in the question of increases in rates. In other words, this bill provides that the Public Service Commission must be apprised of an increase in rates before it goes into effect and that the increase in rates must be justified by the service company seeking the increase. It does not have anything to do with the decrease in rates because the question of the decrease in rates will be the same as it is today.

Mr. SPROUL. Mr. Speaker, with the large number of companies that we have in Pennsylvania, and the period of time necessary, the consequent cost to the taxpayer would be almost prohibitive, would it not, if several companies filed an increase?

Mr. OMINSKY. Mr. Speaker, I cannot see where the expenses would be increased on the part of the Commonwealth of the Public Service Commission. This bill provides that the public service companies must justify the increase in rates. In other words they must show that there is a certain valuation back of the increase in rates. It seems to me that little or nothing at all will be added to the expenditure to the Public Service Commission or the Commonwealth.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Ominsky, permit himself to be interrogated?

Mr. OMINSKY. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, do I understand that the gentleman from Philadelphia has just stated that if the burden is placed on the utility of showing that it is justified in its increase in rates, that that will put no burden upon the Public Service Commission?

Mr. OMINSKY. Mr. Speaker, no, I didn't quite say that. I said the burden will be lightened upon the Public Service Commission, because the case will have to be proven by the public service company, and the Commission will, if it deems it proper, investigate whether the valuuation is proper or not.

Mr. TURNER. Mr. Speaker, the question of determining the value of the property of the utility is mainly an engineering question, it is not?

Mr. OMINSKY. Mr. Speaker, it may or it may not be, depending upon what the valuation will consist of.

Mr. TURNER. Mr. Speaker, can the gentleman from Philadelphia conceive of any utility that would be valued without engineers going over the property and estimating the cost?

Mr. OMINSKY. Mr. Speaker, there might be in certain smaller instances, yes.

Mr. TURNER. Mr. Speaker, if the value of the utility is based upon the property used and useful, does it not require engineering skill in determining the value of that property?

Mr. OMINSKY. Mr. Speaker, yes, it might.

Mr. TURNER. Mr. Speaker, whether it is a small property or a large property?

Mr. OMINSKY. Mr. Speaker, yes.

Mr. TURNER. Mr. Speaker, if the Commission is going to determine that question, will it not have to have its engineers and its accountants set up figures in order to determine whether the figures presented to it are proper or not?

Mr. OMINSKY. Mr. Speaker, as I said before, not in all cases. In cases where the Commission feels that the public service company has presented a proper valuation, that will not be necessary.

Mr. TURNER. Mr. Speaker, how could the Public Service Commission determine that without the figures of its own employes?

Mr. OMINSKY. Mr. Speaker, by past experience perhaps or by comparison with other companies or other states.

Mr. TURNER. Mr. Speaker and members of the House, I do not want to take much more time on this question because it seems to me that it must be apparent to anyone that the gentleman from Philadelphia is begging the question when he says it will not cast a burden upon the Commission.

It is impossible for any public utility company to properly determine whether the valuation set up is a proper valuation without engineering skill to give it figures and without accountants to compute it. Therefore, in every instance that will be necessary, as the Public Service Commission is now constituted.

We have granted in this House two hundred fifty thousand dollars to revalue the Philadelphia Rapid Transit Company, on which there has been a past valuation. You can see from that what will be necessary in other instances if this bill would be carried out.

This bill, the gentleman passed over very blithely, when my colleague from Delaware interrogated him, when he said that this bill would apply only to increases. That is the thing contained in the Moul bill. It pertained to increases. It provided that no increase could be made except and unless the Commission approved of the same within ninety days. That is an extension of the present law. Under the present law, it provides that no increase can go into effect until thirty days.

This is a question that is not only important from the standpoint of utility companies in Pennsylvania, in which there is a tremendous investment, and in which thousands of people have invested their money, but it is a matter of importance to the government of the State, the Commonwealth of Pennsylvania, because in this you are adding, distinctly adding, and I have never talked to any Public Service Commissioner in all the time I have been here, who did not say that any such bill would add a great burden to the Public Service Commission, and when you talk about valuation, you are adding a tremendous cost because such a proceeding is very expensive to both sides both from the standpoint of the utility and from the standpoint of the Commission.

Under the present law it provides that no rate can go into effect until thirty days, and the Commission could then suspend the rate, it could suspend it for a period of sixty days, and then if they determine that they want to go further into it, they an still have a further period of time—I think thirty days—to determine whether they want to suspend that rate or not.

We have had no complaints in Pennsylvania. It was worked very well during the last several years. In 1933 amendments were made to the Public Service Company Law, and those amendments were the result of the investigation made in 1931 were the result of experience of those two years, the result of conferences with the members of the Public Service Commission and other people in Pennsylvania to determine a fair proposition as far as this question was concerned. Therefore, I can see no reason for this change in the law.

Mr. OMINSKY. Mr. Speaker, and members of the House, just a few remarks in answer the gentleman from Philadelphia.

In the first place, we are living in a rapidly progressive time, and even though we have a law, probably fully comprehensive at that time, conditions may have changed since, which would require changes in the law. In the second place, I am well aware that this House passed House Bill No. 950, which provided for the withholding of increases in rates of electric, gas and water companies. But this Bill, No. 950, even if it was a good bill was not good enough because it did not go far enough, it did not include all public utility companies. As a matter of fact, there was some mention made that there were no increases in rates for the past fifteen or twenty years. I can recall in the city of Philadelphia when we had a five cent car fare, when we had three fares for a quarter, and now we have two for fifteen cents. The Public Service Commission did nothing about stopping the increases in the rates.

I consider this measure of the utmost importance because the burden of proof for the justification of the increase in rates will be shifted from the Public Service Commission or from some private complainant to the public service companies. I think that is a very important item that we ought to have in the law at this time, and we ought to have it so that the taxpayers of Pennsylvania may get full value for their money.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—118

Achterman,	Downey, G. E.,	Lovett,	Ruffennach,
Alexander,	Downey, J. J.,	Lynch,	Ruth,
Andrews,	Eberharter,	Male,	Sarraf,
Arnold,	Eroe,	McCreary,	Scanlon,
Aukerman,	Falkenstein,	McDermott,	Schrock,
Baine,	Finnerty,	McElroy,	Schrope,
Baker, J. J.,	Fitch,	McHenry,	Schwab,
Barber,	Flanagan,	Melchiorre,	Shaw,
Boose,	Flinchbaugh,	Mentzer,	Shepard,
Boyer,	Furman,	Moomaw,	Shugarts,
Brancato,	Gerard,	Mooney,	Siegel,
Brown, H. S.,	Haberlen,	Moran,	Simon,
Brown, J. E.,	Hagerty,	Moul,	Sinwell,
Brownfield,	Haluska,	Munley,	Smith, J. A.,
Brumbaugh,	Hamilton, F. P.,	Murrin,	Stank,
Cannon,	Harkins,	Nagel,	Stevens,
Caputo,	Harmuth,	O'Keefe,	Stone,
Carr,	Hartman,	Ominsky,	Sumney,
Carson,	Hetrick,	O'Neill,	Tronzo,
Chervenak,	Hindman,	Panton,	Tumelty,
Coakley,	Hirsch,	Patterson, C.,	Van Allsburg,
Cochran,	Holstrom,	Patterson, J. W.,	Van Sickle,
Cohen,	Hoopes,	Pearson,	Walker,
Coleman,	Kelso,	Pfaff,	Weiss,
Condon,	Kilroy,	Piole,	Welliver,
Coolahan,	Kinney,	Powers,	Welsh,
Decker,	Klingler,	Reising,	Westrick,
Dent,	Kobelak,	Rinn,	Yourishin,
Diehl,	LaRue,	Robinson,	Zappala,
Dilley,	Long,		

NAYS—72

Altenburg,	Gillette,	Merrell,	Sproul,
Atkins,	Green,	Moore,	Stewart,
Baker, F. T.,	Greenstein,	Muir,	Stockham,
Baldi,	Habbyshaw,	Nothnagle,	Stott,
Barnhardt,	Hamilton, R. S.,	Parks,	Surface,
Bernhard,	Hart,	Perry,	Terry,
Blumberg,	Hefferon,	Peters,	Trout,
Boyd, R.,	Hermansen,	Phillips,	Turner,
Brennan,	Hoffner,	Reynolds,	Wall,
Castor,	Horst,	Rhys,	Weidemann,
Conner,	Jackson,	Roan,	White,
Cordier,	Jones,	Root,	Wickersham,
Davies,	Kane,	Shreiner,	Winner,
Denning,	Kelder,	Simpson,	Witkin,
Duffort,	Linderman,	Sloan,	Wood,
Flynn,	Longaker,	Snyder, F. E.,	Woodside,
Forrest,	Mallen,	Snyder, J. L.,	Yeakel,
Gates,	McKinney,	Spangler,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The hour of 10:15 P. M. having arrived the Chair lays before the House the special order of business for this hour, being House Bill No. 2685.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2685, entitled:

An Act providing for the regulation supervision and control of public service company holding companies and affiliated interests requiring approval of contracts between such holding companies or affiliated interests and public service companies subjecting such contracts to continuing supervision and control providing for the disallow-

ance of compensation paid thereunder by public service companies in certain contingencies conferring powers and imposing duties on the public service commission conferrng jurisdiction on the courts of common pleas and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County imposing penalties and repealing certain provisions of an act approved the twenty-sixth day of July one thousand nine hundred and thirteen (P. L. 1374) as amended commonly known as the "Public Service Company Law"

On the question,

Will the House agree to the bill on third reading?

It was agreed.

On the question,

Shall the bill pass finally?

Mr. OMINSKY. Mr. Speaker and members of the House House Bill No. 2685 extends the jurisdiction of the Public Service Commission over persons, firms, and corporations influencing the activities of public service companies either by stock ownership, interlocking management or otherwise. A comprehensive definition is contained in the bill describing what are interests affiliated to public service companies. Five per cent ownership of the voting capital stock of any public service company is prima facia presumed to constitute a controlling or influencing interest. The bill is an extension of the provisions of the so-called McClure Amendments of 1933 to the Public Service Company Law and makes more definite, and to some extent extends, the provisions of existing law.

The Commission is given power to approve any contract made between affiliated companies and public service companies and to control all financial transactions between such companies.

An appeal is provided from the fines of the Commission to the Superior Court in the same manner as is provided in the Public Service Company Law. Appropriate penalties for the violation of the bill or any ruling or order of the Commission made thereunder are provided.

The bill repeals that portion of the Public Service Company Law which was added by the 1933 Amendments and which is reenacted and contained in the bill.

The bill will become effective on the first day of July, 1935.

I therefore ask the members of this House to vote "aye" on this Bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—111

Achterman,	Dilley,	Kobelak,	Robinson,
Alexander,	Downey, G. E.,	LaRue,	Ruffennach,
Allen,	Downey, J. J.,	Long,	Ruth,
Andrews,	Eberharter,	Lovett,	Sarraf,
Arnold,	Eroe,	Male,	Scanlon,
Aukerman,	Falkenstein,	Lynch,	Schrope,
Baine,	Finnerty,	McCreary,	Schwab,
Baker, J. J.,	Fitch,	McDermott,	Shaw,
Barber,	Flanagan,	McElroy,	Shepard,
Bradley,	Flinchbaugh,	Melchiorre,	Shugarts,
Brancato,	Furman,	Mentzer,	Siegel,
Brown, H. S.,	Gerard,	Moomaw,	Simon,
Brown, J. E.,	Haberlen,	Mooney,	Sinwell,
Brownfield,	Hagerty,	Moran,	Smith, J. A.,
Brumbaugh,	Haluska,	Moul,	Smith, W. G.,
Cannon,	Hamilton, F. P.,	Munley,	Stank,
Caputo,	Harkins,	Murrin,	Stone,
Carr,	Harmuth,	O'Keefe,	Sumney,
Carson,	Hartman,	Ominsky,	Tronzo,
Chervenak,	Hetrick,	O'Neill,	Tumelty,
Coakley,	Hindman,	Panton,	Van Sickle,
Cohen,	Hirsch,	Patterson, C.,	Walker,
Coleman,	Holstrom,	Patterson, J. W.,	Weiss,
Condon,	Hoopes,	Pearson,	Welliver,
Coolahan,	Kelso,	Pfaff,	Welsh,
Decker,	Kilroy,	Piole,	Westrick,
Dent,	Kinney,	Powers,	Zappala,
Diehl,	Klingler,	Reising,	

NAYS—73

Altenburg,	Gates,	McKinney,	Snyder, J. L.,
Atkins,	Gillette,	Merrell,	Spangler,
Baker, F. T.,	Green,	Moore,	Sproul,
Baldi,	Greenstein,	Muir,	Stewart,
Barnhardt,	Habbyshaw,	Nothnagle,	Stockham,
Bernhard,	Hamilton, R. S.,	Parks,	Stott,
Blumberg,	Hart,	Perry,	Surface,
Boose,	Hermansen,	Peters,	Terry,
Boyd, R.,	Hoffner,	Reynolds,	Trout,
Boyer,	Horst,	Rhys,	Turner,
Brennan,	Jackson,	Roan,	Wall,
Castor,	Jones,	Root,	Weidemann,
Conner,	Kane,	Schrock,	White,
Cordier,	Kelder,	Schwartz,	Wickersham,
Davies,	Linderman,	Shortz,	Witkin,
Denning,	Longaker,	Shreiner,	Wood,
Duffort,	Mallen,	Sloan,	Woodside,
Flynn,	McDevitt,	Snyder, F. E.,	Yeakel,
Forrest,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED TO HON. JOSEPH D. BURKE

Mr. CANNON offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 27, 1935.

Whereas, Almighty God in his infinite wisdom has seen fit to visit the home and family of our Colleague Honorable Joseph D. Burke with sorrow and by calling to Eternity his respected and beloved Mother, be it therefore

Resolved that the House of Representatives of the General Assembly offer to the Honorable Joseph D Burke, a member of this House its heartfelt condolence, because of the death on May 25, 1935, of his Mother, in his hour of sorrow and bereavement, and be it further

Resolved that a copy of this resolution be transmitted by the Chief Clerk of this Body to the Honorable Joseph D. Burke.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2375, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws increasing the requirements for foreign companies to do business

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1861, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; further regulating the compensation of and contracts with teachers.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2691, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointlent of certain administrative officers, and of all deputies, and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind, and extending the powers of the Council with respect to the blind; authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms; modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriations of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of anf minimum wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria; extending the supervision of the Department of Welfare to provide homes for the care of the aged; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2403, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-two (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workman's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies, others than life, for admission to do business in this Commonwealth.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1341, entitled:

An Act imposing a State tax upon certain substitutes providing for the collecion thereof requiring distributors to be registered imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture and prescribing penalties

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 785, entitled:

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth or in the service of boards bureaus public agencies and institutions maintained in whole or in part by the Commonwealth at a salary or compensation of any married person whose spouse is regularly employed in a gainful occupation and providing for certain exceptions

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 719, entitled:

An Act ratifying confirming and validating transactions by boards of school directors involving defects and errors of law but where there was no fraud corruption dishonesty or conspiracy to violate the law and exonerating school directors from surcharge or removal from office in such cases

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1994, entitled:

An Act to validate contracts for the erection and construction of school buildings additions and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1561, entitled:

An Act to amend section one thousand two hundred and eight and repeal section one thousand two hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing when and how supervising principals, principals and teachers may be dismissed or refused reelection; and conferring powers and imposing duties on officers of school districts, the Superintendent of Public Instruction, courts of common pleas and sheriffs.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2776, entitled:

An Act fixing the salaries of certain county officers in counties of the fourth class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2377, entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve ratio.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2859 (Senate Bill No. 31), entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1496 (Senate Bill No. 344), entitled:

An Act to amend the title, and sections one and two of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1019), entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sale of seated lands for collection of taxes; authorizing the county commissioners to sell the same at private sale under the circumstances," by extending the provisions thereof to unseated lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2828 (Senate Bill No. 614), entitled:

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 689, entitled:

An Act authorizing the insurance of deposits of the funds of school districts with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2795 (Senate Bill No. 890), entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2764, entitled:

An Act providing for the creation and incorporation as municipal corporations, and for the management and operation, of water supply districts to furnish and supply water to the public residing therein and to public and private corporations and the Commonwealth, and its agencies, through the construction of water-works and facilities, and/or the acquisition of the property, water-works, rights, and franchises of public and private corporations, copartnerships, associations, and individuals furnishing and supplying water to the public in said districts; prescribing the powers and duties of such districts, and the officers thereof; conferring jurisdiction on courts of common pleas in connection therewith; and imposing certain costs and charges preliminarily on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 364, entitled:

An Act relating to and regulating the furnishing and sale of natural gas and of natural and artificial gas admixtures and fixing standards for such gas requiring public service companies to file post and publish tariffs and schedules in accordance with such standards defining the powers and duties of the Public Service Commission and county and city sealers of weights and measures in connection therewith and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1913, entitled:

An Act to promote the general welfare by establishing a State Employment Authority to investigate causes of unemployment and provide productive work in factories and mines for the unemployed the products of which shall be distributed under the supervision of the Authority to the unemployed and needy persons to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress imposing a penalty and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2869 (Senate Bill No. 1234), entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1658 (Senate Bill No. 221), entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2143, entitled:

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" requiring cities to make certain payments into the police pension fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2025, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by exempting municipalities and townships from paying any license fee on their service lines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2501, entitled:

An Act providing for the utilization of labor of adult men who are unemployed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangers for boroughs cities and counties in which they reside

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1898, entitled:

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purpose including parks or playgrounds and providing for the making of such assessments by the Board of View and the entry of such assessments as liens

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2204, entitled:

An Act to amend section six and eleven of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State

supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; provding for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties," changing the qualifications of mothers entitled to the assistance provided by the said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2854 (Senate Bill No. 900), entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

STATEMENT BY MR. SHUGARTS

Mr. SHUGARTS asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, last week there appeared in all of our local and also the state daily papers a statement by the Emergency Relief Administrator, Mr. Robert L. Johnson, charging the Legislature with being more interested in securing appointments or patronage than they were in relief, and stating that he had mailed personally two hundred and fifty-eight letters to the members of this House some three months ago, and that he had only received in reply twenty-nine requests for information.

I have here a copy of the letter that I wrote to Mr. Johnson three months ago, and I quote now from that letter.

"Your letter, together with your report on relief received, and I wish to state that as I am intensely interested in the relief situation in Clearfield County, I will be glad to receive your reports from time to time as they are available."

I would like to state here and now that the first and only report I received from Mr. Johnson was three months ago and since that time I have had no reports whatever.

Furthermore, about ten weeks ago, my colleague and I were called into Mr. Johnson's office to go over the relief situation in Clearfield and Center Counties. Mr. Johnson promised us then he would, as soon as this board was appointed, give us a list of the appointees of the Emergency Relief Board in that area. To this date, we do not know yet whom he has appointed to the board.

As far as patronage in the Emergency Relief Board is concerned, our local daily paper last Thursday gave me the credit for being the boss patronage dispenser in our county. I defy any man connected with the Emergency Relief Board or connected with the Department in Harrisburg to state that I have ever tried to put anyone on the State Emergency Relief Board. I have never asked but for one removal in that Board and that request was made for the benefit of the people in our community.

Because Mr. Johnson likes to make statements, I want to make a statement here now. I believe that if Robert L. Johnson wouldn't try so much to get on the front page of the newspapers and would pay more attention to the relief situation in Pennsylvania and give the members of this House information that they should have, probably the relief situation would not be in the muddle it is now.

STATEMENT BY MR. HINDMAN.

Mr. HINDMAN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House.

It is my belief that the relief problem is the most important and the most serious problem with which the Pennsylvania Legislature has to deal during this Session.

I believe we are all in accord that the needy, the destitute and the hungry should be adequately cared for. With this in mind, there are certain basic principles which call for most conscientious, grave, serious consideration, and action. First of all, it is the duty and obligation of this Legislature, and I use this term in its broadest meaning,—obviously the "House and the Senate" to devise ways and means to raise the enormous amount of money needed to finance this meritorious and gigantic problem. Seriously, we have expended time energy and serious thought in our earnest endeavor to work out this most perplexing problem. This I submit establishes the fact of our responsibility in raising this money does it not? It naturally follows that we should have some responsibility and consideration in the expenditure of this money. An ancient and time honored axiom reads "A penny saved is a penny made." Certainly this should hold good when thousands and millions of dollars are involved. Especially should this be considered when we realize the terrifying load of taxation under which the tax-payers of this great Commonwealth are groaning. I refer simple in this connection to the great mass of the common people, who have struggled long and hard to secure for themselves a home, where they could spend their declining years in independence and contentment, with a realization of the reward of a frugal, judicial, and sacrificial life. How many the tragedies of the past three years, in which many of these people who may be fittingly called "The salt of the Earth" have seen their homes, or are about to see them sold for taxes. Is it unfair to claim our rights in this responsibility of spending, under these deplorable, but actual conditions? Ladies and Gentlemen of this House, some consideration must be given the tax-payers, not only of this Commonwealth, but I might say of the nation, as well.

If I have established our responsibility for spending as well as raising this money, should we be obliged to apologize to Mr. Robert L. Johnson, Director of Relief, late of the State of Connecticut, but for the past five and a half months director of relief of the State of Pennsylvania, for living, or for endeavoring to be true to the oath which we so solemnly took, when we entered these Halls. I should like to request this Gentleman of many interviews, this mental giant from the State of Connecticut to consult the manual, and for his own edification determine the duties of legislators in the State of Pennsylvania. What right has

this man and appointee, and not even a citizen of the State of Pennsylvania, to question the sincerity and the motives of this Body? What right has he to hurl insults at this Legislature, as he has been doing for the past few months? Calling the Legislators small politicians, crack-pots, etc.

I heartily agree with the Gentleman that politics should be kept out of relief. I submit however, that he either failed to comprehend, or is unwilling to admit,—I am inclined to the former belief that relief in Pennsylvania is infested with politics of the rottenest sort. Mr. Johnson has been ruled, guided, and advised by the same old Pinchot relief set-up, which was so adroitly built up by Mr. Pinchot, and which attained such notorious fame. He wishes the world to know that this is not politics, but the minute the members of this Legislature endeavor to assist in cutting down the expenditures, he cries "Stop thief, stop. It's politics, it's politics."

These are not idle words, nor am I trying to be funny. I have however, given this matter very serious consideration, and much study, I am merely stating facts.

About two weeks ago when the last monetary transfer to relief was voted on, it was stated that there was not ten cents remaining in the relief treasury. Many of us felt that this was why the relief director had not seen fit to increase the salaries of his employees, as he had done three weeks previously, at the very time when the members of this House were veritably sweating blood in their endeavor to raise money with which to cope with the relief situation. He was however, even at that time, and still is, increasing the number of employees, of an already top-heavy organization.

I would suggest that in the next newspaper interview that the Director explain to the tax-payers of this State, how much his recent salary increase amounted to, also it would be fitting to state how much relief money is being spent for publicity purposes. It might further be interesting for them to know if it was to keep relief out of politics, that Mr. Evans and Mr. Guyler were taken back on his force a few days after they had been discharged. Another interesting bit of news to many might be an explanation of how it happened that so many discharged State employees have been given positions by his organization.

It would be interesting to know if the Director of Relief is really interested in working out details for the best interest of his Department, why he should send a private investigator to Washington and Greene Counties some three or four weeks after a Committee from this House had been diligently making an investigation.—Surely an unusual procedure. Would it not appear to have been just common sense and ordinary courtesy to have taken the matter up with this Committee and had his private investigator work in unison with us. Incidentally, this investigator, who is receiving a good salary and expenses, is still investigating conditions in these Counties.

It appears unusual that the Director had not thought of this before our investigation began. The Director, in his recent interview and tirade against the members of this House, stated that only twenty-nine of our members had requested his weekly report; hence, his deduction that we were not interested in relief. I wish to refute that statement as being far from the facts. The members of this House are vitally interested in relief. They are, however, interested in practical relief. Our Director believes it can only be worked out by high sounding theories and statements. If relief is to be administered in this manner, would it not be well to place it under the direction of one of the well known mail order houses?

Mr. Speaker and members of this House, it is high time that we were demanding a show down in this relief situation. If the members of this House are to be treated as puppets and incompetents, we might just as well quit, go home and turn the work of this legislature over to his excellency, Robert L. Johnson, the crusading relief Director of Connecticut.

The SPEAKER. The Chair had in mind attempting to skin that particular cat, but I am afraid there isnt any fur left by this time.

REQUEST TO MAKE STATEMENT

Mr. REISING. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER. Will the House give its unanimous consent to the gentleman from Beaver to make a statement? Are there objections? The Chair hears objection and consent is not granted.

QUESTION OF PERSONAL PRIVILEGE

Mr. REISING. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Beaver, Mr. Reising, will state his question of personal privilege.

Mr. REISING. Mr. Speaker, in the interest of fair play I would like to make some statements to the effect that Mr. Johnson, who has been so seriously accused here this evening, is not the type of man that he has been painted by the two preceding speakers.

If you will cooperate with Mr. Johnson,—and I realize this is an unpopular statement,—but nevertheless it is true,—Mr. Johnson will cooperate with you. If you want to fight, you can get a fight. You can go and talk business to him and he will talk business with you, and I want to say too,—and I defy successful contradiction, that when you are talking about Mr. Johnson, you are talking about Governor Earle, and President Roosevelt, because they brought him here.

It would appear to me that it is very much the manner in which you approach the gentleman as to whether or not you are going to get a proper hearing. If you go there with a chip on your shoulder, he will meet you. If you go there to talk business in a businesslike way, he will likewise meet you, so therefore I just don't like to have these things said about a man when he is not here to defend himself, and I am taking the side of the fellow that is not here, in the interests of fair play.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

Th House proceeded to the second reading and consideration of House Bill No. 2412 as follows:

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to provide that the bonds of the authority shall be legal investments to provide that housing authorities their property and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

The first section was read as follows:

Section 1 Short title This act may be referred to as the "Housing Authorities Law"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. RUFFENACH. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2648, entitled:

An Act prohibiting electric light companies from discriminating in minimum charges or base rates between houses apartments or buildings because of difference in number of rooms served

The first second and third sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no electric light company shall charge a minimum charge or a base rate on the basis of the number of rooms in any house apartment or building served but the minimum charge or base rate shall in all cases be the same as that now charged in the case of the least number of rooms used as the basis for a minimum charge or a base rate

Section 2 The Public Service Commission shall enforce the provisions of this act in the manner provided in the act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) known as "The Public Service Company Law"

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

The fourth section was read as follows:

Section 4 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 2, line 6, by striking out the words "immediately upon its final enactment" and insert in lieu thereof: "January first, one thousand nine hundred and thirty-seven."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act prohibiting electric light companies from discriminating in minimum charges or base rates between houses apartments or buildings because of difference in number of rooms served

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 174, entitled:

A Joint Resolution proposing an amendment to article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania and adding section sixteen to said article

The first section was read as follows:

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania by and the same is hereby proposed in accordance with the eighteenth article thereof

That section fifteen of article nine of the Constitution of the Commonwealth of Pennsylvania be amended to read as follows

Section 15 No obligations which have heretofore been issued or which may hereafter be issued for the purpose of providing funds for the construction acquisition extension enlargement and improvement of water works electric light and power works gas works heat works subways underground railways or street railways or the appurtenances thereof by any municipal or quasi-municipal corporation other than Philadelphia now or hereafter authorized by law to issue obligations for such purpose shall be considered a debt of such municipal or quasi-municipal corporation within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment

(a) To the extent to be determined in such manner as may be provided by law that the net revenue derived from said property or properties averaged over the period of five years immediately preceding the acquisition extension enlargement and improvement of said property or properties or for a period of five successive years subsequent to the construction acquisition extention enlargement and improvement of said property or properties shall have been sufficient to meet the interest and sinking fund charges on such obligations or

(b) To the extent that such obligations shall be secured solely by a lien or liens on the property or properties to be constructed acquired extended enlarged and improved without any further liability being imposed on such municipal or quasi-municipal corporation with respect thereto

No obligations which may hereafter be issued for the purpose of providing funds for the construction acquisition extension enlargement and improvement of sewers or sewage treatment works or both by any municipal or quasi-municipal corporation other than Philadelphia shall be considered a debt of such municipal or quasi-municipal corporation within the meaning of section eight article

nine of the Constitution of Pennsylvania or of this amendment to the extent that such obligations and the interest thereon rest alone for payment on sewer rentals or charges imposed upon users of the improvement without any further liability being imposed on such municipal or quasi-municipal corporation with respect thereto

Where any municipal or quasi-municipal corporation shall issue obligations to provide for any improvement as hereinbefore provided said municipal or quasi-municipal corporation may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said improvement shall have been completed and in operation for a period of one year and in the case of obligations issued in accordance with clause (a) of this section said municipal and quasi-municipal corporations shall not be required by law to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution of Pennsylvania until after said properties shall have been operated by said municipal or quasi-municipal corporations during said period of one year

Any such municipal or quasi-municipal corporation other than Philadelphia authorized by law to issue obligations may incur indebtedness for any of the purposes in this amendment set forth in excess of seven per centum and not exceeding ten per centum of the assessed valuation of taxable property therein if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election in such manner as shall be provided by law

That article nine of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto section sixteen as follows

Section 16 No municipal or quasi-municipal corporation shall construct or operate any water works electric light works electric light and power works gas works or heat works in competition with similar works privately owned and operated A municipal or quasi-municipal corporation desiring to operate such works shall acquire for just compensation the franchise and works of any private corporation operating therein or adjacent thereto in such manner as may be provided by law Every municipal and quasi-municipal corporation operating water light power gas and heat works shall annually pay to the Commonwealth taxes on such works in such manner as may be provided by law such taxes to be substantially equal to those which would be paid if said works were privately owned and operated

On the question,

Will the House agree to the section?

Mr. DENT. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, Page 4, Line 4, by striking out before the word "municipal" the word "No" and insert in lieu thereof the following: "Any"

Amend Section 1, Page 4, Line 5, by striking out at the beginning of the line the word "shall" and insert in lieu thereof the following: "may"

Amend Section 1, Page 4, Line 9, by striking out after the word "works" and before the word "acquire" the word "shall" and insert in lieu thereof the following: "may"

Amend Section 1, Page 4, Line 12, by striking out after the word "law" and before the word "municipal" the word "Every" and insert in lieu thereof the following: "No"

Amend Section 1, Page 4, Line 12, by striking out after the word "municipal" and before the word "quasi-" the word "and" and insert in lieu thereof the following: "or"

Amend Section 1, Page 4, Line 13, by striking out at the end of the line the word "and" and insert in lieu thereof the following: "or"

Amend Section 1, Page 4, Line 14, by striking out after the word "shall" and before the word "pay" the word "annually" and insert in lieu thereof the following: "be required to"

Amend Section 1, Page 4, Line 14, by inserting after the word "Commonwealth" and before the word "taxes" the following: "any"

Amend Section 1, Page 4, Line 15, by striking out after the word "works" the balance of the line, and the whole of Lines 16, 17, and 18.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

A Joint Resolution Proposing an amendment to article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania and adding section sixteen to said article

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2253, entitled:

An Act requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the specifications upon which contracts are entered into by the Commonwealth any county city borough town township school district poor district person firm or corporation for the construction alteration or repairs of any work or improvement involving an expenditure of more than five hundred dollars shall contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such work or improvement and such laborers and mechanics shall be paid not less than such minimum wage or wages in lawful currency of the United States

On the question,

Will the House agree to the section?

Mr. CANNON. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 1, by striking out the word "hundred" and insert in lieu thereof "thousand"

Amend sec. 1, page 2, line 6 and 7, by striking out the words "in lawful currency of the United States"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and approved as follows:

Section 2 Every contract for the construction alteration or repair of any such work or improvement founded on specification containing any such stipulation for minimum wage or wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications The contractor shall keep posted in a conspicuous place at such work or improvement the rate of wage paid to laborers and mechanics

The third section was read as follows:

Section 3 Every officer or person designated as an inspector architect or engineer having supervision over the work to be performed under any such contract and every agent of the Department of Labor and Industry in order to aid in enforcing the fulfillment thereof shall upon observation or investigation report to the authorities of the Commonwealth the political subdivision or agency thereof or to the person firm or corporation which let the contract and to the Department of Labor and Industry all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation or who has been paid in any manner except in lawful currency

On the question,

Will the House agree to the section?

Mr. CANNON. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 3, lines 2 and 3, by striking out the words "or who has been paid in any manner except in lawful currancy"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth, fifth and sixth sections and the title were separately read and agreed to as follows:

Section 4 All such penalties imposed by the stipulations in the contract shall be withheld and deducted from any moneys due the contractor by the officer or person whose duty it shall be to pay or authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors and shall be paid over to the laborer or mechanic entitled thereto

Section 5 Any officer person firm corporation contractor subcontractor inspector architect or engineer who shall fail or refuse to comply with the provisions of this act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or suffer imprisonment for a term of not more than one year or both in the discretion of the court

Section 6 This act shall become effective immediately upon its final enactment

An Act Requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2629, as follows:

An Act to amend section one thousand one hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended empowering the Secretary of Highways to direct the direction in which traffic shall proceed upon highways

Section 1 Be enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justics of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making and appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 1101 When Authorities May Restrict Right to Use Highways

(a) The Secretary of Highways of this Commonwealth and local authorities may by ordinance or resolution or ruling prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles and their loads for a total period not to exceed ninety (90) days in any one (1) calendar year when operated upon any highway under the jurisdiction of and for the maintenance of which the Secretary of Highways of this Commonwealth or local authorities are responsible when-

ever any said highway by reason of deterioration rain snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced The Secretary of Highways of this Commonwealth and local authorities enacting or making any such ordinance or resolution or rule shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution or rule at each end of that portion of any highway affected thereby and at intersections thereof and the ordinance or resolution or rule shall not be effective until or unless such signs are erected and maintained

(b) Whenever necessary for the protection of any highway or the safety of traffic thereon the Secretary of Highways of this Commonwealth or local authorities may also by ordinance or resolution or rule prohibit the operation of motor vehicles trailers or semi-trailers on designated highways as to the weights and loads thereon and as to the direction in which traffic may proceed which prohibitions and limitations shall be designated by appropriate signs placed on such highways and their intersection

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1056, as follows:

An Act to further amend section three of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damages"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision and providing penalty for interference with such drains or ditches and providing for the payment of damages" as amended by section two of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws four hundred seventy-seven) is hereby further amended to read as follows

Section 3 Any damages sustained by the owner or owners of land entered upon by the Department of Highways for the purpose of cutting opening maintaining and repairing such drains or ditches inlets or outlets shall be paid [by the county or counties within which said property is located] in the same manner as provided by law in the construction of State highways The determination of the amount of damage shall be in accordance with existing laws relative to the determination of damages for the relocating of State highways

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2325, as follows:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the President Judge of the Court of Common Pleas or the Presiding Judge of the Court of Quarter Sessions of the County of Allegheny may at any time call upon the presiding judge of the County Court of such county to assign one or more of the judges of the County Court to sit in the court of quarter sessions of such county In such cases it shall be the duty of the presiding judge of such County Court to assign a judge or judges of such court to sit in the court for which such request was made unless all the judges of such County Court are busy and occupied with their necessary duties and cannot be spared therefrom The President Judge of the Court of Common Pleas or the Presiding Judge of the Court of Quarter Sessions may certify all matters to be heard and determined by such judge or judges of the County Court specially assigned and presiding as aforesaid in the court of quarter sessions and such judge or judges shall have power to hear and determine all such matters causes and things whatsoever in the court of quarter sessions as fully and effectually and to dispose thereof in the same manner as may be done by the judges of such courts sitting therein Nothing in this act shall be construed to make it compulsory upon the judges of the County Court to render the services aforesaid

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 812, as follows:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs for the acquisition by purchase or condemnation of additional lands to be used for or in connection with the Military Reservation at Indiantown Gap and for the payment of labor and the purchase of supplies material and equipment deemed necessary for the improvement of the said Military Reservation and for enlarging and making the same suitable and proper for military reservation purposes No expenditure shall be made for any such purpose except with the approval of the State Military Reservation Commission and no lands shall be purchased or condemned for such purpose except by the Department of Property and Supplies in the manner provided by the Administrative Code of one thousand nine hundred and twenty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2731, as follows:

An Act placing certain burden of proof upon the owners of motor vehicles when sued for damages for the death or injury of persons or injury to property caused by the operation of such motor vehicles while being operated by others

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That upon the trial of any case brought in any court of this Commonwealth against the owner of a motor vehicle involving the injury to or death of a person or injury to or destruction of property caused by the negligent use maintenance or operation of such motor vehicle proof that the motor vehicle was being operated by a person other than the owner thereof shall be prima facie evidence that such person was an agent servant or employe of such owner and was operating such motor vehicle within the scope of his or her employment and upon the business of said owner

Section 2 This act shall not apply where the motor vehicle involved in the trial of any cases is one rented for hire from any person firm or corporation engaged exclusively in the business of hiring motor vehicles

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2245, as follows:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cases where writs of habeas corpus are granted the judge granting the writ shall inquire and examine into the facts of the case

Section 2 Such examination into the facts of the case shall include an examination by the judge into all the proceedings held and evidence produced before a judge magistrate justice of the peace or other officer sitting as committing judge or magistrate or the grand jury and if such proceedings shall after inquiry be deemed to have been conducted not in accordance with law or the evidence deemed insufficient the prisoner shall be discharged

Section 3 For the purposes of the inquiry the records of all proceedings and testimony shall be available to the petitioner or his counsel for inspection in the court where the application is made regardless of where the proceedings against the person detained are pending

Section 4 It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

Section 5 This act shall be effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2213, as follows:

An Act relating to criminal procedure providing for the securing of attendance of witnesses in certain criminal cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Subpoenaing Witness in this State to Testify on Another State If a judge of a court of record in any state which by its laws has made provisions for commanding persons within that state to attend and testify in criminal prosecutions in this Commonwealth certifies under the seal of such court that there is a criminal prosecution pending in such court that a person being within this Commonwealth is a material witness in such prosecution and that his presence will be required for a specified number of days any judge of a criminal court of record in the county in which such person is upon presentation of such certificate shall fix a time and place for hearing and shall notify the witness of such time and place

Section 2 Hearing and Issuance of Subpoena If at the hearing the judge determines that the witness is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state that the witness will not be compelled to travel more than one thousand miles to reach the place of trial and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending at a time and place specified in the subpoena

Section 3 Failure to Obey Subpoena If the witness who is subpoenaed as above provided after being paid or tendered by some properly anthorized person the sum of ten cents a mile for each mile which he shall be required to travel to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness fails without good cause to attend and testify as directed in the subpoena he shall be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a criminal court of record in this Commonwealth

Section 4 Witness from Another State Subpoenaed to Testify in this Commonwealth If a person in any state which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal prosecutions in this Commonwealth is a material witness in a prosecution pending in a criminal court of record in this Commonwealth a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

Section 5 Payment of Witnesses If the witness is subpoenaed to attend and testify in the criminal prosecution in this Commonwealth he shall be tendered the sum of ten cents a mile for each mile which he shall be required to travel to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness which sum shall be advanced by the proper authorities upon requisition by the district attorney A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this Commonwealth a longer period of time than the period mentioned in the certificate

Section 6 Exemption from Arrest and Service of Process If a person comes into this Commonwealth in obedience to a subpoena directing him to attend and testify in a criminal prosecution in this Commonwealth he shall not while in this Commonwealth pursuant to such subpoena be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this Commonwealth under the subpoena

If a person passes through this Commonwealth while going to another state in obedience to a subpoena to attend and testify in a criminal prosecution in that state or while returning therefrom he shall not while so passing through be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this Commonwealth under the subpoena

Section 7 Uniformity of Interpretation This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 8 Repeal All acts or parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1943, as follows:

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning June first one thousand nine hundred and thirty-five for aid to free public non-sectarian county libraries and for the purchase and transportation of books to be used for demonstration and circulation purposes to carry into effect the provisions of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred three) entitled "An act providing aid by the Commonwealth to free public non-sectarian county libraries authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries and making an appropriation"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2173, as follows:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) is hereby specifically appropriated to the Department of Agriculture for the purpose of advancing the interests of tobacco growers in this Commonwealth by experimental work with a view of improving existing types of tobacco and shade grown wrappers and other nicotine bearing plants of overcoming diseases destructive to tobacco and other nicotine plants of perfecting processes of curing fermentation sweating and packing of tobacco and of securing and using correct types of fertilizers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2529, entitled:

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and twenty-one of the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" are hereby amended to read as follows

Section 4 The Secretary of Agriculture or any of his duly authorized inspectors or deputies in carrying out the provisions of this act shall have free access within reasonable hours to any land premises building vehicle vessel car or other place which it may be necessary or desirable for him to enter and shall have the power to open any bundle package or other container of plants or plant products It shall be unlawful to deny such access to the inspector or deputy or to hinder thwart or defeat such inspection by misrepresentation or concealment of facts or conditions or otherwise

The Secretary of Agriculture or any of his authorized inspectors deputies the State Police or any other officer whose duty it is to preserve the peace of the Commonwealth may arrest without a warrant any person caught in the act of violating the provisions of this act or caught having in his possession or under his control in violation of the provisions of this act any plant plants plant products or nursery stock without a valid permit or certificate and may seize such plant plants plant products or nursery stock in possession or under control of said person and if the same be found to be infested or infected with any plant pest shall proceed as hereinafter provided

Section 21 Any person copartnership association or corporation violating neglecting or failing to comply with any provision or requirement of this act or any quarantine rule or regulation made or of any notice given pursuant thereto or who shall forge alter counterfeit deface destroy or wrongfully use any permit or certificate or copy thereof offered or used in lieu of any original valid permit or certificate provided for in this act or in any order rule or regulation made pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be subject

to a fine or penalty of not more than one hundred dollars for each offense [to be collected by summary conviction before any mayor burgess magistrate alderman or justice of the peace as like fines and penalties are now by law collected] and in case of nonpayment of said fine to undergo an imprisonment in the county jail [for a period not exceeding five days] of the county in which such conviction takes place for a period of one day for each dollar of fine imposed Provided That any person so convicted shall have the right of appeal as in other cases of summary conviction The fines collected under this act shall be paid to the Secretary of Agriculture or his agent and by him shall be paid into the State Treasury

On the question,

Will the House agree to the section?

Mr. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 25 by inserting after the word "if" and before the word "the" the following: "there be reason to believe that"

Amend section 1, page 2, line 25 by inserting after the word "same" and before the word "be" the word: "may"

Amend section 1, page 2, line 25 by striking out after the word "be" and before the word "infested" the words "[found to be]"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend the act approved the tenth day of March one thousand nine hundred and twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1786, entitled:

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An Act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by defining and prohibiting certain acts related to the practice of the law by persons partnerships associations and corporations not duly and regularly admitted to practice law and defining the practice of law and defining those who may engage in the practice of law and providing for penalties

Section 1 Be it enacted by the Senate and House of

The first section was read as follows:

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by the act approved the seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws eighty) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this Act it shall not be lawful for any person partnership association (or) corporation or foreign corporation in any county in the State of Pennsylvania to practice law or to hold himself herself or itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that he she or it is a practitioner of the law of this or any other State nation country or land or in any manner to advertise that he she or it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of the law of this or any other State nation country or land without having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth or the Supreme Court in accordance with the regularly established rules governing such admission Provided however That nothing herein contained shall be construed as prohibiting corporations of the first class acting in good faith and in pursuance of the purposes of their charters from rendering through attorneys-at-law legal service to the (members) officers and employes of such corporations about the business of such corporation

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 9, 10 and 11, by striking out the words "seventeenth day of April one thousand nine hundred and thirteen (Pamphlet Laws Eighty)", and inserting in lieu thereof the following: "twenty-fourth day of April one thousand nine hundred and thirty-three (P. L. 66)"

Amend Sec. 1, page 2, line 18, by striking out the parenthesis before and after the word "or", and inserting in lieu thereof light-faced brackets.

Amend Sec. 1 page 3, line 10, by striking out the parenthesis before and after the word "members", and inserting in lieu thereof light-faced brackets.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

The title was read and agreed to as follows:

An Act to further amend section one of the act "An act to amend section one of the act approved the twenty-

eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellar-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by defining and prohibiting certain acts related to the practice of the law by persons partnership associations and corporations not duly and regularly admitted to practice law and defining the practice of law and providing for penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2754, as follows:

An Act providing that there shall be no liability on the owner of real estate to a mortgagee for taxes assessed thereon after such mortgagee takes possession of the rents issues and profits of such real estate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the date of the approval of this act there shall be no liability upon the registered owner of real estate to reimburse any mortgagee thereof for taxes assessed against the said real estate and paid by said mortgagee for any portion of any year subsequent to the date when said mortgagee takes possession of the rents issues and profits of said real estate

As a matter of public policy any provision contained in any mortgage contrary to the provisions herein contained shall be void and of no effect

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2627, as follows:

An Act to amend section two of the act approved the twelfth day of June one thousand nine hundred and nineteen (P. L.461) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" providing that retired judges may preside in the trial of cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twelfth day of June one thousand nine hundred and nineteen (P. L. 461) entitled "An act to provide for the removal or retirement of judges of the Supreme Superior common pleas orphans' municipal and county court permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties and providing for the payment of compensation to them during the balance of the term for which they may have been elected and in certain cases for the remainder of their lives after resignation or retirement and for filling the vacancies caused thereby providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise and repealing certain acts" is hereby amended to read as follows

Section 2 Any judge of the Supreme Superior common pleas orphans' municipal or county court who shall have served in judicial office for twenty (20) years or more immediately prior to the date of his resignation or retirement may resign or retire and if after his resignation or honorable retirement from office by expiration of term or otherwise he shall hold himself in readiness to advise with his successor and their colleagues and to preside as a judge in the trial of cases in the judicial district of which he was formerly a judge or in any other district to which he may be assigned in accordance with existing law for the assignment of judges and to perform duties as special master referee auditor or examiner in such ways as he may be reasonably able to do shall receive during the remainder of the term for which he was last elected if he shall so long live and during the remainder of his life after the expiration of the term for which he shall have been elected a sum equal to one-half (½) of the salary which would have been paid had he continued in active service in such court

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1505 (Senate Bill No. 453), entitled:

An Act to repeal the act approved the fifth day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred seventy) entitled "An act relating to the commencement of actions in Chester County"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2830 (Senate Bill No. 1039), entitled:

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1494 (Senate Bill No. 307), as follows:

An Act providing for the payment of costs of prosecution in all cases where fines or forfeited bail is payable to the Commonwealth and imposing duties on the fiscal officers of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever under the provisions of any law any fines or forfeited bail are payable to the Commonwealth all costs of prosecution in any such case shall first be paid out of any money realized whether the same is received as costs or in full or on account of any fine imposed or on the forfeiture of any bail and in the event that such moneys received are not sufficient to pay the full amount of such fine and costs the costs shall be paid in full and any balance remaining shall be paid into the State Treasury through the Department of Revenue on account of such fine

The fiscal officers of the Commonwealth shall in settling their accounts with all clerks of the courts of quarter sessions of oyer and terminer and with justices of the peace aldermen and magistrates allow full credit for the payment of all such costs

This act shall apply to all cases where the whole amount of the money realized as costs fines or forfeited bail has not been paid to the Department of Revenue prior to the effective date of this act

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHUGARTS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2692, entitled:

An Act relative to the establishment and jurisdiction of magistrat's courts in Philadelphia and creating a Board of Magistrates providing for their qualifications providing for a chief magistrate prescribing their powers and dutes providing for supervisions of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia providing for clerks and stenographers continuing a central administrative office and establishing the office of Bail Commissioner imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts including payment of all salaries fixing salaries and restricting magistrates to duties of office providing for penalties for violation of this Act and repealing certain prior Acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwelath of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "Magistrates' Courts Act of one thousand nine hundred thirty-five"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CONDON. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2569, as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred and seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplement thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by further modifying the procedure for the settlement collection and payment of the State tax on the stock of title insurance and trust companies and by changing the manner of determining the value of the shares of stock of title insurance and trust companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of June one thousand nine hundred and seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1132) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of

this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplement or any other act of Assembly hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly hereafter approved shall on or before the fifteenth day of March in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first preceeding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue to assess such shares for taxation at the rate of five mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together [so much of] the amount of capital stock paid in the surplus and undivided profits as shown by the statement furnished the Comptroller of Currency of the United States the Secretary of Banking of the Commonwealth of Pennsylvania the Insurance Commissioner of the Commonwealth of Pennsylvania and the books of the company

[As is not invested in shares of stock of corporations liable to pay to the Commonwealth a tax on shares or

As is not invested in such portion of the capital stock of corporations liable to pay to the Commonwealth a capital stock tax as the capital stock of such corportion employed within this Commonwealth and liable to a capital stock tax bears to the total capital stock of such corporation or

As is invested in such portion of the capital stock of corporations specifically relieved under the laws of this Commonwealth from the payment of a capital stock tax as the capital stock of such corporation employed within this Commonwealth and relieved from the payment of a capital stock tax bears to the total capital stock of such corporation]

[And] and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the shares and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2407, entitled:

An Act Establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties

The first and second sections were separately read and agreed to as follows:

SHORT TITLE

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this Act shall be known and may be cited as the "Pennsylvania Unemployment Compensation Law"

DECLARATION OF PUBLIC POLICY OF THE COMMONWEALTH

Section 2 As a guide to the interpretation and application of this Act the public policy of the Commonwealth of Pennsylvania is declared to be as follows Economic insecurity due to unemployment is a serious menace to the health morals and welfare of the people of the Commonwealth of Pennsylvania Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the Legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family Social security requires protection against this greatest hazard of our economic life This can be provided only by application of the insurance principle of sharing the risks and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment thus limiting the serious social consequences of poor relief assistance The Legislature therefore declares that in its considered judgment the public good and the general welfare of the employes in th Commonwealth of Pennsylvania require the enactment of this measure for the compulsory payment of contributions as unemployment reserve to be used for the benefit of persons unemployed through no fault of their own

The third section was read as follows:

DEFINITIONS

Section 3 The following words and phrases as used in this Act shall have the following meanings unless the context clearly requires otherwise

(1) "Benefit" means the money payable to an employe as compensation for his wage losses due to unemployment as provided in this Act

(2) "Department" means the Department of Labor and Industry established by the Administrative Code of one thousand nine hundred twenty-nine and its amendments or its authorized representative

(3) "Contributions" means the money payments to the Pennsylvania Unemployment Compensation Fund required by this Act

(4) "Commonwealth" means the Commonwealth of Pennsylvania

(5) "Eligibility" An employe shall be deemed "eligible" for benefits for any given week of his partial or total unemployment occurring subsequent to any required waiting period only when he is not disqualified by any provision of this Act from receiving benefits for such week of unemployment

(6) "Employe" means any person employed by an em-

ployer subject to this Act and in employment subject to this Act

(7) "Employer" means any person partnership association joint-stock company corporation whether domestic or foreign or the legal representative trustee in bankruptcy receiver or trustee thereof or the legal representative of a deceased person including the Commonwealth and any political subdivision thereof but excluding the Federal Government and any instrumentality of the Federal Government who or whose agent or predecessor in interest has employed at least four persons in employment subject to this Act within each of thirteen or more calendar weeks in the year one thousand nine hundred thirty-five or any subsequent calendar year Provided such employment in one thousand nine hundred thirty-five shall make an employer subject on January first one thousand nine hundred thirty-six and such employment in any subsequent calendar year shall make a newly subject employer subject for all purposes as of January first of the calendar year in which such employment occurs In determining whether an employer of any person within the Commonwealth employs enough persons to be an "employer" subject hereto and in determining for what contributions he is liable hereunder he shall whenever he contracts with any contractor or sub-contractor for any work which is part of his usual trade occupation profession or business be deemed to employ all persons employed by such contractor or sub-contractor on such work and he alone shall be liable for the contributions measured by wages to such persons for such work except as any such contractor or sub-contractor who would in the absence of the foregoing provisions be liable to pay said contributions accepts exclusive liability for said contributions under an agreement with such employer made pursuant to general Department rules All persons thus employed by an employer of any person within the Commonwealth in all of his several places of employment maintained within the Commonwealth shall be treated as employed by a single "employer" for the purposes of this Act Provided however That any person partnership association joint-stock company corporation whether domestic or foreign or the legal representative trustee in bankruptcy receiver or trustee thereof or the legal representativ of a deceased person who either directly or through a holding company or otherwise has a majority control or ownership of otherwise separate business enterprises employing persons within the Commonwealth shall be treated as a single "employer" for the purposes of this Act Any employer subject to this Act shall cease to be subject hereto only upon a written application by him and after a finding by the Department that he has not for any calendar week within the last completed calendar year employed four or more persons in employment subject hereto Any employer of any person within the Commonwealth not otherwise subject to this act shall become fully subject hereto upon filing by such employer with the Department of his election to become fully subject hereto for not less than three calendar years subject to written approval of such election by the Department

(8) "Employment" means any employment in which all or the greater part of the person's work within the United States and its territories and possessions is or was customarily performed within the Commonwealth under any contract of hire oral or written express or implied whether such person was hired and paid directly by the employer or through any other person employed by the employer provided the employer had actual or constructive knowledge of such contract Such employment shall include the person's entire employment within the United States and its territories and possessions In the case of all other persons employed partly in the Commonwealth and partly in the United States and its territories and possessions the term "employment" shall include the employment of such persons to the extent prescribed by general rules adopted by the Department Except as provided in any reciprocal benefit arrangement made pursuant to this Act employment shall include employment in interstate commerce until such employment is included in another unemployment compensation system established by an Act of Congress

The term "employment" shall not apply to

(a) Employment on a governmental relief project which the Department has approved as being excluded from the Act

(b) Employment as an elected public officer

(9) "Employment office" means a free public employment office in the Commonwealth operated by the Department

(10) An employe's "full-time weekly wage" means the weekly earnings such employe would average from his employment if employed at the "hourly rate of earnings" and for the "full-time weekly hours" applicable to such employe

(a) The applicable "hourly rate of earnings" shall be determined by averaging the employe's wages during so much of the preceding three months as he worked for his most recent employers

(b) The Department shall determine what constitutes the employe's "full-time weekly hours" by averaging his weekly hours for all calendar weeks in at least the past three months in which he worked thirty hours or more or if this is impossible to determine then by such equitable method as the Department may by general rule prescribe for determining a full-time standard of not less than thirty weekly hours for benefit purposes In the case of any employe who is found by the Department at the time he becomes eligible for benefits to be unable by reason of physical disability or by reason of continuing personal obligations other than employment to work half the full-time weekly hours which prevail in such establishment for full-time employes the Department shall determine his full-time weekly hours for benefit purposes by averaging his weekly hours for all weeks in at least the pas three months in which he worked

(11) "Fund" means the Pennsylvania Unemployment Compensation Fund established by this Act to which all contributions and from which all benefits required under this Act shall be paid

(12) "Partial unemployment" An employe shall be deemed "partially unemployed" in any calendar week of partial work if he fails to receive from wages or any other pay for personal services including net earnings from self-employment for such week at least two dollars more than the amount of weekly benefits for total unemployment he might receive if totally unemployed and eligible

(13) "Pay roll" means the total amount of all wages received by or due to the employes of an employer commencing with wages payable for employment occurring after the employer becomes newly subject to this Act

(14) "Total unemployment" An employe shall be deemed "totally unemployed" in any calendar week in which he performs no wage-earning services whatsoever and for which he earns no wages and no other pay for personal services including net earnings from self-employment and in which he cannot reasonably return to any self-employment in which he has customarily been engaged

(15) "Unemployment Administration Fund" means the Pennsylvania Unemployment Compensation Administration Fund established by this Act

(16) "Wages" means every form of remuneration for employment received by a person from his employer whether paid directly or indirectly by the employer including salaries commissions bonuses and the reasonable money value of board rent housing lodging payments in kind and similar advantages Whenever gratuities are received by the employe in the course of his employment from a person other than his employer the customary value of such gratuities shall be determined by the Department and be deemed and included as part of his wages received from his employer

(17) "Waiting-period unit" means a period for which no benefits are payable but during which the employe is in all other respects eligible consisting of either one week of total unemployment or two weeks of partial unemployment required as a condition precedent to the receipt of benefits for subsequent unemployment as prescribed in this Act

(18) "Week" means calendar week

(19) "Week of employment" means each calendar week occurring after contributions first become generally due under this Act within which the person in question per-

formed any employment subject to this Act for any employer subject to this Act Provided however That any week occurring within the customary school vacation periods in which an employer employed an employe who attended a school college or university in the last preceding school term and returns to school college or university at the end of such vacation period shall not be counted as a "week of employment" in determining the benefit rights of such employe under this Act

(20) "Dependent relative" means a child under sixteen years of age a mother or stepmother a father or stepfather a brother or sister who because of age physical or mental disability is unable to work and is wholly or mainly supported by the employe

(21) "Manager" means the person in charge of an employment office

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 6, line 4, by striking out the word "it" and insert in lieu thereof: "its"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth and fifth sections were separately read and agreed to as follows:

UNEMPLOYMENT COMPENSATION FUND

Section 4 (1) FUND There is hereby created the Unemployment Compensation Fund in the Treasury of the Commonwealth This fund shall consist of all contributions and money paid into and received by the fund as provided by this Act of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon the moneys belonging to the fund

(2) WITHDRAWALS The fund shall be administered in trust and used solely to pay benefits upon vouchers drawn on the fund by the Department pursuant to general Department rules Such rules shall be governed by and be consistent with any applicable constitutional and statutory requirements but the procedure prescribed by such rules shall be deemed to satisfy and shall be in lieu of any and all statutory requirements for specific appropriation or other formal release by state officers of state moneys prior to their expenditure which might otherwise be applicable to withdrawals from the fund

(3) TREASURER The State Treasurer shall be the custodian of the fund and shall pay all vouchers duly drawn upon the fund in such manner as the Department may prescribe He shall have custody of all moneys belonging to the fund and not otherwise held or deposited or invested pursuant to this Act The State Treasurer shall deposit and invest the fund under the supervision and control of the Department subject to the provisions of this Act

(4) DEPOSIT All contributions paid under this Act shall upon collection be deposited in or invested in the obligations of the "Unemployment Trust Fund" of the United States Government or its authorized agent so long as said trust fund exists notwithstanding any other statutory provision to the contrary The Department shall requisition from the Unemployment Trust Fund necessary amounts from time to time

(5) Method of Paying Benefits The Department shall from time to time certify to the State Treasurer the name and address of each person entitled to receive a payment of benefits under this Act the amount of such payment the time and public employment office or branch thereof at which it should be made and the State Treasurer shall make payment in accordance with the certification by the Department

CONTRIBUTIONS

Section 5 (1) Payments On and after the first day of January 1936 contributions shall accrue and become payable by each employer then subject to this Act Thereafter contributions shall accrue and become payable by any new employer on and after the date on which he becomes newly subject to this Act The contributions required hereunder shall be paid by each employer in such manner and at such times as the Department may prescribe

(2) Rate of Contributions The contributions payable by each employer with respect to employment during the calendar year 1936 shall be an amount equal to one per centum of his payroll with respect to employment during the calendar year 1937 shall be an amount equal to two per centum of his payroll and with respect to employment on and after January 1, 1938 shall be an amount equal to three per centum of his payroll

The sixth section was read as follows:

Section 6 (1) Payment of Benefits After contributions have been due under this Act for two years benefits shall become payable from the fund to any employe who thereafter is or becomes unemployed and eligible for benefits based on his weeks of employment as defined in this Act and shall be paid through the unemployment offices at such times and in such manner as the Department may prescribe

(2) Weekly Benefits for Total Unemployment An employe totally unemployed and eligible in any week shall be paid benefits computed to the nearest half-dollar at the following rate forty per centum of his full-time weekly wage an additional ten per centum if he has a dependent spouse and an additional 5 per centum for each dependent relative who is a member of his household but in no case shall his total benefits exceed fifteen dollars per week or sixty-five per centum of his full-time weekly wage whichever is the lower nor be less than five dollars per week

(3) Weekly Benefits for Partial Unemployment An employe partially unemployed and eligible in any week shall be paid sufficient benefits so that his week's wages and any other pay for personal services including net earnings from self-employment and his benefits combined will be two dollars more than the weekly benefit to which he would be entitled if totally unemployed in that week

(4) One-to-Four Ratio of Benefits to Employment The aggregate amount of benefits an employe may at any time receive shall be limited by the number of his past weeks of employment against which benefits have not yet been charged hereunder Each employe's benefits shall be thus charged against his earliest weeks of employment in the one hundred and fifty-six weeks preceding the close of his most recent week of employment Each employe shall receive benefits in the ratio of one-quarter week of total unemployment benefits or an equivalent amount as determined by general Department rules of benefits for partial unemployment or for partial and total unemployment combined to each week of employment of such employe occurring within the one hundred and fifty-six weeks preceding the close of the employe's most recent week of employment

(5) Maximum Weeks of Benefits in Any Year Benefits shall be paid each employe for the weeks during which he is totally or partially unemployed and eligible for benefits based on his past weeks of employment as provided in sub-sections (4) and (6) but not more than thirteen weeks of total unemployment benefits or an equivalent total amount as determined by Department rules of benefits for partial unemployment or for partial and total unemployment combined shall be paid any employe for his weeks of unemployment occurring within any fifty-two consecutive weeks except as provided in subsection (6)

(6) Additional Benefits One-to-Twenty Ratio An eligible employe who has received the maximum benefits permitted under subsection (5) shall receive additional benefits in the ratio of one week of total unem-

ployment benefit or its equivalent to each unit of twenty aggregate weeks of employment occurring within the three hundred and twelve weeks preceding the close of the employe's most recent week of employment and against which benefits have not already been charged under this Act Such additional benefits shall be charged against the employe's earliest weeks of employment available for this purpose

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 6, page 14, lines 2 and 3, by striking out the words "fifty-six" and insert in lieu thereof "four"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question.

Will the House agree to the section as amended?

It was agreed to.

The seventh eighth and ninth sections were separately read and agreed to as follows:

BENEFIT ELIGIBILITY CONDITIONS

Section 7 (1) Employment Requirement An employe shall be deemed eligible for benefits for any given week of his unemployment only if he has accumulated seventeen weeks of employment subject hereto within the fifty-two weeks immediately preceding the close of his most recent week of employment

(2) Availability and Registration for Work An employe shall not be eligible for benefits in any week of his partial or total unemployment unless in such week he is physically able to work and available for work To prove such availability for work every employe partially or totally unemployed shall file claim for benefits at the employment office and shall register for work within such time limits and with such frequency and in such manner in person or in writing as the Department may by general rule prescribe No employe shall be eligible for benefits for any week in which he fails without good cause to comply with such registration and filing requirements A sufficient number of copies of the Department's rules covering such requirements shall be furnished by it to each employer who shall post a copy of the same on the premises in a conspicuous and easily accessible place and who shall furnish a copy to each employe when he becomes unemployed

(3) Waiting Period Benefits shall be payable to an employe only for his weeks of unemployment occurring subsequent to a "waiting-period" of three waiting-period units such waiting-period units need not be continuous but may be accumulated over the fifty-two weeks preceding the close of the employe's most recent week of employment

There shall not be counted toward an employe's required waiting period or periods any week of total or partial unemployment in which he is ineligible for benefits under this Section

(4) During Trade Disputes An employe shall not be eligible for benefits for any week in which his total or partial unemployment is directly due to a strike or jurisdictional labor dispute still in active progress in the establishment in which he is or was last employed

(5) Voluntary Leaving An employe who has left his employment voluntarily without good cause shall be ineligible for benefits for the week in which such leaving occurred and for not exceeding the three next following weeks in the discretion of the Department such weeks shall be charged as if benefits for total unemployment had been paid therefor against the employe's earliest weeks of employment against which benefits have not previously been charged hereunder

(6) Discharge for Misconduct An employe who has been discharged for proved misconduct connected with his employment shall thereby become ineligible for benefits for the week in which such discharge occurred and for not less than the one nor more than the six next following weeks in the discretion of the Department the ineligible weeks thus determined shall be charged as if benefits for total unemployment had been paid therefor against the employe's earliest weeks of employment against which benefits have not previously been charged hereunder and shall also be counted against his maximum weeks of benefit per year

(7) Refusal of Suitable Employment If an otherwise eligible employe fails without good cause either to apply for suitable employment when notified by the employment office or to accept suitable employment when offered him he shall thereby become ineligible for benefits for the week in which such failure occurred and for the three next following weeks such weeks shall be charged as if benefits for total unemployment had been paid therefor against the employe's earliest weeks of employment against which benefits have not previously been charged hereunder and shall also be counted against his maximum weeks of benefits per year Provided however that the period thus charged shall not exceed the period of actual unemployment

"Suitable employment" shall mean any employment for which the employe in question is reasonably fitted which is located within a reasonable distance of his residence or last employment and which is not detrimental to his health safety or morals No employment shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible employe for refusing to accept new work under any of the following conditions (a) If the position offered is cavant due directly to a strike lockout or other labor dispute (b) if the wages hours and other conditions of the work offered are less favorable to the employe than those prevailing for similar work in the locality (c) if acceptance of such employment would either require the employe to join a company union or resign from or refrain from joining any bona fide labor organization

SETTLEMENT OF BENEFIT CLAIMS

Section 8 (1) Filing Benefit claims shall be filed at the employment office pursuant to general Department rules

(2) Initial Determination The manager shall promptly determine whether or not the claim is valid and the amount of benefits apparently payable thereunder and shall duly notify the employe and his most recent employer of such decision Benefits shall be paid or denied accordingly unless either party requests a hearing within ten calendar days after such notification was delivered to him or was mailed to him at his last known address

(3) Appeals If such a request for a hearing is made in accordance with the rules and regulations of the Department the claim thus disputed shall be promptly decided after affording both parties reasonable opportunity to be heard by such appeal tribunal as the Department may designate or establish for this purpose The parties shall be duly notified of such tribunal's decision which shall be deemed a final decision by the Department except in cases where the Department on its own motion or pursuant to general rules initiates further appeal or review

(4) Appeal Tribunals To hear and decide disputed claims the Department shall establish one or more appeal tribunals consisting in each case of one full-time salaried examiner who shall serve as chairman and of two other members appointed by the Department namely an employer or representative of employers and an employe or representative of employes except that no person shall hear any case in which he is an interested party

(5) Procedure The manner in which claims shall be presented the reports thereon required from the employe and from employers and the conduct of hearings and appeals shall be governed by general Department rules without regard to common law or statutory rules of evidence and other technical rules of procedure for determining the rights of the parties A full and complete record shall be kept of all proceedings in connection

with a disputed claim All testimony at any hearing shall be taken down by a stenographer but need not be transcribed unless the disputed claim is further appealed or unless the Department so requests

(6) Department Review The Department may on its own motion within ten days after the date of any decision by a manager or appeal tribunal affirm reverse change or set aside any such decision on the basis of the evidence previously submitted in such case or direct the taking of additional testimony

(7) Appeal to Courts Except as thus provided any decision shall unless appealed pursuant to general Department rules ten days after the date of such decision become the final decision of the Department and all findings of fact made therein shall in the absence of fraun be conclusive and such decision shall then be subject to judicial review solely on questions of law Such judicial review shall be barred unless the party plaintiff has used and exhausted the remedies provided hereunder and has commenced action for judicial review within thirty days after notice of the final decision notice of such action for judicial review shall be served upon the Department by the party taking such action

(8) Oaths and Witnesses In the discharge of their duties under this section any manager and any examiner shall have power to administer oaths to persons appearing before them take depositions certify to official acts and by subpoenas served in the manner in which subpoenas of the Court of Common Pleas are served to compel attendance of witnesses and the production of books papers documents and records necessary or convenient to be used by them in connection with any disputed claim Witness fees and other expenses involved in proceedings under this section shall be paid to the extent necessary at rates specified by general Department rules from the Unemployment Administration Fund

COURT REVIEW

Section (9) Within thirty days after notice of a final decision of the Department the employe or any other party affected may appeal questions of law involved in such decision to the Court of Common Pleas of the County in which the employe resides The Department may also in its discretion certify to such court questions of law involved in its decisions Such appeals and the questions so certified shall be heard at the earliest possible date and shall have precedence over all other civil cases in such court except cases arising undr the workmen's compensation law An appeal may be taken from the decision of such court to the Superior Court in the same manner as is provided for other civil cases It shall not be necessary to enter exceptions to the rulings of the Department and no bond shall be required for entering an appeal Upon final determination of an appeal the Department shall enter an order in accordance with such determination

The tenth section was read as follows:

ADMINISTRATION

Section 10 (1) Duties and Powers of Department It shall be the duty of the Department to administer this Act and it shall have power and authority to adopt and enforce all reasonable rules and orders necessary or suitable to that end and to employ any persons make and expenditures require any reports and tak any other action within its means and consistent with the provisions of this Act and deemed necessary or suitable to that end Annually not later than the last day of February the Department shall submit to the Governor a report covering the administration and operation of this Act during the preceding calendar year and making such recommendations as the Department deems proper Whenever the Department believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund it shall at once inform th Governor and the Legislature thereof and make recommendations accordingly

(2) General Department Rules General rules for the administration of this Act and affecting all or classes of employers employes or other persons or agencies shall be adopted by the Department after consultation with the Pennsylvania Unemployment Insurance Advisory Council Such rules may be amended altered or repealed in the same manner as herein provided for their adoption

(3) Publication The Department may cause to be printed for distribution to the public this Act the Department's general rules and its annual report to the Governor and any other material the Department deems relevant and suitable and shall furnish the same to any person upon application therefor and such printing and such availability upon application shall be deemed a sufficient publication of the same

(4) Personnel The Department is authorized to appoint such officers accountants attorneys experts and other persons as are necessary for the administration of this Act and to fix their salaries The Department shall fix the duties and powers of all persons thus employed and may authorize any such person to do any act or acts which could lawfully be done by the Department The Department may in its discretion require bond from any of its employes

(5) Advisory Councils The Governor shall appoint a state wide advisory council to be known as the Pennsylvania Unemployment Compensation Advisory Council composed of equal numbers of employer representatives and employe representatives namely of persons who may fairly be regarded as thus representative because of their vocation employment or affiliations and of such members representing the public generally as the Governor may designate The members of the Pennsylvania Unemployment Compensation Advisory Council shall be residents of the Commonwealth and their term shall be for one two or three years from the date of their appointment and they shall serve until their successors are appointed Thereafter their successors shall be appointed for a term of three years The Pennsylvania Unemployment Compensation Advisory Council shall be provided by the Department with the necessary clerical and stenographic assistance Such Pennsylvania Unemployment Compensation Advisory Council shall assist the Department in drafting rules for the administration of this Act and in formulating policies and discussing problems relating to its administration and in promoting impartiality neutrality and freedom from political influence in the solution of such problems It shall have authority to recommend to the Department such changes in the Act as it deems necessary or desirable which recommendations shall be transmitted by the Department to the Governor in an annual report to be filed by the Department Each member of the Pennsylvania Unemployment Compensation Advisory Council shall be paid at the rate of $15 per day for each day of service and shall be reimbursed for any necessary expenses

The Department may appoint local advisory councils composed in each case of equal numbers of employer representatives and employe representatives namely of persons who may fairly be regarded as thus representative because of their vocation employment or affiliations and of such members representing the public generally as the Department may designate Such councils shall aid the Department in formulating policies and discussing problems related to the administration of this Act in promoting impartiality neutrality and freedom from political influence in the solution of such problems such local advisory councils shall serve without compensation

(6) Employment Stabilization It shall be one of the purpose of this Act to promite the regulations of employment in the Commonwealth The Department with the advice and aid of the Pennsylvania Unemployment Advisory Council shall take all appropriate steps within its means to reduce and prevent unemployment to encourage and assist in the adoption of practical methods of vocational training retaining and vocational guidance to investigate recommend advise and assist in the establishment and operation by the Commonwealth and its political subdivisions of reserves for public works to be used in times of business depression and unemployment to promote the reemployment of unemployed workers throughout the Commonwealth in every way that may be feasible and to these ends to employ experts and to carry on and publish the results of investigations and research studies

(7) Records and Reports Every employer subject to this Act shall keep true and accurate employment records

of all persons employed by him and of the weekly hours worked for him by each and of the weekly wages paid by him to each such person Such records shall be open to inspection by the Department or its authorized representatives at any reasonable time and as often as may reasonably be necessary The Department may require from any such employer any reports covering persons employed by him on employment wages hours unemployment and related matters which the Department deems necessary to the effective administration of this Act Information thus obtained shall not be published or be open to public inspection in any manner revealing the employer's identity and any Department employe guilty of violating this provision shall be subject to the penalties provided in this Act

(8) State-Federal Cooperation The Department is hereby authorized and directed to cooperate in all necessary respects with the appropriate agencies and departments of the Federal government in th administration of this Act and of free public employment offices and to make all reasonable reports thereon requested by any directly interested Federal agency or department and to acccpt any sums allotted or apportioned to the Commonwealth for such administration and to comply with all reasonable Federal regulations governing the expenditures of such sums

(9) Employment Offices The Department shall establish and maintain such free public employment offices as may be necessary for the proper administration of this Act All moneys made available by or received by the Commonwealth for the employment service shall be paid to and expended from the Unemployment Administration Fund

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 10, page 24, line 9, by striking out the word "emloye" and insert in lieu thereof "employe"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eleventh to nineteenth sections inclusively and title were separately read and agreed to as follows:

RECIPROCAL BENEFIT ARRANGEMENTS WITH THE STATES

Section 11 The Department is hereby authorized to enter into reciprocal arrangements with the proper authorities in the case of any unemployment compensation system established by any state law or by an Act of Congress as to persons who have after acquiring rights to benefits under this Act come under such other system or after acquiring rights to benefits under such other system come under this Act whereby liability to pay benefits or substantially equivalent benefits shall be assumed by the fund of the unemployment compensation system last applicable to such person Such reciprocal arrangements shall be adopted and published by the Department in the same manner as its general rules

PROTECTION OF RIGHTS AND BENEFITS

Section 12 (1) Waiver of Rights Void No agreement by an employe to waive his right to benefit or any other right under this Act shall be valid No agreement by an employe or by employes to pay all or any portion of the contributions payable by employers under this Act shall be valid No employer shall make permit or require any deduction from wages to finance the contributions required of him or require any waiver by an employe of any right hereunder Any employe claiming a violation of this section may have recourse to the method set up in this Act for deciding benefit claims and the Department shall have power to take steps necessary or suitabl to correct and prosecute any such violation

(2) Limitation of Fees No employe shall be charged fees of any kind by the Department or its representatives in any proceeding under this Act Any employe claiming benefits in any proceeding or court action may be represented by counsel or other duly authorized agent but no such counsel or agents shall together charge or receive for such services more than ten per centum of the maximum benefits at issue in such proceeding or court action

(3) No Assignment of Garnishment of Benefits No assignment of any benefits which are or may become due or payable under this Act shall be legal or enforceable Benefits when awarded adjudged or paid shall be exempt from all claims of creditors and from levy execution and attachment or other remedy now or hereafter provided for the recovery or collection of debt This exemption may not be waived

COLLECTION OF CONTRIBUTIONS

Section 13 (1) Interest on Tardy Payments If any employer fails to make promptly by the date it becomes due hereunder any payment required to be made by him under this Act he shall be additionally liable to the Unemployment Administration Fund for interest on such payment at the rate of one per centum per month from the date such payment became due until paid pursuant to general Department rules

(2) Bankruptcy In the event of an employer's dissolution bankruptcy adjudicated insolvency receivership assignment for benefit of creditors judicially confirmed extension proposal or composition or any analogous situation contribution payments then or thereafter due under this Act shall have priority over all other claims except taxes due the United States wage claims due for the last six months not exceeding however $250 for any individual employe and claims for rent due for the last six months

(3) Court Action Upon complaint of the Department the Attorney General shall institute and prosecute the necessary actions or proceedings for the recovery of any contributions or other payments due hereunder

PENALTIES

Section 14 (1) Whoever willfully makes a false statement or representation to obtain or increase any benefit or other payment under this Act either for himself or for any other person shall upon conviction in a summary proceeding be punished by a fine of not less than $20 nor more than $100 and in default of the payment of such fine and costs by imprisonment for not longer than sixty days and each such false statement or representation shall constitute a separate and distinct offense

(2) Any employer of any person within the Commonwealth or his agent who willfully makes a false statement or represetation to avoid becoming or remaining subject to this Act or to avoid or reduce any contribution or other payment required of such employer under this Act or to deny or reduce payments of benefits to any employe or who wilfully refuses to make any such contribution or other payment or to furnish any reports duly required hereunder or to appear or testify or produce records as lawfully required hereunder or who makes permits or requires any deduction from wages to pay all or any portion of the contributions required from employers or who attempts to induce any employe to waive any right under this Act shall upon conviction in a summary proceeding be punished by a fine of not more than $300 and in default of the payment of such fine and costs by imprisonment for not longer than six months and each such false statement or misrepresentation and each day of such failure or refusal and each such deduction from wages and each such attempt to induce shall constitute a separate and distinct offense If the employer in question is a corporation the president the secretary and the treasurer or officers exercising corresponding functions shall in addition to the corporation each be subject to the aforesaid penalties

(3) Any violation of any provision of this Act for which a penalty is neither prescribed in this Act nor provided by any other applicable statute shall be punished in a summary proceeding by a fine of not more than $200 and in default of the payment of such fine and costs by imprisonment for not longer than ninety days

(4) On complaint of the Department the fines specified or provided in this section may be collected in an action for debt All fines thus collected shall be paid to the Unemployment Administration Fund

UNEMPLOYMENT ADMINISTRATION FUND

Section 15 (1) Administration Fund There is hereby created the Pennsylvania Unemployment Compensation Administration Fund in the Treasury of the Commonwealth to consist of all moneys received or allocated by the Commonwealth or by the Department for the administration of this Act The special fund shall be handled by the State Treasurer as other moneys of the Commonwealth are handled This administration fund shall be expended solely for the purposes herein specified and its unexpended balances shall not lapse at any time but shall remain continuously available to the Department for expenditure consistent herewith

(2) Federal Aids All Federal moneys allotted or apportioned to the Commonwealth for the administration of this Act shall be paid into the Unemployment Administration Fund

APPROPRIATIONS

Section 16 All moneys in the Unemployment Administration Fund at any time are hereby appropriated to the Department for the administration of this Act

SAVING CLAUSE

Section 17 The Legislature reserves the right to amend or repeal all or any part of this Act at any time and there shall be no vested private right of any kind against such amendment or repeal

SEPARABILITY OF PROVISIONS

Section 18 If any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby

EFFECTIVE DATE

Section 19 This Act shall take effect immediately upon final enactment

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 370, entitled:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the Same That section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses lands lots of ground and ground rents mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all real estate owned or possessed by any public service companies except the superstructure of the roads of railroads and street railway companies and the lands upon which same are located and except the lines and pipes of companies used for the transmission of electric power oil natural and artificial gas and the lands upon which the same are located and all other real estate not exempt by law from taxation

(b) All salaries and emoluments of office all offices and posts of profit professions trades and occupations except and occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well of unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as of citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provision of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to cities of the second and second A class or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

On the question,

Will the House agree to the section?

Mr. EROE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 1, Page 2, Line 27—insert at the end of the line after the word "power" the word "messages"

On the question,

Will the House agree to the amendment

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 3, line 1, by inserting after the word "located" the following: "and except the producing wells and natural gas producing lands and leaseholds of natural gas companies engaged in public service"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend section two hundred and one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the real estate of public service companies subject to taxation and providing certain exceptions.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2105, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the board of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative offices and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by adding thereto section one thousand two hundred and nine providing for the preparation and furnishing by the Department of Internal Affairs to counties (except counties of the first class) cities of the third class boroughs towns townships certain school districts and poor districts of suitable blank forms for annual budget making and financial report purposes and requiring the Department to compile comparative statistics therefrom

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended by adding thereto section one thousand two hundred and nine which reads as follows

Section 1209 Local Government Budget and Financial Reports compilation of Statistics The Department of Internal Affairs shall have power and its duty shall be

(a) To prepare in cooperation with duly authorized committees of local government officials and furnish annually at the expense of the Commonwealth to the corporate authorities of each county (except counties of the first class) city of the third class borough incorporated town township school district of the second third and fourth class and poor district blank forms suitable for the making of budgets by the proper authorities of said local governments and for the filing of a copy of the budget after adoption with said Department

(b) To furnish to the corporate authorities of each county (except counties of the first class) city of the third class borough incorporated town township and poor district suitable blank forms for the making of annual reports of the financial condition of their respective local governments to the Department which forms for financial report purposes shall be placed by said corporate authorities into the hands of the director controller or auditors who by law are required to make such financial reports to the Department Such annual financial reports shall be prepared in cooperation with aforesaid duly authorized committees of local government officials and shall contain (1) a statement of the receipts of the unit of local government from all sources and of all accounts and revenue which may be due and uncollected at the close of the fiscal year (2) a statement of the disbursements for all the governmental activities of the unit of local government during the fiscal year (3) a detailed statement of the indebtedness of the unit of local government at the close of the fiscal year the provisions made for the payment thereof together with the purposes for which it was incurred (4) a statement of the cost of ownership and operation of each and every public service industry owned maintained or operated by the unit of local government (5) such further or more specific information in relation to the cost of any branch of the local government and improvements therein as may be required by the Department

In the case of blank forms for financial reports by townships of the second class and poor districts the same shall be so arranged that corresponding data and information required to be reported by said units of local government to the Department of Highways or the Department of Welfare may be used for the information required to be furnished to the Department of Internal Affairs under this section

(c) The substance of the annual budget and financial reports required by law to be made to the Department of Internal Affairs by the corporate officers directors controllers and auditors of units of local government shall

be arranged by said Department in such form as shall indicate the comparative receipts from the various sources of revenue and the comparative costs of the several branches of local government in the governments making such reports shall be published at the cost of the Commonwealth in an annual statement of comparative statistics which shall be issued for each class of local government as a public document and shall be submitted by the Department to the General Assembly at each regular session Copies thereof shall also be furnished by the Department to each such local government unit named therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2107, as follows:

An Act to amend section five hundred forty-seven eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by the township and the making of the annual budget on a uniform form prepared by representatives of the township supervisors the Department of Highways and the Department of Internal Affairs requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections five hundred forty-seven eight hundred two nine hundred two and nine hundred three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Report with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as provided in section nine hundred and two A of this act To avoid unnecessary duplication in the preparation of reports this report shall include the information required in section five hundred eighteen of this act to be reported to the State Department of Highways and shall be in lieu of the report required to be furnished under said section

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

No materials shall be purchased and no contract made by the supervisors in any amount which will cause the sums set aside in the budget for such purposes to be exceeded No contracts or purchases not provided for by moneys in the budget or which shall cause any account in the budget to be exceeded shall be valid

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable amount of money required] and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenues and expenditures for the ensuing fiscal year beginning on the first Monday of January which shall be filed with the treasurer The budget shall be prepared on a uniform form prepared and furnished as provided in section nine hundred and two A of this act [Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2,000) until at least one public hearing has been held thereon after ten days public notice Provided however That nothing in this act shall be construed to prevent any township whose total estimated expenditures do not exceed two thousand dollars ($2,000) from likewise holding a public hearing as herein provided It shall be the duty of the board of supervisors to arrange for and hold such hearing The proposed budget shall be published or otherwise made available for public inspection at the office of the township treasurer by all who interest themselves at least twenty days prior to the date set for such hearing After such hearing the board of supervisors after making such revisions and changes in the budget as appear advisable shall adopt the budget and fix the tax rate for the ensuing fiscal year

Within fifteen days after the adoption of the budget the board of supervisors shall file file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unencumbered moneys from one [fund to another except] road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular pur-

pose Any such transfer shall be made only during the last six months of the fiscal year The board of supervisors may during a fiscal year make additional appropriations to meet emergencies such as epidemics floods fire and other catastrophies the funds therefor to be provided from unexpended balances in existing appropriations from unappropriated road revenues if any or from temporary loans

No work shall be hired to be done no purchases made and no order issued for the payment of any moneys by any agent of the township which will cause the sums appropriated to a specific purpose to be exceeded No hirings or purchases made or orders issued not provided for by items in the budget or which shall cause the budget to be exceeded shall be valid

Section 2 That said act is hereby amended by adding thereto the following section

Section 902a The forms for the annual report to the Department of Internal Affairs as required in section five hundred forty-seven of this act and the forms for the annual budget as required in section nine hundred and two shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Supervisors one representative from the State Department of Highways and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Association of Township Supervisors shall be appointed by the president of said organization within sixty days after the effective date of this act As far as possible such representatives shall be chosen to represent townships in the various population groups among the range of townships of the second class The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Highways shall be appointed by the Secretary of Highways

Said representatives of the townships shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The Committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as Chairman of the Committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of townships of the various population groups producing separate forms if necessary to meet the needs of townships of varying sizes In the preparation of forms for financial reports the same shall be so arranged that corresponding information required to be reported to the Department of Highways may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After they are prepared he shall issue said forms and distribute them annually as needed to the proper township officers

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2108, as follows:

An Act to amend section three hundred forty-five as amended sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of and to add section three hundred seventy and section three hundred seventy point one to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for and regulating methods of making appropriations expenditures contracts methods of making appropriations expenditures contracts and purchases by counties and the making of an annual budget on form prepared by representatives of the county commissioners county controllers and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the county auditors or the controller to make and file a financial report with the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred forty-five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 345 Report to Common Pleas Publication Financial Report to Department of Internal Affairs He shall in the month of January in every year make a report verified by oath or affirmation to the court of common pleas of said county of all receipts and expenditures of the county for the preceding year in detail and classified as required in the preceding section of this act together with a full statement of the financial conditions of the county Such report shall thereupon be published one time in such newspapers published in said county as the controller may direct the aggregate cost of which shall not exceed one thousand five hundred dollars in any one year to be paid for out of the county treasury Such report may also be published in printed pamphlets at the cost of the county The number and cost of such pamphlets to be determined by the controller and the county commissioners

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the county in manner and form required to be made by the auditors of the county under the provisions of section three hundred sixty-four of this act and subject to the penalties provided in said section for refusing or neglecting to make said report

Section 2 That sections three hundred forty-six three hundred sixty-one and three hundred sixty-four of said act are hereby amended to read as follows

Section 346 [Estimates of Expenditures Tax Levies] Preparation of Annual Budget On or before the first day of February of each year and at least thirty days prior to the adoption of the annual budget the controller shall [communicate] transmit to the commissioners [in writing] a proposal budget giving a detailed estimate of and for the legitimate purposes of the county for the current year including interest due and to fall due on all lawful debts of the county bearing interest Such [estimate] budget when finally adopted by the commissioners shall be [a] the guide to the commissioners in fixing the tax rate [but shall in no wise limit the power of the commissioners in this respect] Said budget shall be prepared as provided in section three hundred seventy of this act

The commissioners shall [on or before the fifteenth day of February thereafter] at the same time the budget is adopted fixe such rate of taxation upon the valuation of the property [of the] taxable for county purposes as will

raise sufficient sum to meet the said expenditures The commissioners shall not by contract or otherwise increase the expenditures of the county in any year to an amount beyond the taxes assessed as aforesaid for said year

Section 361 [Estimates of Epenses and Tax Levies] Preparation of Annual Budget The commissioners of every county where the office of controller has not been established shall at their first meeting after the general election in every year [proceed to make] and at least thirty days prior to the adoption of the budget prepare a proposed budget giving an estimate of the probable expense of the county for the ensuing year Said budget shall be prepared as provided in section three hundred seventy of this act When the returns of the assessors have been made and rectified the commissioners shall fix [such] the rate of taxation upon the adjusted valuation of the property [of the] taxable for county purposes as will be necessary to meet such expenses

Section 364 Publication and Filing of Reports of Auditors The county auditors shall publish the reports required of them to be made and filed in the court of common pleas Said auditors' reports shall be prepared and placed in the printer's hands for publication within ten days after being filed in the court of common pleas and shall be published once .. week for three successive weeks in at least two newspapers of the respective county one of which papers shall be politically of a minority party The expense of the publication of said reports shall be paid by the county

The county auditors shall also annually make a report of the financial condition of the county to the Department of Internal Affairs signed by all of the auditors and duly verified by the oath of one of the auditors The report shall be presented on a form furnished as provided in section three hundred seventy point one of this act and shall be filed within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 3 That said act is hereby amended by adding thereto the following sections

Section 370 Annual Budget Control of Expenditures The controller or the county commissioners where there is no controller shall annually prepare a proposed budget for the next fiscal year at least thirty days prior to the adoption of the budget Said budget shall be prepared on forms furnished as provided in section three hundred seventy point one of this act Final action shall not be taken on the proposed budget by the county commissioners until at least one public hearing has been held thereon after ten days public notice It shall be the duty of the county commissioners to arrange for and hold such hearing The proposed budget shall be published or otherwise made available for public inspection by all persons who may interest themselves at least twenty days prior to the date set for such hearing After such hearing has been had the county commissioners shall after making such revisions and changes therein as appear advisable adopt the budget and necessary appropriation measures required to put it into effect

Within fifteen days after the adoption of the budget the county commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The county commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last six months of the fiscal year

The county commissioners may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophes the funds therefore to be provided from unexpended balances in existing appropriations from unappropriated revenues if any or from temporary loans

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the county commissioners which will cause the sums appropriated to be exceeded No contracts hirings or purchases made or orders or warrants issued not provided for by any appropriation or which shall cause any appropriation to be exceeded shall be valid

Section 370.1 Committee to Prepare Uniform Forms The budget and report forms specified in foregoing sections of this act shall be prepared by a committee consisting of three representatives from the Pennsylvania State Association of County Commissioners three representatives from the Pennsylvania State Association of County Controllers and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of each said organization within sixty day after the effective date of this Act In the case of representatives of the county commissioners one shall be appointed from a county of either the third or four class one from a county of either the fifth or sixth class and one from a county of either the seventh or eighth class The president of each said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the Committee The Committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the Committee shall give careful consideration to the differing legal requirements and needs of the counties of the several classes producing if necessary separate forms for certain classes of counties or groups of classes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said Committee Should said Committee for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the commissioners controller or auditors of each county

Section 4 The provisions of this Act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2106, as follows:

An Act to amend section five hundred and eleven and section five hundred and sixty-three as amended of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for and regulating methods of making appropriations expenditures contracts and purchases by school districts and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth the Department of Pub-

lic Instruction and the Department of Internal Affairs and requiring a copy of the budget to be filed with the Department of Internal Affairs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 511 All payments made by the board of school directors of any school district from the school funds shall be made by proper school orders drawn on the treasurer No work shall be hired to be done no materials purchased and no contracts made by any board of school directors which will cause the sums appropriated to specific purposes in the budget to be exceeded No contracts hirings or purchases made not provided for by any appropriation or which will cause any appropriation to be exceeded shall be valid No school order shall be authorized by the board or signed by the president or secretary of any board of school directors unless there are sufficient funds in the treasury of the district to pay the same and no school order shall be made payable at any time in the future or draw interest A separate school order shall be drawn for each account or payment Provided That the monthly payroll of teachers janitors or other employes may be included on one or more orders which may be made payable to the order of such person or persons and distributed in such manner as the board of school directors in any school district may determine

Section 2 That section five hundred and sixty-three of said act as amended by section one of the act approved the fifth day of April one thousand nine hundred and twenty-one Pamphlet Laws ninety-one) is hereby further amended to read as follows

Section 563 The board of school directors of each school district of the second third or fourth class shall annually at [or before the time of levying the annual school taxes] least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the school district in its several departments for the following fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as hereinafter provided and [shall be] shall apportioned to the several classes of expenditures of the district as the board of school directors thereof may determine Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2,000) until at least one public hearing has been held thereon after ten days' public notice Provided however That nothing in this act shall be construed to prevent any school district whose total estimated expenditures do not exceed two thousand dollars ($2,000) from likewise holding a public hearing as herein provided It shall be the duty of the board of school directors to arrange for and hold such hearing The proposed budget shall be printed or otherwise made available for public inspection to all persons who may interest themselves at least twenty days prior to the date set for the hearing After such hearing the board of school directors after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the board of school direcors shall file a copy of the same in the office of the Department of Internal Affairs

The board of school directors may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophies the funds therefor to be provided from unexpended balances in existing appropriations from unappropriated revenue if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the board of school directors

The board of school directors shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last six months of the fiscal year and [thereafter] except as hereinbefore otherwise provided no moneys apportioned from any class of expenditures shall be used for purposes other than designated for said class in said budget [until after affirmative action by the board of directors at a legal meeting] The total amount of such budget shall not exceed the amount of funds including the proposed annual tax levy and State appropriation available for school purposes in that district

The uniform budget forms required by this act shall be prepared by a committee consisting of five representatives of the Pennsylvania State School Directors' Association one representative of the Department of Public Instruction and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the Pennsylvania State School Directors' Association shall be appointed by the president of said organization within sixty days after the passage of this act As far as possible such representatives shall be chosen to represent school districts in the various population groups The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Public Instruction shall be appointed by the Superintendent of Public Instruction

Said representatives of the school districts shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform budget forms the committee shall give careful consideration to the fiscal needs and procedures of school districts of the various population groups producing separate forms if necessary to meet the needs of districts of varying sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the school directors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2104, as follows:

An Act to amend section two hundred and twenty-three of and to add sections two hundred and twenty-six and two hundred and twenty-seven to the act approved the fourtenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by poor districts and the making of an annual budget on uniform form prepared by representatives of directors of the poor the Department

of Public Welfare and the Department of Internal Affairs requiring a copy of the budget to be filed with the Department of Internal Affairs requiring the persons auditing poor district accounts to make and file a financial report with the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty-three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws seven hundred sixty-two) entitled "An act concerning poor relief and the creation and government of poor districts and the administration of the same in all counties of the Commonwealth except in counties of the first and second class and revising amending consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 223 AUDIT OF ACCOUNTS FINANCIAL REPORT TO DEPARTMENT OF INTERNAL AFFAIRS The directors of the poor shall keep accurate accounts of all moneys received by them in any way for the purpose of this act as well as all paid out including such reasonable expenses as they may incur in carrying out their duties All accounts [under this act] in county unit districts shall be audited by the county controller or county auditors as the case may be In all other poor districts the accounts shall be audited by the auditors now provided for by law

The controller auditor or auditors authorized by law to audit the accounts of any poor district shall also annually make a report of the financial condition of the poor district to the Department of Internal Affairs signed and duly verified by oath The report shall be presented on a uniform form prepared and furnished as provided in section two hundred and twenty-seven of this act and it shall be filed within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction in a summary proceding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 2 That said act is hereby amended by adding thereto section two hundred and twenty-six to read as follows

Section 226 BUDGET AND FINANCIAL REQUIREMENTS The directors of the poor in any poor district which is not co-extensive in territory with a county shall annually at least thirty days prior to the adopted of the annual budget prepare a proposed budget of the amount of funds that will be required by the poor district in its several departments for the following fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in section two hundred and twenty-seven of this act and shall be apportioned to the several classes of expenditures of the district as the directors of the poor thereof may determine Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2000) until at least one public hearing has been held thereon after ten days' public notice Provided however That nothing in this act shall be construed to prevent any poor district whose total estimated expenditures do not exceed two thousand dollars ($2,000) from likewise holding a public hearing as herein provided It shall be the duty of the directors to arrange for and hold such hearing The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the hearing After such hearing the directors after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the directors shall file a copy of the same in the office of the Department of Internal Affairs

The directors during any fiscal year may make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophies The funds therefor to be provided from unexpended balances in existing appropriations from unappropriated revenue if any or from temporary loans made by the proper authorities The directors shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last six months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the paymflents of any moneys by the directors in any amount which will cause the sums appropriated to specific purposes to be exceeded No contracts hirings o rpurchases or orders or warrants issued not provided for by any appropriation or which shall cause any appropriation to be exceeded shall be valid

Section 3That said act is hereby further amended by adding thereto section two hundred and twenty-seven to read as follows

Section 227 The forms for the annual report to the Department of Internal Affairs as required in section two hundred and twenty-three of this act and the forms for the annual budget as required in section two hundred and twenty-six shall be prepared by a committee consisting of three representatives from the Association of Directors of the Poor and Charities and Corrections one representative from the Department of Public Welfare and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives of the directors of the poor shall be appointed by the president of said organization within sixty days after the effective date of this act The president of said organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative from the Department of Welfare shall be appointed by the Secretary of Public Welfare

Such representatives of the directors of the poor shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In the preparation of uniform forms for financial reports the same shall be so arranged that corresponding information required to be reported to the Department of Welfare may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After the are prepared he shall issue said forms and distribute them annually as needed to the directors of the poor

Section 4 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred and thirty-five

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2109, as follows:

An Act to amend sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of and to add section one thousand seven hundred and one A to the act approved the twenty-fourth day

of June one housand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating methods of making appropriations expenditures contracts and purchases by townships and their agents and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand and three one thousand one hundred and seven one thousand seven hundred and one and one thousand eight hundred and two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 1003 Surchrages Publication and Filing of Statements Financial Report to be Made to Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible Any officer or person whose act or neglect has contributed to the financial loss of the township shall be surcharged by the auditor with the amount of such loss They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days thereafter file a copy of such statement with the secretary of the township and another copy of such statement with the clerk of the court of quarter sessions when any two offices are exercised by the same person only one statement shall be required.

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year The report shall be made on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Such report shall be signed by all of the auditors and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond sixty days and costs All fines recovered shall be for the use of the Commonwealth

Section 1107 Controller's Report Report of Financial Condition to be Made to Department of Internal Affairs The township controller shall as often as he may deem expedient or the board of commissioners shall direct suggest plans to the board of commissioners for the management and improvement of the township finances and he shall make a report verified by oath or affirmation to the board of commissioners at the first stated meeting in January in each year of the public account of the township and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by the board of commissioners the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the township once a week for two weeks in a newspaper circulating generally in the township

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the township in manner and form required to be made by the township auditors under the provisions of section one thousand and three of this act and subject to the penalies provided in said section for refusing or neglecting to file said report

Section 1701 Annual Budget Regulation of Appropriations The board of township commissioners of townships shall each year within sixty days after the first Monday of January and at least thirty days prior to the adoption of the annual budget prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year and by ordinance appropriate out of the revenues available for the year the specific sums required as shown by the budget as finally adopted The tax levied by the township authorities and shall be fixed at such figure within the limit [fixed] allowed by law as with all other sources of revenue will meet and cover said appropriations The total appropriation shall not exceed the revenues available for the fiscal year If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year an appropriation may be made for the payment of township orders or indebtedness of the previous years

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after ten days public notice It shall be the duty of the township commissioners to arrange for and hold such hearing The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the hearing After such hearing the township commissioners after making such revisions and changes therein as appear advisable shall adopt the budget

The ownship commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last six months of the fiscal year

Within fifteen days after the adoption of the budget the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs

The township commissioners may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire and other catastrophies the funds therefor to be provided for unexpended balances in existing appropriations from unappropriated revenues if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the township commissioners

Section 1802 General Regulations Concerning Contracts All contracts or purchases made by any township involving the expenditure of over five hundred dollars shall be in writing and shall be made only after notice by the secretary published once a week for two weeks in one or more newspapers of general circulation in the township All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs

In every instance in which any contract for any public work construction materials supplies or other matters or things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be

held for receiving and opening bids Any contract made in violation of the provisions hereof or for which no appropriation has been made or which shall cause any appropriation to be exceeded shall be void But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years Provided That if prior to the letting of any [such] contract taxpayers of the township whose property valuation as assessed for taxable purposes wihin the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township shall sign and file with the township secretary of the board of township commissioners of the township a written protest against such contemplated contract then such contract shall not be let

Section 2 That said act is hereby amended by adding thereto the following section

Section 1701a Committee to Prepare Uniform Forms Uniform forms for the annual reports of township auditors and controllers to the Department of Internal Affairs as required in section one thousand and three and section one thousand one hundred and seven of this act and the uniform form for the annual budget as required in section one thousand seven hundred and one shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Commissioners and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this Act As far as possible such representatives shall be chosen to represent townships in the various population groups within the range of townships of the first class The president of said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the proper officers of each township

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty-six and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred and thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in his case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2110 as follows:

An Act to amend sections one thousand and six and one thousand and thirty-five as amended and section one thousand and sixty-two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating methods of making appropriations expenditures contracts and purchases by boroughs and its agents and the making of an annual budget on form prepared by representatives of the Pennsylvania State Association of Boroughs and of the Department of Internal Affairs requiring copy of the annual budget to be filed by council with the Department requiring the auditors or controller to make and file a financial report with the Department and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand and six and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which were amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred eighteen) are hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of

the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windsorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To adopt an annual budget A proposed budget or annual estimate of revenues and expenditures shall be prepared at least thirty days prior to the adoption of the annual budget The budget shall be prepared on forms furnished as provided in section one thousand and thirty-five of this act Final action shall not be taken on any proposed budget in which the estimated expenditures exceed two thousand dollars ($2,000) until at least one public hearing has been held thereon after ten days' public notice Provided however That nothing in this act shall be construed to prevent any borough whose total estimated expenditures do not exceed two thousand dollars ($2,000) from likewise holding a public hearing as herein provided It shall be the duty of the council to arrange for and hold such hearings The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the hearing After such hearing has been held the council after making such revision and changes therein as appears advisable shall adopt the budget and necessary appropriation measures required to put it into effect and at the same time fix the tax rate for the ensuing fiscal year

Within fifteen days after the adoption of the budget the council shall file a copy of the same with the Department of Internal Affairs

The council shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last six months of the fiscal year

The council may make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire and other catastrophies the funds therefore to be provided from unexpended balances in existing appropriations from unappropriated revenues or temporary loans Such temporary loans shall be approved by a two-thirds vote of the council

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys y an agent of the borough which will cause the sum appropriated to specific purposes to be exceeded No contracts hirings or purchases made or orders or warrants issued not provided for by any appropriation or which shall cause any appropriation to be exceeded shall be valid But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof with valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation (which) and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

The auditors shall also annually make a report of the financial condition of the borough to the Department of Internal Affairs Such report shall be presented on a form prepared and furnished as hereafter provided It shall be signed by all of the auditors and shall be duly verified by the oath of one of the auditors and shall be filed with the department within sixty days after the close of the fiscal year Any auditor refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs All fines recovered shall be for the use of the Commonwealth

The uniform form for the annual budget as required in section one thousand and six of this act and the uniform form for the annual report to the Department of Internal Affairs as herein required shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that said forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the proper officers of each borough

Section 1062 Controller's Reports Report of Financial Condition to be made to Department of Internal Affairs The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in January in each year of the public accounts of he borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made

by council the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

The controller shall also annually within sixty days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the borough in manner and form required to be made by the auditors of the borough under the provisions of section one thousand and thirty-five of this act and subject to the penalties provided in said section for refusing or neglecting to file said report

Section 2 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred and thirty six and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 75 1933-34) are hereby amended to read as follows

An Act to regulate and restrain the traffic in malt [liquors] and brewed beverages as herein defined providing for the licensing of the sale and distribution of such [liquors] beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such [liquors] beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers the Department of Revenue] the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the ["Malt Liquor License Law"] "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt [liquor"] or brewed beverage" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquors may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons [holding permits issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board of this Commonwealth] holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase and resale of malt [liquors] or brewed beverages in the original sealed packages as prepared for the market by the manufacturer but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "retailer" means and includes persons licensed to engage in the retail sale of malt [liquors where the consumption thereof is upon the premises of such vendor with the privilege of selling malt liquors to be carried from the premises by the purchaser thereof only however in the original containers] or brewed beverages as follows

(1) "Retail Dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licenses with the privilege of selling malt or brewed beveraged in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(2) "Package Retailer" means and includes persons licensed to engage in the retail sale of malt or brewed beverages in original containers as prepared for the market by the manufacturer in quantities not in excess of seventy-two fluid ounces in a single sale to one person

(f) The term "original containers" means and includes bottles casks kegs or other containers that have been securely capped sealed or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(g) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(h) "Eating place" means a premise having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(i) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(j) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(k) The term "manufacturer" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(l) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least eight and in any other place at least four permanent bed rooms for the use of guests and a public dining room or eating place operated by the same management having a total area in one or more rooms of not less than three hundred square feet and accommodating at least thirty persons at one time

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt [liquor] or brewed beverages unless such [person] vendor holds a valid [malt liquor retail license] Retail Dispenser License issued under this act by the [treasurer] board or a valid license issued under any other act authorizing the sale of spirituous and vinous [and malt] liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another any malt [liquor] or brewed beverages not for consumption upon the premises where sold unless such person holds a valid [manufacturer's permit issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board or a valid distributor's or retailer's malt liquor license issued by the treasurer] license issued by the board permitting such sale

Section 5 [Malt Liquor Distributors' Licenses The treasurer shall issue to any person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a malt liquor distributor license for the place at which such person desires to sell malt liquors not for consumption on the premises where sold] Manufacturers' and Distributors Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturerer's license issued by the board The Board shall issue to any person of good repute who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original packages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth The application for such license shall contain the name and address of the Applicant together with information concerning the size capacity equipment and location of all plants or places of storage to be used for the purposes of such license and where Applicant is a Corporation the names and addresses of all officers and Directors of the Corporation a statement that the corporation is organized or registered under the laws of the Commonwealth and that all officers and directors are citizens of the United States and that at least fifty-one per centum of the capital stock of the Corporation is owned by persons who are citizens of the United States and such other necessary information as the board shall require All such licenses shall be granted for the calendar year and where a license runs for less than the full calendar year the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar not in force during the calendar year Every manufacturer shall keep daily permanent records which shall show (a) the quantities raw materials received and used in the manufacture of malt or brewed beverages and quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original packages as prepared for the market by the Manufacturer Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable Corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania

Section 6 Malt [Liquor] and Brewed Beverage Retailer's Licenses (a) Subject to the restrictions hereinafter provided the [treasurer] board shall issue to a person who conducts a reputable hotel or any reputable incorporated club [whatsoever] or a reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a [malt liquor retailer] retail dispensers license for such place

Such licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

No [malt liquor retailer] retail dispensers license shall be granted [for the sale of malt liquors for consumption on the premises] in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt [liquors] or brewed beverages may be sold for consumption on the premises where sold

(b) Subject to the restrictions hereinafter provided the Board shall issue to any reputable person who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the Bond hereinafter required a "Package Retail license" for the place for which application is filed

Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their applications or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of such Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application

Section 7 Appeals from Refusal of Licenses Any person aggrieved by the [treasurer's] refusal of the board to issue a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date or refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the [treasurer] board whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the [treasurer who] Board which shall be represented in the proceeding by the [district attorney] Department of Justice At said hearing testimony may be presented by the applicant and the court shall revive the testimony presented the [treasurer] board after the consideration of which the court shall either sustain the refusal of the [treasurer] board or order an issuance of the license to the applicant There shall be no further appeal

Section 8 Public Service [Malt Liquor] Licenses The [Department of Revenue] board may issue public service malt [liquor] and brewed beverage licenses to a railroad pullman or steamship company permitting malt [liquors] or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding months and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The [Department of Revenue] board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the [Department of Revenue] board in refusing suspending or revoking any such license may within thirty days thereafter appeal to the court of common pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the [Department of Revenue] board as the court may provide The court shall hear the appeal de novo and shall make such order affirming modifying or reversing the order of the [department] board as to it shall appear just The action of the court shall be final

Section 9 [Malt Liquor] License Year Mercantile License Exemption (a) Licenses issued under this act to distributors [retailers and public service companies] retail dispensers and retail package licenses shall unless revoked in the manner provided in this act be valid for the [malt liquor] license year [for which they are issued The malt liquor license years shall begin on June first in each calendar year Licenses may be issued at any time during a malt liquor license year] as set up by the board for the particular district in which the license issues

(b) Licenses issued under this Act to Manufacturers and Public Service Companies shall unless revoked in the manner provided in this Act be valid for the calendar year for which they are issued Licenses to manufacturers and Public Service Companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt [liquors] or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt [liquors] or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' and Retailers' Licenses Every person intending to apply for a distributor's [or retailer's] retail dispenser or package retail license as aforesaid in any municipality or township of this Commonwealth shall file with the [treasurer] board his or its application at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act and at the same time pay said [treasurer] board [a] the filing fee of ten dollars [for the use of the county] as specified in this act

Section 11 Application for Distributor's and Retailers' Licenses Application for distributors' and retailers' [malt liquor] licenses shall contain

(a) The name and residence of the applicant and how long he has resided there [and if an individual the residence of such applicant] and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director if the application is for a Distributors or Package Retail license and the applicant therefor is a Corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one percentum of the capital stock of the Corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of the Pennsylvania stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter [temporarily] permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter [temporarily] permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt [liquors] or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution

of malt [liquors] or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt [liquors] or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the [treasurer] board unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the Board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses (a) Any retailer dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt [liquors] or brewed beverages but a separate license must be secured for each place where malt [liquors] or brewed beverages are sold [or where orders are taken]

(b) No person shall possess or be issued more than one distributor's or package retail license [in any one municipality or township nor shall any] no person shall possess or be issued more than one class of license No distributor shall maintain or operate any place or places whether for sale or for storage other than [that] those for which the license is granted [where malt liquors are sold or where orders are taken] No distributor's license shall be issued for any premises in any part of which there is operated any other license for the manufacture sale or storage of liquor alcohol or malt or brewed beverages

(c) Licenses shall be granted by the [treasurer] board only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals

[Licenses shall be granted by the treasurer only to individual citizens of the United States who have been residents of this Commonwealth for at least three years immediately preceding or to corporations organized in or duly authorized to transact business in this Commonwealth and all of those officers and directors shall be citizens of the United State who have also been residents of this Commonwealth for at least three years immediately preceding the applications for license]

A [malt liquor] retail dispenser license or a package retail license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residential district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed for the sale of malt or brewed beverages at the time of the final enactment of this act

Section 13 Revocation and Suspension of Licenses [by Court of Quarter Sessions After a license has been granted upon petition of the Attorney General the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the court of quarter sessions and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of malt liquors or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said license issued by the treasurer The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final

Any licensee whose license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of five years from the date his license was revoked]

Upon the Petition of the Attorney General the District Attorney of any County or in the case of a Retail Dispenser's license or a Package Retail license upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the Board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of beverages or relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act In all cases where the Board shall suspend or revoke a license it shall set forth its Finding of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of license issued under this Act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such Appeal shall be upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the Petition by the Court after ten days notice to the Board which shall be represented in the proceedings by the Department of Justice At such hearing testimony may be presented by the Applicant and the Board The court shall review the testimony submitted to the board after the consideration of which the Court shall either sustain the suspension or revocation of the license modify or reverse the order of the Board in all such cases of Appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such Appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final In no case shall an Appeal from the action of the Board in either suspending or revoking a license act as a supersedeas

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The [treasurer] board is hereby authorized to transfer any [distributor's or retailer's malt liquor] license from one

person to another or from one place to another or both within the same municipality or township as the [treasurer] board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally [Any such transfer of a license may be made at any time] or to a place as to which a license has been revoked within one year of the date of application Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the Board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the Board From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action or shall have a Receiver appointed by any Court whether by voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the Board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license In all such cases the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fee for any such transfer shall be filed in the office of the county treasurer at least one week before the transfer is made] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except [a fee of ten dollars to be paid to the treasurer for the use of the county] a filing fee of ten dollars ($10)

Section 16 Renewal of Licenses [Renewals of licenses shall be granted annually by the treasurer upon the filing of an application as hereinbefore provided and the payment of a fee of ten dollars for the use of the county and the payment of the license fee and the filing of a bond as in the case of an original license]

All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless within one month of the date of filing of such application for renewal the Applicant shall have been notified by the Board of objections to the granting thereof filed by persons authorized so to do upon the payment of the requisite filing fee the payment of the license fee and the filing of a Bond as in the case of an original application for license the Board shall grant such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file Petitions for the revocation or suspension of licenses as provided in Section Thirteen hereof

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor or retailer of either class or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed and with sufficient sureties either personal or a surety company authorized to do business in this Commonwealth Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Such bonds shall not be accepted until approved by the [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies] board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the [sale of beverages or relating to] the manufacture sale possession or transportation of malt or brewed beverages [of] or alcohol or any other alcoholic beverages [Such] All bonds shall be filed with and retained by the board [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies The penal sums of such bonds filed by a distributor or retailer shall be one thousand dollars for each place at which the licensee is authorized to sell beverages The penal sums of such bonds filed by railroad pullman or steamship companies shall be one thousand dollars irrespective of the number of licensed care or ships operated by such companies] The penal sum of Bonds filed by the Manufacturers shall be Ten Thousand ($10,000.00) Dollars for each place at which the licensee is authorized to manufacture The penal sum of Bonds filed by Distributors shall be one thousand ($1,000.00) dollars for each place which the licensee is authorized to maintain The penal sum of bonds filed by all other licensees shall be one thousand ($1,000.00) dollars for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand ($1,000.00) dollars irrespective of the number of licensed cars or ships operated by such companies Every such bond shall be turned over to the [district attorney or the] Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked as herein provided

Section 19 License Fees Distribution of Revenue No license shall be issued to any manufacturer distributor or [retailer] retail dispenser or package retailer until the licensee shall have first paid an annual license fee for such grant as follows

[(a) In the case of a distributor the license fee shall be graduated according to the population of the municipality or township in which the place of business is located and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants thirty-seven dollars and fifty cents

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants fifty dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants seventy-five dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants one hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants one hundred and twenty-five dollars

VI In those having a population of one hundred fifty thousand and more one hundred fifty dollars

(b) In the case of a retailer the license fee shall be graduated according to the population of the municipal unit in which the place of business is located as follows and shall be paid to the treasurer

I In municipalities or townships having a population

of less than one thousand five hundred inhabitants seventy-five dollars]

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants one hundred dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants one hundred and fifty dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants two hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants two hundred and fifty dollars

VI In those having a population of one hundred fifty thousand and more three hundred dollars

(c) In the case of an incorporated club the fee shall be twenty-five dollars in all cases

(d) In the case of a public service license for the sale of malt liquors in dining club and buffet cars the fee shall be ten dollars for each car on which malt liquors are sold and shall be paid to the State Treasurer through the Department of Revenue

(e) In the case of a public service license for the sale of malt liquors on a boat or vessel the fee shall be fifty dollars for each such vessel or boat which shall be paid to the State Treasurer through the Department of Revenue

(f) The fees for distributor retail and public service company malt liquor licenses when applied for and issued on or after

September first but prior to December first shall be three-fourths of the annual fee

December first but prior to March first of the succeeding year shall be one-half of the annual fee

March first but prior to June first one-fourth of the annual fee]

[The license fees fixed by this section shall be paid before the license or renewal is issued

The fees for distributors' and retailers' malt liquor licenses shall be paid by the treasurer to the municipalities and townships in which the licensed places are located for the use of such municipalities and townships The fees for public service malt liquor licenses shall be for the use of the Commonwealth]

Remittances shall be made by the treasurer to municipalities and townships within thirty days of the receipt of any license fee]

(a) In the case of a Manufacturer the license fee shall be One Thousand ($1,000.00) dollars for each place of manufacture and shall be paid to the Board

(b) In the case of a Distributor the license fee shall be six hundred ($600.00) Dollars and shall be paid to the Board

(c) In the case of a Retail Dispenser and Package Retailer the license fee shall be graduated according to the population of the Municipal unit or township in which the place of business is located and shall be paid to the Board as follows

	Retail Dispenser	Package Retailer
(a) Less than 10,000	$100	$50
(b) 10,000 and more but less than 50,000	150	75
(c) 50,000 and more but less than 100,000	200	100
(d) 100,000 and more but less than 150,000	250	125
(e) 150,000 and more	300	150

(d) In the case of an incorporated Club the fee shall be Twenty-five Dollars in all cases and shall be paid to the Board

(e) In the case of a public service license for cars the fee shall be ten dollars [for each car] per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(f) In the case of a Public Service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

(g) The fee for filing applications for license and for renewals shall be ten dollars which together with fees fixed by the board for transfers shall be paid to the board

(h) The license fees fixed by this Section shall be paid before the license or renewal is issued

(i) The fees for Manufacturers Distributors Public Service Retail Dispensers and Package Retail licenses and all filing fees shall be transmitted to the State Treasurer by the Board The fees for manufacturers distributors and public service licenses and filing fees shall be paid unto the State Stores Fund Fees paid for Retail Dispensers and Package Retailers licenses shall be paid by the Treasurer of the Commonwealth into the Liquor License Fund for the use of Municipalities and Townships in which the licensed places are located and shall be paid over to such municipalities and townships at the same time as other moneys in the Liquor License Fund

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt [liquors] or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt [liquors] or brewed beverages in other than original containers nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate any place or places other than the place or places covered by [him] his or its [permit] license where malt [liquors] or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors No distributor shall purchase receive or resell any malt [liquors] or brewed beverages except in the original containers as prepared for the market by the manufacturer No distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided that no malt [liquors] or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or in any place provided for such purpose by such distributor

Section 22 Sales by Retailers (a) No retailer shall purchase or receive any malt [liquors] or brewed beverages except in original containers [and thereafter may] as prepared for the market by the manufacturer The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for [use and] consumption [only however in and upon the premises so licensed Provided That such retailer may sell such malt liquors in the original containers to be carried from the premises by the purchaser thereof] on or off the premises so licensed Provided however that no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises And provided further That no club licensee may sell any beverages for consumption off the premises where sold

(b) No package retailer shall purchase or receive any malt or brewed beverages except in original containers as packaged for the market by the manufacturer Thereafter he may sell or dispense the same only in original containers to be carried from the premises by the purchaser thereof and not to be consumed upon the premises of the package retailer or in any place provided for such purpose by such package retailer No package retailer may sell to a single customer in a single sale more than seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises

No retailer shall [maintain] [any bar at which malt liquors are served to customers or] sell any malt [liquors] or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit [the sale of malt liquors at a lunch counter with seats or chairs permanently fastened thereto if such counter is in an eating place as herein defined A retailer licensed to sell] a retail licensee from selling malt [liquors] or brewed beverages in a hotel or club house [may however sell and deliver such malt liquors] in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

Section 23 Unlawful [Sales] Acts It shall be unlawful [for any licensee or his or its servants agents or employes (a) To sell trade or barter in malt liquors between the

hours of twelve o'clock midnight of any Saturday and six o'clock in the forenoon of the following Monday

(b) To sell furnish or give any malt liquors to any person visibly intoxicated or to any insane person or to any minor

(c) To sell furnish or give any malt liquors to any person on any day on which a general municipal special or primary election is bein held

(d) In the case of retailers to sell or offer to sell any malt liquors for consumption on the premises where sold to any person on credit excepting credits extended by a hotel or club to a bona fide registered guest or member No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause

(e) To sell offer to sell or furnish any malt liquor to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for malt liquors

(f) To hawk or peddle any malt liquors in this Commonwealth

(g) To manufacture import sell trade or barter in any spirituous vinous or other alcoholic liquors except malt liquors]

(a) For any manufacturer or distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday

(b) For any package retailer or retail dispenser except clubs or the servants agents or employes of such licensees except clubs to sell trade or barter in beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante meridian of any day

(c) For any licensee to sell furnish or give any beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(d) For any licensee except a club to sell furnish or give any malt or brewed beverages to any person until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(e) For any licensee to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash excepting credits extended by a Hotel or Club to bona fide registered guests or members No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the Manufacturer Distributor or other Vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the beverages so sold are actually transported and delivered to points outside of the Commonwealth

(f) For any licensee to sell offer to sell or furnish any beverage to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(g) For any licensee except a manufacturer on his own premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part to advertise on the outside of any licensed premises any beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage

(h) For any manufacturer or distributor to give furnish or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular beverage or the manufacturer producer or place of manufacture or production of any beverage unless the size of such sign shall be no larger than two hundred seventy square inches and the actual value thereof shall not exceed ten dollars

(i) For any licensee to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the Manufacturer or place of production of the said beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(j) For any retail dispenser to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing appartus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing aparatus

(k) For any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such beverage was produced This clause shall not be construed to prohibit a manufacturer from desigating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another State or territory when the laws of such State or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(l) For any retail licensees except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any Retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The Board shall have power to provide for the issue of such special permits and to fix the fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(m) For any "Distributor" on the licensed premises to engage in any other business whatsoever except the business of distributing malt or brewed beverages or

(n) For any Distributor Retail Dispenser or Package Retailer to have in his possession on any licensed premises or to permit the storage on the licensed premises of any spiritous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

(o) For any licensee to manufacture import sell trade or barter in any spiritous vinous or other alcoholic liquors or alcohol except Malt or Brewed beverages

(p) For any licensee to issue publish or post or cause to be issued published or posted any advertisement of a malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(q) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or pricipals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or

to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

(r) For any licensee to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

(s) For any licensee to offer pay make or allow or for any licensee to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages manufactured or sold by the licensee

(t) For any licensee to fail to keep for a period of at least two years complete and truthful records covering the operation of his license and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(u) For any licensee to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(v) For any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

Section 24 Things of Value Not to Be Offered [for the Return of Certain Articles] It shall be unlawful for any person licensed to sell malt [liquors] or brewed beverages to offer or give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt [liquors] or brewed beverages or to offer or give anything of value as a premium or present to induce the purchase of such malt [liquors] or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

(w) For any person to hawk or peddle malt or brewed beverages or to distribute malt or brewed beverages unless an order therefor has been previously received

(x) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture storage transportation or sale or spirituous or vinous liquors alcohol or malt or brewed beverages

(y) For any manufacturer or distributor to sell any malt or brewed beverages for use or delivery within the Commonwealth unless such manufacturer or distributor shall have posted with the Liquor Control Board in accordance with regulations to be promulgated by the Liquor Control Board a price list which shall set forth

(1) All of the brands and types of malt or brewed beverages containing more than one-half of one per centum of alcohol by volume offered for sale by such manufacturer or distributor

(2) The sale price thereof to the various classes of licensee provided for in this act Provided That any manufacturer or distributor may change such postings at any time

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt [Liquors] or brewed beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt [liquors] or brewed beverages from that as originally marketed by the manufacturer

Section 26 Transportation in Original Packages It shall be unlawful for any licensee or transporter for hire to transport any malt [liquors] or brewed beverages except in the original containers

Section 27 Delivery Vehicles to Bear Name and Address of Distributor or Manufacturer It shall be unlawful for a manufacturer or distributor to deliver any malt [liquors] or brewed beverages excepting in vehicles bearing the name and address and license number of such distributor or manufacturer painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor [or retailer] retail dispenser or package retailer or an officer director or stockholder or creditor of any distributor [or of any retailer] retail dispenser or package retailer nor except as hereinafter provided be the owner proprietor or lessor of any place covered [by] directly or indirectly by any [malt liquor distributor or malt liquor retail] distributor's retail dispensers or package retailer's license or liquor license

(b) No distributor and no officer or director of any distributor shall at the same time be a manufacturer or retailer or be an officer director stockholder or creditor of a manufacturer or retailer or be the owner proprietor or lessor of any place covered by any other [malt] [liquor malt or brewed beverage or liquor [retail] conducting

(c) No manufacturer or distributor or retailer licensed under this act shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this or any other act

(d) Excepting as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage lien against the same for which a [malt liquor retail] liquor retail dispensers or package retailers license is granted nor shall a manufacturer or distributor either directly or indirectly lend any moneys credit or equivalent thereof to any retailer in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business [where malt liquors are licensed for sale and consumption upon the premises excepting only the usual and customary commercial credits for malt liquors sold and delivered operated under a liquor retail dispenser's or package retailer's license excepting only the usual and customary credits allowed for returning packages or containers in which malt or brewed beverages were packaged for market by the manufacturer

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or mortgage lien against the same for which a [malt liquor distributor] distributor's license is granted nor shall a manufacturer either directly or indirectly lend any money credit or their equivalent to any distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt [liquors] or brewed beverages are licensed for sale by a distributor excepting only the usual [and customary commercial credits for malt liquors sold and delivered] credits allowed for the return of packages or containers in which malt or brewed beverages were originally packaged for the market by the manufacturer

(f) "No Distributor Retail Dispenser or Package Retailer shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a retail distributors dispensers or package retailers license excepting only the usual and customary credits allowed for the return of packages or containers in which malt or brewed beverages were packaged for the market by the Manufacturer"

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest [until January first one thousand nine hundred and thirty-six by a manufacturer

of any place occupied by a distributor or retailer if the manufacturer has continuously owned or had a conflicting interest in such place for a period of at least three years prior to the effective date of this act] by a manufacturer of any place occupied by a distributor retail dispenser or package retailer after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this Act

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt [liquor] or brewed beverages outside of this Commonwealth

Section 29 Penalty (a) Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine not exceeding five hundred dollars ($500) Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction shall be sentenced to imprisonment for a term of not more than one year

(b) Upon proof being made that any licensee under this Act has violated any of the provisions of this Act the Board may in its discretion revoke or suspend any license issued by it to any such licensee The right of the Board to suspend or revoke rights as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this Section

Section 30 [Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein]

Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part there of Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 31 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of any municipal election to determine the will of the electors with respect to the granting of licenses to [retailers of malt liquors] retail dispensers under the provisions of this act Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses the said corporate authorities shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt [liquor] and brewed beverage retail licenses for consumption on premises where sold in the of	Yes	
	No	

If a majority of the persons voting on such question vote "yes" then malt [liquor] and brewed beverage retail licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any [malt liquor retail] retail dispenser's licenses in such municipality or township under the provisions of this act

No [retail malt liquor] such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P L 252) and its amendments voted prior to the adoption of this amendment against the granting of retail beverage licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 32A Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 32B (a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked or that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act but

no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributors' licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one-twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) All licenses issued to retailers for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the date fixed by the board for the beginning of the license year in the district in which the said retail license is located In the event the person to whom a retailer's license has been issued prior to the effective date of this act and whose license remains unrevoked on that date shall apply for and be issued a retail dispenser's license for the ensuing license year for the district in which his licensed place is located such person shall be allowed a credit on the license fee for the license year for such district for the unused portion of the license fee which he has paid In the event a person to whom a retailer's license shall have been issued prior to the effectiv date of this act and whose license remains unrevoked on that date shall apply for and be refused a retail dispenser's license for the ensuing license year for the district in which his licensed place is located the license theretofore issued to such retailer shall continue in force until the expiration of the license year for which issued unless previously revoked or suspended In the event that a person to whom a retailer's license shall have been issued prior to the effective date of this act and whose license remains unrevoked on that date shall fail to apply for a retail dispenser's license at the time to be fixed by the board for the filing of applications for the ensuing license year for the district in which such person's licensed place is located the license heretofore issued to such person shall continue in force until the first day of June one thousand nine hundred and thirty-six but such person shall not be eligible to apply for a retail dispenser's license in the district in which the licensed place is located until the expiration of one year after June first one thousand nine hundred and thirty-six

(d) Upon final enactment of this act the board is authorized to issue package retail licenses to those who qualify without hearings for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located upon payment of a license fee at the schedule of rates herein set forth said fee to be determined on a monthly basis

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study and amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2437 entitled

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933 1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of lcense and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933 1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby reenacted and amended to read as follows

An act to regulate and restrain the sale manufacture possession importation and use of alcohol and certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties

ARTICLE I

SHORT TITLE AND PRELIMINARY PROVISIONS

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partner-

ship or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club shall mean any group of responsible individuals of good reputation associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existance and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse for the use of members Continuous existence must be proven by satisfactory evidence Any cessation of continuous activity shall be reason for refusal to grant the license The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members

"Corporation" shall mean a corporation or jointstock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accomodating at least thirty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per cent of alcohol by volume except alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor and malt or brewed beverages in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor and malt or brewed beverages as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accomodating at least thirty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor or malt or brewed beverages for a consideration and any gift in connection with or as a part of a transfer of property other than liquor or malt or brewed beverages for a consideration

Section 3 Interpretation of Act (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health pace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor which take place wholly within the Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

GENERAL POWERS AND DUTIES OF PENNSYLVANIA LIQUOR CONTROL BOARD

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use and delivery of liquor in accordance with the provisions of this act

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant issue suspend and revoke liquor licenses as provided in this act

(e) To lease through the Department of Property and Supplies as agent and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest except in private homes on view without warrant any person actually engaged in the manufacture or transportation of or having illegal possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power to seize and confiscate without warrant or process except in private homes any liquor alcohol and malt or brewed beverages so illegally possessed manufactured or transported and any stills equipment materials utensils vehicles boats vessels aircraft or any of them which are being used in the manufacture of transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels or aircraft so seized or confiscated shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages to be used for containing liquor or malt or brewed beverages kept or sold under this act

(h) Without in any way limiting or being limited by the foregoing to do all such things as are deemed necessary or advisable for the purpose of carrying into effect

the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the boards subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and yithout limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor is kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase of liquor and its supply to Pennsylvania Liquor Stores

(d) The classes varieties and brands of liquor to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor kept for sale by the board under this act

(f) The sealing and labeling of liquor sold under this act and of liquor lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses to hotels restaurants clubs an drailroad pullman or steamship companies and the conduct management and equipment of licensed places

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

ARTICLE III

PENNSYLVANIA LIQUOR STORES

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertiement in at least two newspapers of general circulation If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel No officer or employe shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him- or her-self and that no application blank shall require the color of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them When there are positions to be filled examinations shall be held at least twice in each year The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examination shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been establshed The examination papers of such candidates shall be marked by committees composed of representatives of the Department and of persons not employed by the Commonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by the department and each committee shall consist of three persons The selections made by the presidents of State aided colleges and universities shall be submitted to the department in writing by each such president and the department shall designate committee members from the lists so submitted in rotation

All offices places and employment in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on The list of eligibles in any district shall be valid only until the next examination is held in such district

Secton 303 Management of Pennsylvania Liquor Stores

Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held [from nine A M to nine P M] during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours or less than seven hours in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board of chemists The Board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor purchases from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the Board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor to be consumed on the store premises nor shall any person consume any liquor on such premises

Every purchaser of liquor from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the Board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the Gener alAssembly for any audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

LICENSES AND PERMITS

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt liquor to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and liquor for consumption off the premises where sold Liquor sales for consumption off the premises must be in original sealed packages as purchased from Pennsylvania Liquor Stores and in quantities not in excess of one quart to any person at the retail price as established by the board and no licensee shall permit any such vendee to break the seal of such a package on the premises where sold Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by an application fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the

names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every Club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute and seeks a license for a hotel restaurant or club as defined in this act the board shall grant and issue to the applicant a liquor license [entitling him to purchase liquor from a Pennsylvania Liquor Store and in that part of the hotel restaurant or club set out in the license to sell by open bottle glass or other container or in any mixture the liquor so purchased and also malt liquor to the patrons guests or members for consumption in that part of the hotel or restaurant habitually used for the serving of meals to patrons guests or members or in private rooms of the building as hereinafter provided and in accordance with the provisions of this act and the regulations made thereunder] The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residental district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed at the time of the final enactment of this act for the sale of liquors and malt liquors

Section 404 Appeals from Refusal of Board to Issue Licenses Any person aggrieved by the refusal of the board to issue a hotel restaurant or club liquor license may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board a surety bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company or not less nor more than two individuals each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2,000) or more to be approved by the board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be [sued out] collected if and when the licensee's license shall have been revoked as provided in this act

Section 407 License Fees (a) Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00) two hundred dollars ($200.00)

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00) and fifty dollars ($250.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00) four hundred dollars ($400.00)

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants four hundred dollars ($400.00) five hundred and fifty dollars ($550.00)

In those having a population of one hundred thousand and more but less than one hundred forty thousand inhabitants five hundred dollars ($500.00) seven hundred dollars ($700.00)

In those having a population of one hundred forty thousand and more inhabitants six hundred dollars ($600.00) one thousand dollars ($1,000.00)

(b) Every applicant for a club liquor license shall before receiving such license pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

[(c) The fees for hotel restaurant or club licenses when applied for and issued on or after

April first but prior to July first shall be three-fourths or the annual fee

July first but prior to October first shall be one-half of the annual fee

October first but prior to January first one-fourth of the annual fee]

[(d)] (c) All license fees authorized under this section shall be collected by the board for the use of the municipalities [except] or townships [of the second class] in which such fees were collected [License fees for liquor licenses issued to hotels restaurants or clubs located in townships of the second class shall be collected by the board for the use of the school districts coextensive with such townships]

Section 408 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The the same municipality or both as the board may determine board is hereby authorized to transfer any license from one person to another or from one place to another within but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses

(b) [at least one week] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth

(c) In the event that any person to whom a license shall have been issued under the terms of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all

such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses [(a) Unless previously revoked every license issued by the board under this act shall expire and terminate on the thirty-first day of December in the year for which the license is issued]

[(b) Licenses issued under the provisions of this act shall be renewed annually upon the filing of applications in such form as the board shall prescribe but no license] (a) The Board shall by regulation divide the State into convenient License Districts and shall hold hearings on such applications as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board shall by regulation fix the License year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the Board of objections to the renewal of his license based upon violation by the licensee of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture transportation use storage importation possession or sale of liquors or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute the license of a licensee shall be renewed [until] when the applicant shall file with the board a new surety bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License [After a license has been issued to a hotel restaurant or club under this act the Attorney General the district attorney or fifteen or more taxpayers residents of the municipality where the hotel restaurant or club is located may petition the court of quarter sessions of the proper county for the revocation of such license If after notice and hearing it shall appear to the court that the licensee has violated any law of this Commonwealth or regulation of the board relating to liquor malt liquor or alcohol the court may suspend or revoke the license The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final]

Any licensee whose license is revoked shall be inelligible to have a license or permit under this act or under any other act relating to the manufacture sale or distribution of liquor or malt liquor until the expiration of five years from the date his license was revoked]

After a license has been issued under the provisions of this Act upon the petition of the Attorney General the District Attorney of any County or upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon it own motion the board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act when a license is revoked the licensee's bond shall be forfeited In all cases where the Board shall suspend or revoke a license it shall set forth its Findings of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt liquor until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any licensee aggrieved by the suspension or revocation of any license issued under this Act may appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such appeal shall be taken within twenty days from the date of revocation or suspension upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the petition by the Court after ten days notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the Applicant and the board after the consideration of which the court shall either sustain the suspension or revocation of the license modify the order of the Board or reverse the action of the board In all such cases of appeal the court of quarter sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appear to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the court of quarter sessions was properly based upon the evidence The action of the Superior Court shall be final In no case shall an appeal from the action of the board in either suspending or revoking a license act as a supersedeas

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests or patrons and in the case of hotels and clubs to guests or members in their private rooms in the hotel of club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel Every such licensee may also sell liquor in original packages as purchased from a Pennsylvania Liquor Store in quantities not to exceed one quart to any one person at any one time at the retail price established by the board

[A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members]

[Liquor may be sold by licensees other than clubs only after seven o'clock ante meridian of any weekday and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municipal special or primary election is being held]

(c) Club licensees selling to members only may sell at any time regardless of day or hour All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following day and shall not sell on Sunday after two o'clock ante meridian or on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

Section 412 Sale of Malt or brewed beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one

person [It shall not be necessary for such licensees to obtain malt liquor retail licenses under the provisions of the Malt Liquor License Law] no licensee under this act shall at the same time be the holder of any other license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt liquor to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt liquor to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensee shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of manadamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each [dining club or buffet car for which a license is desired] of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00) [The board shall collect a proportionate license fee for such licenses issued during a license year in such proportions as elsewhere provided in this act in the case of hotels restaurants or club liquor licenses]

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses The board may upon application grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be five hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of five thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to the distribution sale and use of liquor

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchases from such licensees under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importer's Licenses The board may upon application grant to responsible persons of good reputation importers' licenses Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries and insular possessions of the United States to be sold outside of this Commonwealth and exclusively to Pennsylvania Liquor Stores within this Commonwealth

The fee for such licenses shall be one thousand dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to the distribution sale and use of liquor malt or brewed beverages alcohol or other alcoholic beverages Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages

ARTICLE V

LOCAL OPTION

Section 501 Local Option Areas Authorized In any municipality an election may be held but no oftener than once in four years on the date of any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality

Section 502 Petition of Electors for Local Option Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes	
	No	

If a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting

on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place in any local option area where the electors have voted against such sales but the sale of malt liquors by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

ILLEGAL ACTS PENALTIES FORFEITURES

Section 601 Restrictions on Sales by Manufacturers or Licensed Importers It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine permit but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

Section 602 Sale by Persons Other Than Manufacturers (a) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess any liquor within the Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store But nothing herein contained shall prohibit the possession of liquor purchased from a licensee in accordance with this act or prohibit the possession of wine manufactured by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one year two hundred and fifty gallons Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

(c) Except as provided in this act it shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor from any person or source other than a Pennsylvania Liquor Store or a licensee as provided in this act

(d) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine permit to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board but nothing contained shall prohibit the possession of wine as provided in clause (b) of this section

(e) It shall be unlawful for any licensee or the board or any employe of such licensee or of the board to sell furnish or give any liquor or to permit any liquor to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(f) It shall be unlawful for any licensee to sell or offer to sell or purchase or receive any liquor [to any person on credit] or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchased as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or beverages so sold are actually transported and delivered to points outside of the Commonwealth

(g) It shall be unlawful for any licensee or the board or any employe or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

(h) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

(i) It shall be unlawful for any licensee except a Manufacturer on his own premises to advertise in any manner whatsoever on the outside of any licensed premises any liquor or malt or brewed beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages All outside advertisements of liquor or malt or brewed beverages erected prior to or maintained on the effective date of this act in violation of this section shall be removed from licensed premises within thirty days after such date

(j) It shall be unlawful for any manufacturer or licensee to give furnish lease or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture of any liquor or malt or brewed beverages unless the size of such advertising matter shall be no larger than two hundred and seventy square inches and the actual value thereof shall not exceed ten dollars ($10)

(k) It shall be unlawful for any licensee to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(l) It shall be unlawful for any licensee to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(m) It shall be unlawful for any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverages upon which

there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(n) It shall be unlawful for any licensee except club licensees to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to fix the fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(o) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic streingth of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause (p) It shall be unlawful for any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board

Section 604 Things of Value Not to be Offered [for the Return of Certain Articles] It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverage or to offer or give anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or to offer or give any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define to either trade or consumer provided however that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of Manufacturer It shall be unlawful for a manufacturer to deliver any liquor except in his own vehicles bearing his name and address on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine permit or of an importer's license to import any liquor whatsoever into this Commonwealth but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) A manager or employe of the board or any employe of the Commonwealth shall not solicit or receive directly or indirectly any commission renumeration or gift whatsoever from any person having sold selling or offering liquor for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor to or purchasing liquor from the board either directly or indirectly to pay or offer to pay any commission profit or renumeration or to make or offer to make any gift to any member or employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances (a) Any room house building boat vehicle structure or place except a private home where liquor is possessed sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties hereinafter provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as hereinbefore provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a hotel or restaurant license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or the equivalent thereof to any hotel or restaurant for equipping fitting out or maintaining and conducting either in whole or in part a hotel or restaurant licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as hereinbefore provided no hotel licensee restaurant licensee or club licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor nor shall any hotel restaurant or club licensee either directly or indirectly lend any moneys credit or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained n this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this act

Section 610 Penalties (a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not more than three months and for any subsequent offense shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not more than one year

(b) The right of the board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel or airsraft illegally used in the manufacture or transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seied or obtained from such defendants except that the court may order the same or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle boat vessel or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels and aircraft) publicly destroyed by the sheriff except that the court may order the same or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel or aircraft seized under the provisions of this act and condemned the court shall order a public sale thereof by the sheriff of the county Notice of such sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias The proceeds of such sale shall be paid to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgage or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall given ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

(c) In addition to the foregoing provisions the court shall in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation Provided That a license may be issued for such motor vehicle after the public sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property the destruction or sale of which is provided for in subsection (2) and (3) of clause (b) of this section shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or citizen containing the following (1) a description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possession or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold or destroyed (as the case may be) according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession

at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such property shall have been seized once a week for three (3) successive weeks Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property or the holder of a chattel mortgage or conduct of conditional sale thereon (II) that he lawfully acquired the same (III) that it was not unlawfully used or possessed by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of additional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft was lawfully acquired possessed and used by him or if it appearing that the property was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be destroyed or sold (as the case may be) as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act

ARTICLE VII

DISPOSITION OF MONEYS

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers' licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine and importers' licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities [except] and townships [of the second class] in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceding period [On the above dates in each year the board shall pay to the respective school districts coextensive with townships of the second class the license fees collected by it during the period immediately preceding the date of paymeent for licenses issueed to hotels restaurants or clubs located in townships of the second class]

Section 702 Application Fees and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All application fees and moneys accruing from sales of liquor at Pennsylvania Liquor Stores and all [fines penalties and] forfeitures collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801 Effective Date This [act] amendment and re-enactment shall become effective immediately upon its [passage and approval by the Governor except that nothing herein contained shall authorize the sale of any liquor prior to the day when the Twenty-first Amendment to the Constitution of the United States is ratified by conventions in at least three-fourths of the several states and except that the provisions of this act forbidding the importation of liquor except by Pennsylvania Liquor Stores and purchases not for consumption on the premises except from Pennsylvania Liquor Stores shall not become effective until the first day of January one thousand nine hundred and thirty-four

Prior to January first one thousand nine hundred and thirty-four holders of manufacturers' permits heretofore issued by the Pennsylvania Alcohol Permit Board may sell liquor not for consumption on the premises otherwise than to Pennsylvania Liquor Stores and holders of liquor licenses issued by the board may buy liquor otherwise than from Pennsylvania Liquor Stores and sell it not for consumption on the premises as well as for consumption on the premises but they shall keep such records and make such reports of sales not for consumption on the premises as may be required by the board for the use of the Department of Revenue

[The provisions of section four hundred seven clause (c) shall not be effective until January first one thousand nine hundred and thirty-four

For all licenses and permits issued during the year one thousand nine hundred and thirty-three the full annual license or permit fee shall be charged but such licenses and permits shall be valid until midnight of the thirty-first day of December one thousand nine hundred and thirty-four unless sooner revoked as provided in this act And all bonds filed with the board in connection with the issuance of such licenses and permits shall cover the period ending December thirty-first one thousand nine hundred and thirty-four] final enactment

Section 802 Repeal The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act concerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws" and all other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the question?

BILL RECOMMITTED

Mr. BLUMBERG. Mr. Speaker, I move that this bill be recommitted to the Committee on Law and Order for the purpose of further study and amendment.

The motion was agreed to.

BILLS INTRODUCED

Mr. COHEN asked and obtained unanimous consent to introduce bills, the title of which were read as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Appropriations will meet tomorrow at 9.00 A. M. in room 326.

The Committee on Agriculture will meet tomorrow at 9.15 A. M. in room 324.

The Committee on Highways will meet tomorrow at 10.00 A. M. in room 326.

The Committee on Judiciary General wil meet tomorrow at 10.00 A. M. in room 325.

The Committee on Boroughs and Townships will meet tomorrow at 10.30 A. M. in the Conference Room.

The Committee on Cities will meet tomorrow at 10.30 A. M. in room 323.

The Committee on Banking will meet immediately after tomorrow morning's session in room 323.

The Committee on Labor will not meet tomorrow.

TIME EXTENDED ON BILLS ON POSTPONED CALENDARS

The SPEAKER. If there is no objection the Chair will ask for an extension of time on all bills on the postponed calendars whose time would expire today unless extended. Are there objections? The Chair hears none and the time is extended.

ADJOURNMENT

Mr. O'KEEFE. Mr. Speaker, I move that this House do now adjourn until tomorrow morning at 11.00 A. M.

The motion was agreed to, and (at 11.45 P. M.) the House adjourned until Tuesday, May 28, 1935, at 11.00 A. M.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

TUESDAY, May 28, 1935

The Senate met at 11 o'clock A. M.

The PRESIDENT (Pro Tempore, John G. Homsher) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Teach us, O God, certain great varities concerning Thee. May we know that Thou art. Although we cannot see Thee without natural eyes, yet Thou are more real than any human personality. May we know that Thou art near. Our fellow men can come no closer than bodily contact will permit, but Thou dost touch us soul to soul. May we know that Thou art mighty by coming in touch with the powers of nature which Thou hast made and dost control. May we realize Thy beauty as we behold the hills and valleys of earth clad in varied colored robes with the successive seasons. May we recognize Thy love as we daily receive Thy mercy and Thy forgiveness.

Assured of these cardinal truths, help us, our Father, to have unwavering faith in Thee. May our hearts ever sing Thy praises and may we render Thee constant and willing service.

Lead this Senate by Thy Spirit so that its acts and enactments may be well pleasing unto Thee, the God of all earth. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HUFFMAN, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. NORTON asked and obtained leave of absence for the Senator from Somerset, Mr. Ealy on account of sickness in his family.

PETITIONS

FAVORING SENATE BILL NO. 1080

Mr. McCREESH presented petitions signed by a number of residents of Philadelphia County favoring Senate Bill No. 1080.

Which was referred to the Committee on Judiciary General.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 2675 (Senate Bill No. 1467), entitled:

An Act to amend article two of section one (f) and article five section four of an act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), entitled "Public Service Company Law' by requiring the approval of the commission to proposed increases in rates placing the burden of proof in certain cases on the public service company and empowering the Public Service Commission to decree reparations.

Which was committed to the Committee on Public Utilities.

House Bill No. 2685 (Senate Bill No. 1468), entitled:

An Act providing for the regulation, supervision and control of public service company holding companies and affiliated interests; requiring approval of contracts between such holding companies or affiliated interests and public service companies; subjecting such contracts to continuing supervision and control; providing for the disallowance of compensation paid thereunder by public service companies in certain contingencies; conferring powers and imposing duties on the public service commission; conferring jurisdiction on the courts of common pleas, and concurrent jurisdiction throughout the Commonwealth on the court of common pleas of Dauphin County; imposing penalties; and repaling certain provisions of an Act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (P. L. 1374), as amended, commonly known as the "Public Service Company Law."

Which was committed to the Committee on Public Utilities.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga will state his question of personal privilege.

Mr. OWLETT. Mr. President and fellow members of the Senate, I rise to a question of personal privilege in order to discuss and answer some of the remarks made in this Chamber last week by the Governor of this Commonwealth.

I do so because I believe that gross errors of statement and extravagant misrepresentations of fact, when made to this body, should not be permitted to go unchallenged or uncorrected by it. And I think that this obligation rests upon us, whether such misstatements arise out of a profound lack of knowledge of easily ascertained facts, or are made with an intent to mislead the public and thereby put

this body in an entirely false light before the people of this State.

I believe, further, that a publicity stunt should be called by that name, and in discussing the one that was staged here last week I shall have occasion to refer to others of like character, in which the Governor of Pennsylvania has played the same role of false prophet and disseminator of flagrant misinformation.

In my opinion the time has arrived when the Republican majority in this Chamber should no longer, in a silence which might be interpreted as acquiescence, permit itself to be made the sounding-board for a ballyhoo of economic ignorance and misrepresentation, which has been decked out in the disguise of friend to labor, in order to achieve political objectives which would be to the lasting detriment of the wage-earners of Pennsylvania.

I believe, too, that the time has arrived to call the turn on all those whose chief purpose seems to be to foment discord between employers and employees; whose whole thesis seems to be that Industry is a crook and that the man who has risked his savings in order to produce commodities and pay wages and taxes is a pariah to be hounded to destruction—it not being explained, however, how the employer is to be destroyed without at the same time destroying the employee.

Mr. President, I make no qualification of this statement which I wish could reach the eye and the ear, and penetrate the inner consciousness and the natural intelligence of every worker, every professional man and woman, every merchant in this Commonwealth, that the real pariahs in this State—and I put the brand upon them—are those who never turned a hand to make Pennsylvania the industrial empire into which it has been welded by employers and employees engaged in a common enterprise—an industrial empire, Mr. President, which has been, and is today, the envy of those States which are overlooking no inducement in their efforts to entice our industries to remove from Pennsylvania and locate within their own borders.

I give ground to no man in my sincere desire to maintain the American standards of living, to spread them to all groups, and to raise those standards as rapidly as may be possible without destroying the very foundations on which they rest. But I am profoundly serious when I express the conviction that the worst blight upon this country today—the most prolific cause of social unrest and the most dangerous deterent of business recovery—is that too-abundant crop of greatest living experts on every conceivable legislative or economic problem; men and women who have never rubbed elbows with the hard practicalities of life, but who attempt to speak with authority on those subjects of which they know least; and who, if you will only take their word for it, have a sort of inspired mission and are Gods greatest gift to the American wage-earner.

Mr. President, we all recognize that no man can be right all the time and wholly free of mistakes and errors. But I submit that it is a serious situation when one who attempts to formulate important and far-reaching policies can be wrong a very great deal of the time, and in respect of matters on which this Legislature and the people at large are entitled to accurate facts and not misleading misinformation. And I challenge the instance of a single case, of the many in which the Governor has been proved to be very far wrong, in which he has publicly admitted the inaccuracy of his facts and figures, and thus attempted to correct the general misapprehension which his erroneous statement created.

On April 23rd, in a most revealing address dealing not only with industrial and economic conditions in this Commonwealth, but also with national policies which obviously and undeniably are undermining the productive enterprises of this State and of the nation, Senator Reed, of Dauphin County, set forth a gross misrepresentation which the Governor had repeated and reiterated, time and again, in efforts to bolster his demands for new taxes amounting to more than $200,000,000 a biennium—a program which the people and the press of this State almost unanimously condemned and repudiated.

In statements prepared for the newspapers, in speeches delivered at various places throughout the State, and in so-called fire-side chats over a Statewide radio hook-up, the Governor had informed this body and the people of Pennsylvania that there were two million persons on the relief rolls of this State. He also asserted, time and again, that if his $203,000,000 tax program were not enacted, those people would starve. Neither statement was true.

Senator Reed pointed out that for the entire period of which the Governor was speaking, the average number of persons on relief was not 2,000,000, but only 1,690,000, or 310,000 less than stated by the Governor. No denial of that statement could be made, and since that time the State Relief Administration has brought its figures down to approximately those given by Senator Reed. But from the Governor there has not been one word, either to this body or to the public, in explanation or retraction of his artificial figures, padded to the extent of 20%.

Senator Reed revealed something even more significant, however, when he set forth that relief costs, per person, under the first three months of the Earle Administration, were 70% higher than the average for the whole year of 1934, and 120% higher than for the corresponding first three months of 1934. There has been no denial of that statement, either by the Governor or his Relief Administrator, and I agree with the suggestion of Senator Reed that the probable explanation of the padded figures as to the number on relief was that they were used to confuse this body and mislead the public, and thereby distract attention from the scandalously increased costs of relief under this Administration.

Mr. President, it was clear to most of us in this Chamber—and I believe it is now clear to a majority of the people of Pennsylvania—that the exorbitant tax program demanded by the Governor was not in fact based upon a budget which established such revenue requirements, but that the budget itself was patterned to fit, and presumably to justify, the unwarranted total of new revenue which the Governor and his political advisors wanted.

Nevertheless, in behalf of that program, and in an effort to jam it through this body, the Governor told us, and he told the people of Pennsylvania, that the Federal Relief Administration demanded that this Legislature make provision for $5,000,000 a month for relief, for a full two years, and hence if the Earle tax program was not enacted, all Federal relief money to Pennsylvania would be shut off and 2,000,000 persons—again that 2,000,000—would face starvation. In comparison with that statement, what are the facts?

In the face of the most violent, vituperative and irresponsible abuse ever aimed at any group in either branch of the Legislature of Pennsylvania—in the face of open

efforts by the Governor of this Commonwealth to create public disorder or worse—in the face of deliberate attempts made by the Administration to induce supposedly aroused citizens to march upon the capitol, in an effort to intimidate members of this body—I am proud to say that the exhorbitant tax program was defeated; that the requirements of relief and the demands of the Federal Relief Administrator were met; and that the people of this Commonwealth were saved some 90 millions of new taxes which the Governor was determined to load upon them.

Now, Mr. President, the Governor appeared in this Chamber last Monday night to urge the passage by the Senate of certain other legislation which he is urging in the guise of friend of labor. This legislation embraces ten proposed laws, and I call your attention to the fact that at the time these bills were introduced in the House, the Governor appeared there to give them his blessing. And again on that important occasion his publicity was largely made up of inexcusably misleading misinformation.

He told the House, and by that means the general public, that he advocated these bills because other nearby and comparable industrial States have them; and he made the assertion that inasmuch as such laws had not injured either the industries or the wage-earners of those States, they would not injure the industries or the wage-earners of this State.

He specifically mentioned Massachusetts as a State whose industries and wage-earners had not been injured by such legislation, and such increased costs of production, and such kinds of taxation, as he has demanded.

Mr. President, there has been available for months a careful compilation of official facts and figures showing just what has happened to Massachusetts—its industries, its workers, its taxpayers and its communities—as a direct result of just such legislation and taxation, all of which, by the way, was enacted under this same guise of being the friend of the worker.

That study has been widely commented upon by the press of this and other States. I understand that a copy of it was sent to every member of this Legislature and every member of the Legislature of Massachusetts. I am informed that is has been requested by probably half the colleges, universities and libraries of the country, and by such informed groups as national trade and labor organizations, and various governmental agencies such as the United States Department of Labor. But I also am informed, Mr. President, that despite this wide publication, reading and review, there has not been a single question or denial of a single fact, figure or conclusion in that study, by any social worker, labor leader or other person in this or any other State, so far as is known here.

And what are the facts, as established by the authoritative figures there given? I can summarize only briefly but remember, please, that these statements are from the records, and have not been denied, even by the labor leaders who were most active in promoting the legislation.

More than 2,500 industrial plants have either gone out of business or have removed to other States.

Approximately 200,000 wage-earners who otherwise might have retained work, even during the depression, were thus thrown out of employment.

During the last five months, 5,000 more have been added to the number of unemployed.

The prevailing average annual wage in industry—and I wish every wage-earner and every merchant in Pennsylvania would compare this established fact with the statements made by Governor Earle—the prevailing average annual wage in industry dropped to 18% below that in Pennsylvania.

Abandoned mills and factories not only do not pay wages, but they do not pay taxes, so that with the disappearance of many large taxpayers, the remaining taxables are paying rates that have increased by as much as 40% as the collapse of industry has continued.

Such previously prosperous communities as Fall River and New Bedford—essentially manufacturing centers—went completely bankrupt and their financial administration had to be taken over by the State.

Yet the Governor of Pennsylvania would try to force the industries and the wage-earners of this State down that path of disaster and destruction, giving this Senate and the people of this State his personal assurance that it's all perfectly O.K. and that nothing injurious or adverse can happen.

In the same speech in the House, to which I have referred, he specifically mentioned New Jersey as having all of these laws and thus affording conspicuous evidence that they could not be harmful, either to the industries themselves or the workers employed.

Mr. President and fellow members of the Senate, an inquiry of the head of the Department of Labor in that State developed the fact that New Jersey has exactly one of those laws, that one being the requirement that wages be paid at intervals of not more than two weeks. Another instance of utterly misleading information—wrong to the trifling extent of 90%.

Speaking in this Chamber, Monday night of last week, the Governor specifically mentioned New Jersey as having a Minimum Wage Law, after which this State might well pattern its legislation.

Mr. President and fellow members of the Senate, the State of New Jersey has no Minimum Wage Law, and I am moved to wonder when, if ever, the Governor of Pennsylvania knows what he is talking about when he attempts to disseminate so-called facts and information to this Senate and to the people of this State.

I call your attention now to the Workmen's Compensaion Bills in the Committee on Labor and Industry of the Senate, and especially to that known as House Bill 1199 (Senate Bill 1159), generally referred to as the Administration's Workmen's Compensation Bill. I shall not go into that subject in any great detail now, because the proponents' side of the case has been widely publicized for weeks, and every argument of the oppoinents, as presented during the public hearing by the Senate Committee on Labor and Industry, last Tuesday night, is now in the posession of each Senator in printed form.

However, I do wish to emphasize this highly important and very significant fact. The statistician for the proponents of this bill, and their most highly valued witness, was Mr. Gregory C. Kelly, Manager of the Pennsylvania Compensation Rating and Inspection Bureau.

Mr. Kelly, in his testimony before the House Committee several weeks ago, gave what he now admits were wholly incorrect and misleading figures as to the added costs which this proposed measure would saddle upon the employers of Pennsylvania. On the basis of those erroneous and misleading figures, Democratic newspapers

carried scathing editorials in denunciation of the employers' estimates of costs under the present and proposed Acts.

But when Mr. Kelly appeared before the Senate Committee, last Tuesday night, with a prepared statement on the subject, his opening remark was to admit that his original figures were decidely wrong and that this proposed Act would considerably more than double the present cost of workmen's compensation to the employers of Pennsylvania.

He conceded that a present cost of 26½ millions a year to the employers would be increased by at least 30 millions or 112%.

Mr. President, I am as anxious as any member of this Legislature to widen the scope of our Compensation Law and to increase its benefits to the injured, up to the point where the burden on our productive enterprises will not be destructive of jobs and wages; but I agree with that witness before the Senate Committee who said:

> "Of what benefit would it be to the employes of Pennsylvania to receive the empty promise of advanced compensation, when, as a matter of fact, the positions which would yield that to them shall have been taken away from them by the shift of industry?"

And what is the position of our industry in this Commonwealth? Our production falls into three major classes—manufacturing, mining, and agriculture. This bill would hit all three.

I think we will all agree that agriculture in this State already is carrying the maximum financial load that can be put upon it—a substantial part of that load resulting from the Federal Processing Taxes out of which our farmers get only a pain in the neck, while helping to pay the subsidy that is handed to their western competitors for not planting crops.

Yet, for the first time in Pennsylvania, the farmers would be brought under the requirements of the Workmen's Compensation Law and would be compelled to insure their liability, even to their own children, or be fined "not less than $100 nor more than $300 for each offense, and every day a separate offense."

The story of anthracite is the story of an industrial greatness which is fast disappearing; the story of an industry in which wage, compensation and other production costs have been pushed up to a point where the product is steadily losing its markets in competition with oil, gas, electricity, etc.

It is the story of an industry whose output has shrunk from 90,000,000 tons to 50,000,000 tons, a decrease of 44%, within a period of 10 years; whose working capital has dwindled from $120,000,000 to only $10,000,000, being only 8% now of what it was 10 years ago—an industry in which thousand already have lost their jobs.

And yet, Mr. President, under this bill which is being pushed by the so-called friends of labor, the compensation costs in that industry would be more than doubled—and the only suggestion that can be offered by those promoting these job-destroying proposals is that this increased cost be added as a further boost to prices which are steadily cutting down the comsumption of anthracite and thereby constantly decreasing the number of jobs in that industry.

In the bituminous industry of Pennsylvania we find almost the same sort of situation. The soft coal mines of this State employ now about 128,000 wage-earners, with an annual payroll of approximately $117,000,000. But call your attention to these facts:

West Virginia is the nearest, and at the same time th most aggressive, competitor to the bituminous industry this State. In 1918 Pennsylvania mined 180,000,000 to and West Virginia 90,000,000 tons, which was a Pennsy vania advantage of 100% over West Virginia.

But in 1934 West Virginia mined 97,000,000 tons, an Pennsylvania only 90,000,000, which was a change from Pennsylvania advantage of 100% to a Pennsylvania dis advantage of 7%.

Compensation costs the bituminous operators of We Virginia 24% less than the cost per ton now imposed upo the bituminous operators of Pennsylvania by the prese Act. The purchase of millions of tons is now shifting fro one section to another on a price difference of less than cents a ton. But this proposed law, advanced as a sup posed benefit to workers, would more than double th present compensation cost borne by the bituminous indus try, the best estimate being that the actual increase woul be 7¾c a ton. With Pennsylvania's production figures al ready so radically changed as they are, in respect of We Virginia, can anyone argue that the effect of this measur further increasing the Pennsylvania price by more tha 50% of the present differential on which millions of to are shifting, could be other than a tremendous increase unemployment in the bituminous regions of Pennsylvania

Our utilities, Mr. President, are the subject of a de structive and many-sided attack by the Federal Govern ment, which, for its viciousness and insidiousness alik is probably unparalleled in American history. Neverthe less, they are assuming a heavy share of additional Stat taxation under the compromise agreement by which th people of Pennsylvania were saved some $90,000,000 i taxes which would have been imposed under the pro posals so insistently demanded by Governor Earle.

In the Administration-controlled lower House, two rail road bills, one to increase the number constituting a crew the other to limit the length of trains, would have im posed upon the railroads operating in this State an adde annual burden of something like $50,000,000 a year.

What of our manufacturing industries, which are th bed-rock of our whole economic system?

I cannot help but call attention to the spectacle whic we witnessed in this Senate two weeks ago. The need of the present emergency necessitated large increased taxe on our manufacturing interests an utilities. When amend ments were offered to these revenue-raising bills limitin their incidence to the emergency what happened? Th Democratic minority in this Senate to a man, with th leaders of their party watching the vote from the side lines gave notice that as far as they were concerned thes additional burdensome taxes were not temporary but i they had their way they would become permanent. I is difficult to understand the argument which has bee so frequently advanced by the Administration that the are not interested in cuting down taxes unless it can b shown that our taxes are greater than those of othe States. Mr. President I feel that Pennsylvanians shoul be proud that good housekeeping in this State under Republican Administration has resulted in our taxes bein lower than those of our neighboring States. Lets kee them that way rather than try to embrace the New Dea

theory that the virtue of a Government is determined by the size of its taxes.

"Mr. President, I present here a balance sheet accounting of Pennsylvania's manufacturing industries, in official figures, in each instance indicating the source from which they were obtained.

For the following items the manufacturing industries of this State now pay yearly:

Raw materials, fuel, containers, purchased electrical energy, etc (U. S. Census of Manufacturers)	2,000	Millions of Dollars
Wages (U. S. Dept. of Labor)	815	Millions of Dollars
Salaries (U. S. Census of Mfgrs.)	150	Millions of Dollars
State and Local Taxes (Penna. Dept. of Revenue)	25½	Millions of Dollars
Federal Taxes (Penna. Dept. of Revenue	12½	Millions of Dollars
Rents (Penna. Dept. of Revenue)	11½	Millions of Dollars
New State Taxes, Unemployed Relief	22½	Millions of Dollars
Freight, insurance, interest, depreciation, advertising, and Processing Taxes which cannot be passed on, grouped at low estimate of 6% of total gross value of production ..	180	Millions of Dollars
Total	3,217	Millions of Dollars

As against this, United States Government figures show that the present annual value of the products of Pennsylvania manufacturing industries is 3,000 millions of dollars.

The loss is 217 millions a year, or more than 7% of Total Gross Income.

The adoption of the Federal Security Bills now pending will add 10 millions more to the cost column of Pennsylvania manufacturing industries for 1936; and if this Administration Compensation Bill should be passed in anything like its present form, it would add another 25 millions a year to that branch of productive enterprise.

The loss, Mr. President, would be more than 250 millions of dollars per year, or approximately 8½% of Total Gross Income.

The suggestion is impossible, and it cannot be made to accord with logic or common sense or an honest and decent regard for the welfare of the wage-earners of Pennsylvania.

The feeble proposal offered by the proponents of these so-called Social Bills is that the increased costs resulting from them be added into prices. Mr. President, I think I have shown how ridiculous that suggestion is, in the case of both the anthracite and the bituminous industries; and I am sure that it must be equally apparent that it cannot be done by our manufacturing industries, competing with similar industries in other States which operate under no such handicaps.

Senator Reed, in the speech to which I have referred, gave figures of the U. S. Department of Labor to show that as between January 1933 and January 1935 the manufacturing industries of this State had increased their number of workers by 31%; the per capita weekly wages of those workers by 25%; and total payrolls by 62%; so that by March of this year those enterprises were employing 75% of the number employed in the boom year of 1929, to whom they were paying an average wage having a purchasing power equal to the industrial workers' purchasing power in the peak year of 1929.

They have done that while operating, in the aggregate, at a substantial loss. Their burdens have been greatly increased by the new taxes for unemployment relief—a Capital Stock Tax and a 6% Tax on Net Incomes. They cannot do more, and anything further that may be attempted in that respect would be a direct blow at jobs and at the wage-earners of this Commonwealth.

It is true that our mines cannot move. But as I have shown in figures which cannot be dodged or denied, when production costs are forced beyond those prevailing in competing States, the business goes elsewhere, production declines, and jobs are destroyed. The injury does not stop with the industry itself, or with those who are thus thrown out of work, but extends to all who previously were the direct or indirect beneficiaries of the purchasing power created by that industry.

Manufacturing enterprises, however, can and do move, as has been conclusively shown by the disastrous consequences of the enactment by Massachusetts of just such restrictive and burdensome legislation and taxes as have been demanded by this Administration. And the bids are being made for our enterprises right now, with inducements that stand in marked contrast to the policies which we have been asked to approve.

In that connection, as I reach my conclusion, permit me to read you a letter just received by one of the large manufacturing corporations of this State. It is from a concern which acts as agent or middle-man between States which are seeking additional industries, and such industries as might be prevailed upon to remove to such States. It reads:

> "Are you interested in a change of location—a location that will undoubtedly lower your production costs, eliminate troublesome labor complexes, as well as burdensome taxation?
>
> "We wish to call your attention to a timely proposition which a community has authorized us to submit to a substantial industry:
>
> "1. They will construct a suitable building, one-story, sprinklered, on track, site subject to selection.
>
> "2. Industry to have free rent until they have paid out $1,000,000 in wages. At that time they get title to the property, free and clear.
>
> "3. Industry to be exempted from city and county taxes.
>
> "4. Community will, at own expense, conduct a training school under direction of industry's own instructors (whose salaries community will pay) to bring labor to a fairly high state of proficiency."

Mr. President and fellow members of the Senate, our industries, our workers and our communities are confronting a mighty serious situation, and none of us should attempt longer to dodge that fact. Not only are other States making the most attractive bids for our Pennsylvania industries, but conditions and impending taxes are such in this country that it is going to be a paying proposition for our manufacturers to abandon their American mills and factories, build plants abroad, employ foreign labor, and ship their goods into this country at a lower price but a higher profit than is possible under the conditions that our Federal and State Governments are creating.

I say that the time has come to look facts in the face, to husband our industries and protect our workers, and to call the turn on this dishonest and misleading bally-

hoo which attempts to say that these pleasant-sounding but destructive proposals are or could be for the advantage of our wage-earners at this time or under these conditions.

REPORTS FROM COMMITTEES

Mr. HOWELL from the Committee on Finance, reported as committed, Senate Bill No. 1429 (House Bill No. 2853), entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties.

Mr. THOMPSON (Westmoreland), from the Committee on Judiciary General, reported as committed, Senate Bill No. 1251 (House Bill No. 894), entitled:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting martital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions.

Mr. STAUDENMEIER, from the Committee on State Government, reported as committed, Senate Bill No. 1302 (House Bill No. 2167), entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other account due the Commonwealth the collecion and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State Government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

Mr. BATCHELOR, from the Committee on Judiciary General, reported as committed, Senate Bill No. 975 (House Bill No. 861), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective."

Mr. SORDONI, from the Committee on Finance, reported as committed, Senate Bill No. 1428 (House Bill No. 1418), entitled:

An Act to amend section four and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors, providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation.

Mr. BUCKMAN, from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 1466, entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended; permitting dogs to be trained on Sunday during the training season with the consent of owners of lands, except in certain cases.

Mr. MALLERY, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1426, entitled:

An Act prohibiting other than members of the Bar to practice law; and providing penalties.

Mr. HARVEY, from the Committee on Education, reported as committed, Senate Bill No. 1404 (House Bill No. 1716), entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

Mr. CLARK, from the Committee on Appropriations, reported as committed, Senate Bill No. 1451 (House Bill No. 2662), entitled:

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred and thirty-five and thirty-seven fiscal biennium.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1461, entitled:

An Act making an appropriation for the purpose of maintaining the public roads through the Cornplanter Indian Reservation in Elk Township, Warren County.

Also from the Committee on Appropriations, reported as amended, Senate Bill No. 1333 (House Bill No. 2176), entitled:

An Act to amend the title of and the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the City of Chester a monument to the memory of John Morton and making an appropriation" as amended by providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the borough of Prospect Park reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of Forests and Waters the appropriation as so reduced.

Mr. GELDER, from the Committee on Education, reported as committed, Senate Bill No. 1214 (House Bill No. 2205), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

Mr. THOMPSON (Centre), from the Committee on State Government reported as amended, Senate Bill No. 1376 (House Bill No. 2490), entitled:

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases.

Mr. PYTKO, from the Committee on State Government, reported as committed, or as amended, Senate Bill No. 1067 (House Bill No. 1555), entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds

Mr. PIERSON from the Committee on State Government reported as committed, Senate Bill No. 1281 (House Bill No. 2495), entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said departments in relation thereto.

Mr. McGINNIS from the Committee on Judiciary General reported as committed, Senate Bill No. 1326 (House Bill No. 878), entitled:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to correspondents in certain divorce actions.

Also from the Committee on Education reported as amended, Senate Bill No. 34, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing for a State annunity for principals, supervising principals, and superintendents who separated from school service prior to the establishment of the retirement system.

Mr. ARON from the Committee on Municipal Government reported as amended, Senate Bill No. 718, entitled:

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties in the county of

Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein the officers of the consolidated city, including a public administrator, and abolish certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess property officers professions and persons for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws.

RESOLUTION RELATIVE TO PAYMENT OF MILEAGE TO SENATORS

Mr. LAW offered the following resolution, which was twice read and referred to the Committee on State Government.

In the Senate, May 28, 1935.

Resolved, That the Secretary of the Senate acting as Chief Clerk be authorized to arrange for the payment of mileage to the Members of the Senate to cover the period from the beginning of the Session of 1935 to April 1, 1935.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 993 (House Bill No. 1865), entitled:

An Act to amend the title and section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, were twice read as follows:

Amend title, page 1, line 1, by inserting after the word "amend" the following: "the title and"; amend title, page 1, line 8, by striking out the word "as"; amend title, page 1, lines 9, 10 and 11, by striking out the words "of the building and buildings necessary" in line 9, all of line 10, and the words "erection and equipment" in line 11; amend title, page 1, line 11, by striking out the word "the"; amend Sec. 1, page 2, line 4, by striking out the words "section eight" and inserting in lieu thereof: "the title"; amend Sec. 1, page 2, line 10, by striking out the word "as"; amend Sec. 1, page 2, lines 11, 12 and 13, by striking out the words "of the building and buildings neces-"; in line 11, all of line 12, and the words "erection and equipment" in line 13; amend Sec. 1, page 2, line 13, by striking out the word "the"; amend Sec. 1, page 2, lines 19, 20 and 21, by striking out the words "as amended by the act approved the seventeenth" in line 19, all of line 20, and the words "phlet Laws forty-four)" in line 21; amend Sec. 1, page 2, by inserting between lines 21 and 22 the following:

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Roberts,	Trainer.
Frey,	McGinnis,	Rice,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1295 as follows:

An Act to ratify confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by cities of the third class for the payment of the cost of public improvements for the purpose of paving or macadamizing or otherwise improving the roadway of any highway street or alley or part thereof in any such city of the third class or for the payment of the cost of construction of any sewer or sewers which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost and to authorize the city of the third class to fund such debts by the isuance of bonds and to provide for their payment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any city of the third class has issued improvements bonds or obligations by any other name for the payment of the cost of a public improvement for the purpose of paving or macadamizing or otherwise improving the roadway of any highway street or alley or part thereof in any such city which bonds or obligations were to rest alone for their security and payment upon assessments upon the abutting real estate according to the front foot rule or according to benefits such bonds and obligations are hereby ratified confirmed and made valid and binding obligations and debts of the city That whenever heretofore any city of the third class has issued improvement bonds or obligations by any other name for the payment of the cost of a public improvement for the purpose of constructing a sewer or sewers in any such city which bonds or obligations were to rest alone for their security and payment upon assessments upon the abutting property according to the front foot or the assessed valuation

of such property for city purposes or according to benefits such bonds and obligations are hereby ratified confirmed and made valid and binding obligations and debts of the city

Section 2 Whenever any such improvement bonds or obligations have matured but remain unpaid and uncancelled or are about to mature and become payable or whenever any such city of the third class shall have the option to redeem or pay any such bonds or obligations or whenever holders of any such bonds or obligations which may not have matured or become redeemable are willing to surrender the whole or any part of any issue of such bonds or obligations it shall be lawful for the city to issue either registered or coupon bonds with or without coupons attached to be designated "refunding improvement bonds" bearing interest at a rate not exceeding six per centum per annum and payable at any time or times not exceeding twenty years from the date thereof for the purpose of funding and extending the time of payment of the debts represented by such outstanding bonds or obligations and the interest thereon which said refunding improvement bonds may be sold for cash at public sale or exchanged for the outstanding bonds or obligations and the coupons evidencing the accrued interest thereon but no such refunding improvement bonds shall be isued and sold or exchanged except to pay redeem or to exchange for a like amount in par value of such outstanding bonds or obligations and the accrued interest thereon and such outstanding bonds or obligations and the interest coupons when paid redeemed or received in exchange shall be immediately cancelled Such refunding improvement bonds shall be exempt from taxation except for state purposes

Section 3 Nothing in this act contained shall impair the right and duty of any city of the third class to collect from the owners of the real estate abutting on any highway street or alley or part thereof in such city any and all assessments levied for the payment of the cost of paving macadamizing or otherwise improving the same or to enforce the lien of such assessments but the right and duty to collect such assessments and to enforce such lien shall remain and continue unimmpaired as now provided by law Nothing in this act contained shall impair the right and duty of the city to collect from the owners of the property abutting upon any such sewer improvement any and all assessments levied for the payment of constructing any such sewer or sewers or to enforce the lien of such assessments but the right and duty to collect such assessments and to enforce such liens shall remain and continue unimpaired as now provided by law

Section 4 While any of such refunding improvement bonds remain outstanding and unpaid there shall be annually levied assessed and collected by ad valorem tax upon all the taxable property within such city of the third class an amount sufficient to pay the interest on said bonds and the principal thereof within twenty years from the time of the issuance of said bonds

Section 5 Before or at the time of issuing any refunding improvement bonds authorized by this act the city of the third class issuing the same shall create a sinking-fund for the payment of the interest on said bonds and the principal thereof as and when the same respectively become due and payable which said sinking-fund is hereby irrevocably pledged to the payment of the debt thereby incurred It shall be the duty of the city to pay into such sinking fund all ad valorem taxes authorized by this act as and when collected It shall be the further duty of the city to pay into such sinking-fund all assessments applicable to the payment of the bonds or obligations authorized by this act to be funded less the cost of collection as and when such assessments shall be collected and received by the city and the amount to be raised by the taxes provided for in section four of this act shall be reduced accordingly

Section 6 In the event that under the provisions of this act the debt of any city of the third class incurred without the assent of the electors thereof would be increased to an amount exceeding two per centum upon the assessed valuation of the taxable property within such city the question of the increase of such indebtedness beyond the two per centum debt permissible without the assent of the electors shall be submitted to the electors thereof at a public election in the manner provided by law and if at such election the electors shall consent to such increase of indebtedness then refunding improvement bonds may be issued as provided in this act

Section 7 This act shall be full and complete authority for the issuance of bonds as herein authorized without reference to any other law

Section 8 If any part of this act shall be declared unconstitutional by a court of competent jurisdiction the remainder of this act shall remain in full force and effect

Section 9 This act shall become effective immediately upon its approval by the Governor

Agreeably to order,

The Senate preceeded to the third reading and consideration of Senate Bill No. 00, entitled:

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Bennett,	Hunsicker,	Pytko,	Staudenmeier,
Buckman,	Kahle,	Rankin,	Thompson,
Cavalcante,	Lanius,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Coyne,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,	Roberts,	Homsher,
Graff,	Miller,	Rodgers,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate preceeded to the third reading and consideration of Senate Bill No. 66, as follows:

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended by prescribing a cash deposit as a condition precedent to the validity and effectiveness of a nomination paper prescribing the amount of such deposit and the officer with whom it is to be made in each case providing that it shall either be returned to the political body making the same or shall be allocated among the retained by the counties interested depending upon the number of votes polled by the nominee or the most successful nominee presented by such political body imposing duties upon the State Treasurer the Secretary of the Commonwealth county treasurers and county return judges and return boards fixing the date when the act shall become effective and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act ap-

proved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as last amended by the act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fifty-five) is hereby further amended to read as follows

Section 3 (a) Nominations of candidates for any public office may also be made by nomination papers signed by qualified electors of the State or of the electoral district or division thereof for which the nomination is made and filed in the proper office as provided in section five of this act Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth and no other form than the ones so prescribed shall be used for such purpose Where the nomination is for any office to be filled by the voters of the State at large the number of qualified electors of the State signing such nomination paper shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for In the case of all other nominations the number of qualified electors of the electoral district or division signing such nomination paper shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made Each elector singing a nomination paper shall add to his signature his place of residence and occupation and no person may subscribe to more than one nomination for each office to be filled The signatures to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof which affidavit shall accompany the nomination paper Provided That if five of the electors composing any political body making a nomination by nomination papers shall file with the prothonotary of the county in which the nomination paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy subject to the limitations of this act regarding the selection of names that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the nomination papers filed by such political body And provided further That if five electors composing any political body as hereinbefore provided shall file an affidavit as aforesaid setting forth that they have adopted a certain political name or appellation to designate their policy for the purpose of making nominations for ward officers or Officers to be elected in any ward such affidavit shall give to such body of electors the exclusive right to use the said name or appellation for the nomination of any candidates for any precinct or other subdivision of such ward for the election for which such nominations are made

(b) No such nomination paper shall be valid or effective unless there shall be filed therewith a certificate of the State Treasurer or the county treasurer of the proper county as the case may be certifying that the political body presenting such nomination paper has deposited with him as herein below provided a sum of money equal in dollars to one-half the number of qualified electors required to sign such nomination paper but not in any case less than five hundred dollars as follows where the nomination paper is for an office or offices to be filled by the voters of the State at large the deposit shall be made with the State Treasurer where the nomination paper is for an office or offices to be filled by the voters of any electoral district or division composed of two or more counties or parts of two or more counties the deposit shall be made with the State Treasurer where the nomination paper is for an office or offices to be filled by the voters of an electoral district or division consisting of coextensive with or included wholly within one county the deposit shall be made with the county treasurer of said county The State Treasurer or county treasurer as the case may be shall issue and deliver as many such certificates covering the same deposit as a majority in number of the persons making such deposit may in writing order but shall issue or deliver no such certificate except upon the written order of a majority in number of the persons making such deposit One such deposit in proper amount properly certified shall validate and make effective as many nomination papers for as many candidates and offices as the political body making such deposit may be entitled to file No such deposit made by one political body shall validate or make effective any nomination paper filed by any other political body regardless of identity of party name and the only admissible evidence of the identity of the political body which made the deposit with the political body presenting any nomination paper or papers shall be the written certificate of a majority in number of the persons who made the deposit attesting such identity and attesting the applicability of such deposit to such nomination paper or papers

(c) The deposit hereby prescribed shall in each case be upon condition that if the nominee or one of the nominees of the political body making such deposit shall in the election for which such nomination or nominations are made by reason of such nomination alone poll enough votes to entitle such political body to standing and recognition as a political party entitled thereafter to nominate its candidates to public office and to elect its party officers at primaries to be held in accordance with laws now existing or hereafter to be passed then such deposit shall forthwith be returned by the officer with whom the same was made to the political body which made the same if none of the nominees of the political body which made such deposit shall in such election by reason of such nomination alone poll enough votes as aforesaid then such deposit shal lbe allocated by the State Treasurer to and among the several counties interested or retained by the county treasurer as the case may be according to the following rules If the deposit was made with the State Treasurer in connection with a nomination paper or papers for an office or offices to be filled by the voters of the State at large the State Treasurer being informed in the premises by the certificate of the Secretary of the Commonwealth shall allocate and forthwith pay such deposit to and among the several counties of the Commonwealth in the proportion which the vote polled in each county by such nominee or the most successful of such nominees bears to the total number of votes polled by such nominee or the most successful of such nominees in the State as a whole and in case such political body presented the names of more than one nominee that nominee shall for the purposes of this act be considered the most successful who of such nominees by reason of such nomination alone polled the highest number of votes in the State as a whole if the deposit was made with the State Treasurer in connection with a nomination paper or papers for an office or offices to be filled by the voters of an electoral district or division composed of two or more counties or parts of two or more counties the State Treasurer being informed in the premises by the certificate of the Secretary of the Commonwealth shall allocate and forthwith pay such deposit to and among the counties which or parts of which constitute such electoral district or division in the proportion which the vote polled in each such county by such nominee or the most successful of such nominees bears to the vote polled by such nominee or the most successful of such nominees in such electoral district or division as a whole and in case such political body presented the names of more than on nominee that nominee shall for the purposes of this act be considered the most successful who of such nominees by reason of such nomination alone polled the highest number of votes in such electoral district or division as a whole if such deposit was made to a county treasurer in connection with a nomination paper or papers for an office or offices to be filled by the voters of an electoral district or division consisting of coextensive with or included wholly within such county the county treasurer being informed in the premises by the certificate of the county return judges or return board shall retain such

deposit In any case where under the provisions of this act all or any part of any such deposit shall be paid to a county or retained by a county treasurer such funds shall forthwith be deposited to the credit and become part of the general fund of such county to reimburse such county for the direct and indirect expenses imposed on said county by such nomination paper or papers and the candidacies thereby presented and shall be subject to disbursement in the same manner and for the same purposes as other county funds are by law disbursable

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Aron,	Harris,	Pierson,	Staudenmeier,
Batchelor,	Harvey,	Prince,	Thompson,
Baumer,	Howell,	Pytko,	(Centre)
Buckman,	Hunsicker,	Rice,	Thompson,
Cavalcante,	Law,	Roberts,	(Westmoreland)
Chapman,	Mallery,	Rodgers,	Trainer,
Clark,	McClure,	Rupp,	Ziesenheim,
Coyne,	McGinnis,	Salus,	Homsher,
Frey,	Owlett,	Sordoni,	Pres. Pro. Tem.
Gelder,			

NAYS—12

Bennett,	Lanius,	Reed,	Shapiro,
Graff,	McCreesh,	(Dauphin)	Sones,
Hufiman,	Norton,	Reed,	
Kahle,	Rankin,	(Washington)	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 458, as follows:

An Act relating to the playing of the game of polo on Sunday prohibiting such games on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "municipality" as used in this act shall be construed to include every city borough town and township of this Commonwealth

Section 2 It shall be unlawful for any person copartnership association or corporation to stage or engage in the playing of the game of polo regardless whether a charge or admission thereto is made or whether labor or business is necessary to conduct or stage the same on the first day of the week commonly called Sunday before the hour of two o'clock post meridian and after the hour of seven o'clock post meridian

It shall not be unlawful for any person copartnership association or corporation to stage or engage in playing the game of polo regardless whether a charge or an admission thereto or incidental thereto is made or whether labor or business is necessary to conduct or stage the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian and before the hour of seven o'clock post meridian unless the voters in the municipality have first voted against the playing of polo on Sunday during such hours in any municipality wherein the voters have voted against the playing of polo on Sunday it shall be unlawful thereafter to stage or engage in the playing of said game on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian

Any person copartnership association or corporation violating any of the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any copartnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten days

The third section of the bill was read as follows:

Section 3 At any general or municipal election there may be submitted in the manner hereinafter provided a question to determine the will of the electors of any municipality in this Commonwealth with respect to the playing of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian Whenever electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding general or municipal election shall in writing petition the corporate authorities of any municipality to cause a question to be submitted to the electors of such municipality at any general or municipal election occurring at least sixty days after the filing of such petition the corporate authorities shall if the petition is sufficiently signed certify the same to the county commissioners who shall cause such question to be submitted to the electors of said municipality at said general or municipal election Such question shall be in the following form

Do you oppose the playing of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 4 The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns The return board shall compute the said returns and certify the results of the vote cast on the question to the corporate authorities of the municipality

Any such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections

Section 5 In any municipality the will of the electors with respect to the playing of the game of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian may after a prior referendum but not oftener than once in three years be ascertained at a general or municipal election and the question as provided in this act shall be submitted to the electors of any municipality upon demand in writing of petitioners in the manner provided in section three hereof After any such vote the playing of the game of polo on Sunday after the hour of two o'clock post meridian and before the hour of seven o'clock post meridian shall be lawful or unlawful under section two of this act in accordance with the findings as expressed by the voters at such election

Section 6 Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits the playing of the game of polo on Sunday between the hours of two o'clock post meridian and seven o'clock post meridian

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Aron,	Howell,	Rankin,	Salus,
Bean,	Hunsicker,	Reed,	Shapiro,
Buckman,	Law,	(Washington)	Sordoni,
Cavalcante,	McClure,	Rice,	Thompson,
Coyne,	McCreesh,	Roberts,	(Centre)
Frey,	McGinnis,	Rodgers,	Trainer,
Harris,	Pierson,	Rupp,	Ziesenheim,
Harvey,	Pytko,		

NAYS—19

Batchelor,	Graff,	Owlett,	Staudenmeier,
Baumer,	Huffman,	Prince,	Thompson,
Bennett,	Kahle,	Reed,	(Westmoreland)
Chapman,	Lanius,	(Dauphin)	Trainer,
Clark,	Mallery,	Sones,	Homsher,
Gelder,	Norton,		Pres. Pro. Tem.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 558 (House Bill No. 933), entitled:

An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1271) entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny"

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 679 (House Bill No. 955), entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Sones,
Baumer,	Howell,	Prince,	Sordoni,
Bean,	Huffman,	Pytko,	Staudenmeier,
Bennett,	Hunsicker,	Rankin,	Thompson,
Buckman,	Kahle,	Reed,	(Centre)
Cavalcante,	Lanius,	(Dauphin)	Thompson,
Chapman,	Law,	Reed,	(Westmoreland)
Clark,	Mallery,	(Washington)	Trainer,
Coyne,	McClure,	Rice,	Ziesenheim,
Frey,	McCreesh,	Roberts,	Homsher,
Gelder,	McGinnis,	Rodgers,	Pres. Pro. Tem.
Graff,	Norton,	Rupp,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 884, entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 895, entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 935, as follows:

An Act limiting the time with suits for malicious prosecution or false arrest must be brought

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every suit to recover damages for malicious prosecution or for false arrest because of a right of action hereafter accruing must be brought within one year from the date of the accruing of such right of ation and not thereafter Provided however that actions already accrued must be brought within one year from the passage of this act

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 988 (House Bill No. 1615), entitled:

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships.

And said bill having been read at length the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1030, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries and building and loan associations; providing for the payment of the epenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of private banks.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Aron,	Huffman,	Rankin,	Sones,
Baumer,	Kahle,	Reed,	Sordoni,
Bean,	Lanius,	(Dauphin)	Staudenmeier,
Bennett,	Law,	Reed,	Thompson,
Buckman,	Mallery,	(Washington)	(Centre)
Cavalcante,	McClure,	Rice,	Thompson,
Coyne,	McCreesh,	Roberts,	(Westmoreland)
Frey,	McGinnis,	Rodgers,	Trainer,
Graff,	Owlett,	Rupp,	Ziesenheim,
Harris,	Pierson,	Salus,	Homsher,
Harvey,	Prince,	Shapiro,	Pres. Pro. Tem.
Howell,	Pytko,		

NAYS—5

Batchelor,	Clark,	Gelder,	Norton,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1042 (House Bill No. 153), entitled:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I have tried at all times to be impartial in matters, and especially to steer myself clear of partisanship. The bill that is now before the Senate for consideration is an amendment to the Constitution, and it is a bill similar to one already passed by this Senate sometime ago, on which I voted 'no', and I intend to vote 'no' on this resolution also, for I am unalterably opposed to piece-meal building up of a constitution which ought to be revised entirely. I intend to be consistent in that idea, and I think many of my colleagues feel the same way on this resolution as merely a piece-meal building up of a Constitution which ought to be revised entirely, and I think for that reason this resolution ought to be defeated.

Mr. OWLETT. Mr. President, for the enlightenment of the Senator from Fayette, Mr. Cavalcante, I just like to call the Senate's attention to the fact that since 1921, when the last Constitutional Convention was held and a new Constitution drafted, there have been thirty amendments to the present Constitution, and it is very interesting to know, in the light of what the Senator says, to the effect that we ought to have a new Constitution, that only seven of the thirty different items covered by the amendments were taken care of by the Constitution that was drawn in 1921. In other words, in 1921, when those men, recognied leaders of thought in this State, drafted a new Constitution, there were only seven of the thirty different matters which they were able to foresee as necessary. It seems to me that that pretty effectually answers the argument that if we had a new Constitution you would find amendments coming in every year on matters that were not thought of or dreamed of in the Convention assembled.

And the question recurring,

Will the Senate agree to the bill on third reading?

BILL POSTPONED

Mr. BUCKMAN. Mr. President, in the absence of the Senator from Philadelphia, Dr. Woodward, who was sponsor in this Senate a few weeks ago of a similar resolution to the one now under consideration, I move that further consideration of this bill be postponed for the present.

Mr. SALUS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1056, entitled:

An Act relating to tennis on Sunday in cases where an admission is charged permitting tennis on Sunday for which an admission is charged during certain hours and providing for the licensing of exhibitions of tennis where an admission charge is made

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Aron,	Frey,	McGinnis,	Salus,
Baumer,	Harris,	Miller,	Shapiro,
Bean,	Harvey,	Pierson,	Sordoni,
Buckman,	Howell,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rice,	Trainer,
Chapman,	McClure,	Roberts,	Ziesenheim,
Coyne,	McCreesh,	Rupp,	

NAYS—21

Batchelor,	Lanius,	Reed,	Thompson,
Bennett,	Law,	(Dauphin)	(Centre)
Clark,	Mallery,	Reed,	Thompson,
Gelder,	Norton,	(Washington)	(Westmoreland)
Graff,	Owlett,	Rodgers,	Homsher,
Huffman,	Prince,	Sones,	Pres. Pro. Tem.
Kahle,	Rankin,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1080 (House Bill No. 1976), entitled:

An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Norton,	Salus,
Batchelor,	Harvey,	Owlett,	Shapiro,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Staudenmeier,
Bennett,	Hunsicker,	Pytko,	Thompson,
Buckman,	Kahle,	Rankin,	(Centre)
Cavalcante	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,	Rodgers,	Homsher,
Gelder,	Miller,	Rupp,	Pres. Pro. Tem.
Graff,			

NAYS—2

McGinnis,	Reed,
	(Washington)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1101 (House Bill No. 2129), entitled:

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1123 (House Bill No. 2117), entitled:

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Ziesenheim,
Gelder,	McGinnis,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1215 (House Bill No. 2222), entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Pierson,	Salus,
Batchelor,	Harvey,	Prince,	Sones,
Baumer,	Homsher,	Pytko,	Sordoni,
Bean,	Huffman,	Rankin,	Staudenmeier,
Bennett,	Hunsicker,	Reed,	Thompson,
Buckman,	Kahle,	(Dauphin)	(Centre)
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Mallery,	(Washington)	(Westmoreland)
Clark,	McClure,	Rice,	Trainer,
Coyne,	McCreesh,	Roberts,	Ziesenheim,
Frey,	McGinnis,	Rodgers,	Homsher,
Gelder,	Norton,	Rupp,	Pres. Pro. Tem.
Graff,	Owlett,	Shapiro,	

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1241, entitled:

An Act to amend section four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled " An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment fund, and adding to said board a member of the Pennsylvania Historical Commission.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Owlett,	Salus,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Howell,	Prince,	Sones,
Bean,	Huffman,	Pytko,	Sordoni,
Bennett,	Hunsicker,	Rankin,	Staudenmeier,
Buckman,	Kahle,	Reed,	Thompson,
Cavalcante,	Lanius,	(Dauphin)	(Centre)
Chapman,	Law,	Reed,	Thompson,
Clark,	Mallery,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.

NAYS—1

McClure,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1247, entitled:

An Act requiring persons selling attempting to sell or soliciting the Pennsylvania Liquor Control Board to purchase vinous and spiritous liquors for sale in Pennsylvania Liquor Stores to register in a record or book provided for such purpose and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Harris,	Owlett,	Rupp,
Batchelor,	Harvey,	Pierson,	Salus,
Baumer,	Howell,	Prince,	Shapiro,
Bean,	Huffman,	Pytko,	Sones,
Bennett,	Hunsicker,	Rankin,	Sordoni,
Buckman,	Kahle,	Reed,	Staudenmeier,
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Coyne,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	Homsher,
Graff,	Norton,	Rodgers,	Pres. Pro. Tem.

NAYS—4

Cavalcante,	McGinnis,	Miller,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1248, entitled:

An Act to amend section nine of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture; and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties;" extending the time within which certificates of registration may be issued without examination.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Aron,	Harris,	Pierson,	Rupp,
Batchelor,	Howell,	Prince,	Salus,
Baumer,	Huffman,	Pytko,	Shapiro,
Bean,	Kahle,	Rankin,	Staudenmeier,
Bennett,	Lanius,	Reed,	Thompson,
Buckman,	Mallery,	(Dauphin)	(Westmoreland)
Chapman,	McClure,	Reed,	Trainer,
Clark,	McCreesh,	(Washington)	Ziesenheim,
Coyne,	McGinnis,	Rice,	Homsher,
Gelder,	Norton,	Roberts,	Pres. Pro. Tem.
Graff,	Owlett,	Rodgers,	

NAYS—9

Cavalcante,	Hunsicker,	Sones,	Thompson,
Frey,	Law,	Sordoni,	(Centre)
Harvey,	Miller,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. PYTKO. Mr. President, I ask unanimous consent that Senate Bill No. 1278 (House Bill No. 2393), on third reading, entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 541) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1280 (House Bill No. 2491), as follows:

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the state and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended further regulating refunds further regulating the deposits of State moneys and the security therefor and providing additional penalties for late filing of certain reports

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivision every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seventy-four) is hereby further amended to read as follows

Section 301 Deposit of Moneys The Treasury Department shall deposit all moneys of the Commonwealth received by it including moneys not belonging to the Commonwealth but of which the Treasury Department or the State Treasurer is custodian in State depositories approved by the Board of Finance and Revenue

The Treasury Department shall not at any time have in all active depositories more than an aggregate of such total sum as the Board of Finance and Revenue shall by resolution have prescribed and shall not deposit in any one inactive depository an amount in excess of twenty-five per centum of its paid-in capital and surplus nor in excess of five hundred thousand dollars Provided however That in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

All departments boards or commissions having in their possession any moneys belonging to the Commonwealth shall deposit them in State depositories approved by the Board of Finance and Revenue In all such cases the depositing department board or commission shall forthwith upon opening the account notify the Department of the Auditor General and the Treasury Department of the name of the depository and the nature of the funds to be deposited in the account

Section 2 That sections five hundred three five hundred five and seventeen hundred two of said act as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) are hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees et cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys paid to the Commonwealth las the result of an error of law or of fact or of both law and fact| and to which the Commonwealth is rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the

purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund. All such petitions must be filed with the Board within two years of the payment [alleged to have been erroneously made] of which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the Board within one year of the payment of which refund is requested

[(1)] (2) When the estate upon which any transfer inheritance tax has been erroneously paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue with one year from the termination of such litigation or ascertainment of such overvaluation

[(2)] (3) When a court of record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been made such person shall reappear and the court shall rescind its order and adjudication In such case the petition to the Board shall be filed within six months after the court shall have rescinded its order and adjudication

[(3)] (4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconsitutional or under any interpretation of such provision subsequently held by such court to be erroneous In such case the petition to the Board shall be filed within five years of the payment of which a refund is requested But the limitation of five years herein prescribed shall not be deemed to apply in the case of applications for refunds of taxes paid on liquid fuels by political subdivisions prior to the effective date of this amendment where by court decision it has been held that the collection of such tax was erroneous and without authority of law if application for such refunds shall be made within two years after the effective date of this amendment

(b) To hear and determine any petition for the remission of penalties imposed and paid for failure to file any tax or bonus report within the time specified by law If the Board be satisfied that the failure to file the report was not wilful that the report was actually filed within forty-five days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within the time allowed by law for the payment thereof without interest it may allow the petition and refund the amount of the penalty or any part thereof out of any appriation or appropriations made for the purpose or credit the acount of the person association corporation body politic or public officer by whom or which the penalty was paid but no such petition shall be considered unless it be filed within two years after the penalty was paid

(c) To hear and determine petition for the remission of penalties imposed but not paid for failure to file any tax or bonus report within the time specified by law If the board be satisfied that the failure to file the report was not wilful that the report was actually filed within thirty days after it was due and that the tax or bonus exclusive of penalty was paid to the Commonwealth within thirty days after the date when payment of the tax or bonus became due it may strike off the penalty or any part thereof but no such petition shall be considered unless it be filed within two years after the penalty was imposed

(d) All petitions filed under this section shall be in such form as the board shall prescribe

(e) The action of the board on all petitions filed under this section shall be final

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervisions and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largerly held by a few individuals and the length of time its charter Each such statement shall be verified by the that said institution has been engaged in business under oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2. Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interest to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided that when any deposit of State moneys is insured with the Federal Deposit Insurance Commissioner or any other corporation hereafter organized by the United States for the purpose of insuring deposits such depository shall not be required to furnish bond or security to cover the amount of such deposit so insured And provided further That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of bonds of the United States bonds of the Delaware River Joint Commission bonds of this Commonwealth or any municipal subdivision or county thereof [United States municipal or county bonds] to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rate of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day [of] on which any change in interest rates shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost or compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in [other

parts] any part of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located anywhere in [any of the counties above mentioned or in any other county of] the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars Provided however that in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The Secretary shall however not vote on any question coming before the board

Section 1702 Failure of Corporation Association Exchange or Person to make Bonus or Tax Reports on Time If any corporation association exchange or person or the officer or officers of any corporation association or exchange shall neglect or refuse to furnish to the Department of Revenue within the time prescribed by law or any extension thereof granted by the Department of Revenue any bonus or tax report required by section seven hundred six seven hundred seven seven hundred eight seven hundred ten seven hundred thirteen seven hundred fourteen seven hundred sixteen or seven hundred twenty of this act it shall be the duty of the Department of Revenue to add to the bonus or tax of such corporation association exchange or person for each and every tax period for which such report was not so furnished the following percentages which shall be collected with the bonus or tax in the usual manner of settling and collecting such bonus or tax

On the first one thousand dollars of bonus or tax ten per centum on the next four thousand dollars five per centum and on everything in excess of five thousand dollars one per centum

Section 3 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 4 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1299, entitled:

An Act making an appropriation to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1305, as follows:

An Act to further amend subsection twenty of and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools subject to the reduction of taxes on real property by schools districts and imposing duties on school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection twenty of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same of providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-nine of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Twenty On or before the first day of November of each year each school district of the first and second class and each school district of the third class having a district superintendent shall file a certificate with the Superintendent of Public Instruction in such form as he may prescribe and on blanks to be furnished by him showing the number of full-time teachers supervisors principals and other full-time members of the teaching and supervisory staffs the number thereof employed in elementary schools and the number employed respectively in three and four year junior high schools the certificates held by each and the compensation paid each for the current school year and showing further the number of part-time teachers supervisors and principals employed in extension schools and classes established as herein provided the certificates held by each and the compensation paid each during the preceding school year On or before the first day of October of each year each school district of the third class not having a district superintendent and each school district of the fourth class shall forward such a certificate to the county superintendent and if approved by him the county superintendent shall forward the same to the Superintendent of Public Instruction on or before the first day of November of each year

Section 2 Section one thousand two hundred and ten of said act is hereby further amended by adding at the end thereof two new subsections to read as follows

Twenty-five In addition to all payments which the Commonwealth is now by law required to make to school districts on account of the salaries of members of the teaching and supervisory staffs of such school districts the Commonwealth shall pay for the fiscal year beginning June first one thousand nine hundred and thirty-six and each fiscal year thereafter to such school districts as comply with the laws governing the public schools of the Commonwealth and with the further requirements of these amendments for the payment of the whole balance not now required to be paid by the Commonwealth of the annual minimum salary prescribed by law of all full-time members of the teaching and supervisory staffs of all elementary schools employed by all school districts and for the payment of such part of the annual minimum salary prescribed by law of all full-time members of the teaching and supervisory staffs of all junior high schools giving work for the seventh eighth and ninth years as prescribed by law employed by all school districts as shall equal two-thirds of the annual minimum salary prescribed by law for the teaching and supervisory staffs of elementary schools and of all junior high schools giving work for the seventh eighth ninth and tenth years as prescribed by law as shall equal one-half of the annual minimum salary prescribed by law for the teaching and supervisory staffs of elementary schools as shown by the certificate required by law to be filed with the Superintendent of Public Instruction in the November immediately preceding any such fiscal year Such payments shall be made in the same manner and at the same times as payments on account of such salaries are by law required to be made

Twenty-six Except as hereinafter provided no school district shall be entitled to receive or shall be paid State-aid under the provisions of these amendments unless the board of education or board of school directors of the school district shall for the fiscal year of such school district commencing on the first day of January one thousand nine hundred and thirty-six or on the first Monday of July one thousand nine hundred and thirty-six as the case may be and for each fiscal year thereafter reduce the amount of its budget to be raised by means of taxes on real estate per estimated pupil and correspondingly its tax rate as compared with the amount of tax revenue raised from real estate per pupil during the fiscal year one thousand nine hundred and thirty-four or one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five as the case may be by an amount not less than the State-aid per estimated pupil to be received from payments received to be made by the Commonwealth under the provisions of these amendments and payable to the school district during said school year Provided That no school district shall reduce its tax levy on real estate for any school year below that required to pay the interest and sinking fund charges on the funded debt of the school district or as may be required for capital expenditures

If any question shall raise under this subsection whether a school district in accordance with the spirit and intent of these amendments has either effected a reduction of taxes on real estate or has failed to do so only because of the reasonable requirements of its educational program such question shall be decided by the Superintendent of Public Instruction whose action thereon shall be final

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Sones,
Bean,	Huffman,	Prince,	Sordoni,
Bennett,	Hunsicker,	Pytko,	Staudenmeier,
Buckman,	Kahle,	Rankin,	Thompson,
Cavalcante,	Lanius,	Reed,	(Centre)
Chapman,	Law,	(Dauphin)	Thompson,
Clark,	Mallery,	Reed,	(Westmoreland)
Coyne,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,	Roberts,	Homsher,
Graff,	Miller,	Rodgers,	Pres. Pro. Tem.

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1317, entitled:

An Act requiring authorities in charge of State State aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1331 (House Bill No. 1962), as follows:

An Act to amend sections 1 and 2 as amended sections 70 and 71 to repeal section 69 of and to add sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred and eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1 of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" as amended by section one of the act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [on and after the first day of January (1912) nineteen hundred and twelve it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class having a system of sewerage and water-supply of this Commonwealth until a certificate or license to engage in or work at said business shall have been granted said persons by the Director of the Department of Public Health or the Bureau or Board of Health of such cities nor until they have registered as such in the office of the Board of the Board or Bureau of Health of said cities Provided however That nothing in this act shall be construed to prevent the employment or working of apprentices under the direction of duly registered and licensed master or employing plumbers And provided further That master or employing plumbers duly registered and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and journeymen plumbers who have served not less than four years apprenticeship shall not be required to undergo any examination and they shall be entitled to register provided said persons firms or corporations register prior to January first one thousand nine hundred and twelve and annually thereafter between the first and thirty-first days of December of each year as per section two of this act And provided further That before such certificate or license to engage in the work of said business shall be granted to any master plumber firm or corporation such master plumber firm or corporation shall file a bond annually in the sum of two hundred and fifty dollars ($250.00) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnity the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Public Health in the performance of work done by such master plumber firm or corporation Said bond shall contain a provision that no suit thereon shall be instituted or maintained unless and until the Department of Public Health issues a certificate certifying that said master plumber firm or corporation has failed to comply with such acts of Assembly and/or such rules and regulations of the Department of Public Health In the event of such bond being cancelled or becoming ineffective for any reason whatsoever the license granted to such master plumber firm or corporation may be revoked] on and after the first day of January one thousand nine hundred and thirty-six it shall be unlawful for any person or persons to carry on the business or work at the trade of plumbing defined as drainage water piping or the construction alteration and repairing any drainage cesspools trap waste vent or water piping and fixtures attached thereto directly or indirectly connected to the city service water supply or any connection or connections in relation thereto except gas or electric water heaters in cities of the first class having a system of sewerage and water supply of this Commonwealth until a master plumber's license and certificate of registration to engage in or work at said business shall have been granted said persons by the Department of Health of such cities Provided That nothing in this act shall be construed to prevent the employment of apprentices except as hereinafter provided journeymen and licensed plumbers under the direction of duly certified and licensed master plumbers or under the direction of registered journeymen plumbers And provided further That master plumbers duly certified and licensed and having a bona fide place of business in said cities of the first class at the time of the passage of this act and registered journeymen plumbers shall not be required to undergo an examination and they shall be entitled to apply for registration annually thereafter

Section 2 Said act is hereby amended by adding thereto Sections 1.1 1.2 1.3 1.4 1.5 to read as follows

Section 1.1 All and every person or persons desiring to engage in the business or trade of plumbing as a master plumber in cities of the first class shall apply in person and file an application in writing containing the recommendation of two registered master plumbers certifying to the fact that such applicant has the necessary knowledge and experience and bears a good reputation and the applicant shall have been duly registered apprentice plumber for no less than four years and a registered journeyman plumber for at least one year prior to the filing of such application for license as master plumber which application shall be made to the Department of Health and after proper examination given by the Board of Plumbing Supervision of the Department of Health of said cities if such person or persons so applying shall be found competent and the fee has been paid as hereinafter provided the same shall be certified to the Director of Pub-

lic Health of said cities who shall only to those so certified by the Board of Plumbing Supervision issue a license and certificate of registration to such persons certifying that they are registered master plumbers Such license shall so long exist as such master plumbers shall comply with all the rules and regulations of the Department of Health and obey the provisions of this act and shall entitle them to annually apply for a certificate permitting them to engage in or work at the trade of plumbing

One desiring to secure the status of an apprentice shall cause his name to be recorded on the register or rolls of the Department of Health at a cost to be fixed by the Director of the Department of Health and if approved shall receive a card of registration The employer of the apprentice shall certify on the said register or rolls that he is the certified licensed master plumber employing the apprentice If the apprentice changes employers each employer shall certify his employment of the apprentice The apprentice shall be sixteen years of age or over Provided That every certified master plumber may employ one apprentice and shall be entitled to employ not more than one additional apprentice for every four journeymen plumbers employed

No one but a qualified plumber as specified and provided for herein may do plumbing work however a helper or laborer may work under the direction of such a qualified licensed plumber performing only ordinary unskilled labor such as excavating drilling cleaning and moving

Section 1.2 No person firm or corporation not directly engaged in the trade or business of plumbing shall engage in the said business trade or work by himself itself employe or by any other means attempt to engage in the said plumbing work or business of plumbing No member of a firm of three or more persons or a corporation can engage in or continue in the plumbing trade unless one member is a certified licensed master plumber and a second member of said firm or corporation possesses a license as a master plumber

Should a certified master plumber or a licensed master plumber member of the firm or corporation die become incapacitated or sever his connection with the business the business can be continued during the process of administration for a period of not exceeding one year providing the necessary steps are taken satisfactory to the Board of Plumbing Supervision of the Department of Health to admit another master plumber qualified as above provided for as a member of the said firm or corporation Provided That a certified licensed master plumber approved by the Board of Plumbing Supervision of the Department of Health during this interim of administration supervises all work and assumes full responsibility therefor And provided further That municipal authorities shall be permitted to employ a licensed plumber for the repairing of plumbing in municipal buildings

Section 1.3 In the month of November the Department of Health shall send to the shop of each licensed master plumber possessing a certificate of that year an application for a certificate for the succeeding year and those desiring to continue in the trade of plumbing may either deliver in person or mail into the Department of Health the said application properly executed and signed together with the fee prescribed hereinafter not later than the thirty-first day of December and the Department of Health shall then mail the certificate to the licensed master plumber certifying him as a licensed registered master plumber The cost of securing such certificate each year shall be three dollars ($3.00) and no other cost to be imposed by the city

Upon the failure of a licensed master plumber to make proper application for his certificate as herein provided by the thirty-first day of December he shall pay a penalty of two dollars ($2.00) and those licensed master plumbers who fail to secure a certificate for two years shall take an examination as required of applicants by this act

Section 1.4 Those desiring to become journeymen plumbers shall apply to the Department of Health and be given an examination by the Board of Plumbing Supervision of the Department of Health for the privilege of which examination they shall pay five dollars ($5.00) The names of those persons found competent shall be certified to the director of health of said cities who shall thereupon issue a certificate of registration to the applicant Registered journeymen plumbers who have been registered for four years shall be entitled to take the examination and qualify for a license as a master plumber. The journeyman plumber shall register each year in the month of January with the Department of Health and receive a certificate of registration at the cost of fifty cents (50c)

Those applying for a license as a master plumber shall pay for the privilege of examination the sum of twenty-five dollars ($25.00) and those who shall fail to pass an examination shall be permitted to retake the examination after the lapse of three months for which he shall pay five dollars ($5.00) Should the applicant again fail he may retake the examination at intervals of one year at the cost of twenty-five dollars ($25.00)

If the applicant for registration as a journeyman plumber fails he may retake the examination after three months at the cost of one dollar ($1.00) and if he fails again he may retake the examination at intervals of three months at the cost of five dollars ($5.00) All fees for examinations and registration as herein provided for shall be paid into the city treasury

A register or roll of all master plumbers and journeymen and apprentices who shall secure their certification each year shall be kept in the said department which register or roll shall be open to the inspection of all persons interested therein

Section 1.5 Every certified licensed master plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business the word "Registered" and the name or names of the person firm or corporation in letters not less than three inches high

No person other than a certified licensed master plumber shall be allowed to display the sign of plumbing or plumbing repair or house drainage or water piping or any advertisement pertaining thereto and the same shall apply to a firm or corporation

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its certificate to the Department of Health

Section 3 Section two of the said act as amended by section two of said amending act approved the seventh day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred one is hereby further amended to read as follows:

Section 2 [All and every person or persons engaged or engaging in the business or work of plumbing and house drainage in cities shall apply in writing to the said Director of the Department of Public Health Board or Bureau of Health for such certificate or license and if after proper examination made by the board or bureau of health of said cities such person or persons so applying shall be found competent the same shall be certified to the Director of Public Health Board or Bureau of Health who shall thereupon and upon the giving of a bond as hereinabove provided for issue a certificate or license to such persons which shall for the period of one calendar year or fractional part thereof next ensuing the date of such examination entitle him or them to engage in or work at the business of plumbing and house drainage

A register of all such applicants and the license or certificates issued shall be kept in said department which said register shall be open to the inspection of all persons interested therein

The Director of the Department of Public Health is hereby authorized to appoint a board of examiners to consist of the Director of the Department of Public Health one plumbing inspector and two competent plumbers in no wise connected with the city government who shall examine all applicants for license under the provisions of this act The said board shall make all reasonable rules regulations and examinations which shall be approved by the said Director of the Department of Public Health An examination of any one member of a firm or

corporation or of the superintendent or foreman thereof shall be deemed sufficient

Said person or persons firm or corporation engaged or engaging in the business or plumbing or house drainage shall pay for each examination the sum of twenty-five dollars and each journeyman or person engaged in the work shall pay the sum of fifty cents which sum shall be paid into the city treasury for the use of said cities The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of ten dollars per day for each day or session thus actually employed

Every registered plumber shall have a bona fide place of business in said cities and shall display on the front of his or their place of business a sign "Registered Plumber" bearing the name or names of the person firm or corporation in letters not less than three inches high

No person other than a registered master plumber shall be allowed to carry on or engage in the business nor shall any person or persons expose the sign of plumbing or house drainage or any advertisement pertaining thereto unless he or they have first given such bond secured a license or certificate and been registered in the office of the Board or Bureau of Health of such cities nor shall any person or persons other than a registered master plumber or person in his or their employ or under his or their supervision be allowed to alter repair or make any connection with any drain soil waste or vent-pipe or any pipe connected therewith

Every registered master plumber firm or corporation shall give immediate notice of any change in his their or its place of business and upon his their or its retirement from business shall surrender his their or its Every person firm or corporation or representative thereof in registering shall give the full name or names of the person firm or officers' names of the corporation for which he or they shall register

At the expiration of each calendar year said certificate or license shall be null and void A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall between the first and thirty-first days of December of each year surrender the said certificate or license for the current year to the Department or Board or Bureau of Health and re-register his their or its name or names and business or home address upon such form or forms as may from time to time be furnished by said Department or Board or Bureau of Health

A re-examination will not be necessary for re-registration unless the licensed master or journeyman plumber should have failed to make application for re-registration at the specified time The sum of twenty-five dollars shall be paid by master plumbers firms or corporations and the sum of twenty-five cents by journeymen plumbers for re-registration which sums shall be paid into the city treasury for the use of said cities A register of all such applicants and license or certificates issued shall be kept in said Department Board or Bureau of Health which said register shall be open to the inspection of all persons interested therein Any person firm or corporation holding a license granted by any city of this Commonwealth to engage in or work at the business of plumbing and house drainage desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted shall without examination by registered before entering upon such work Provided however That such registration shall be restricted and limited to such plumbing and drainage work as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his or its name or their names and addresses as hereinbefore provided] The Director of the Department of Health shall appoint a board to be known as the Board of Plumbing Supervision of the Department of Health It shall consist of the Director of the Department of Health one representative of the House Drainage Division of the Division of Housing and Sanitation four certified licensed master plumbers and one licensed journeyman plumber A master plumber who may qualify as an appointee must conduct a bona fide shop and be actively engaged in the trade of plumbing and those qualifying must not hold a position with the city or in any other manner be connected with the city or be an officer of a political party Three members of the board shall be appointed for a term of three years and two for a term of two years

Section 4 Said act is hereby amended by adding thereto Sections 2.1 2.2 2.3 2.4 2.5 to read as follows

Section 2.1 This board shall examine all applicants for licenses as master plumbers as provided for under the provisions of this act and upon finding the applicant competent shall certify his name to the Director of Health as qualified to be licensed and registered

Section 2.2 The said board shall have the power to hear complaints made by licensed plumbers of irregularities committed by registered journeymen plumbers and apprentices and the said board of the Department of Health shall have the power to suspend or revoke the certificate or the license of the master plumber and also suspending or revoking the certificate of registered journeyman plumber upon cause shown The aggrieved respondent shall have the privilege of appeal from the action of the Board of Plumbing Supervision of the Department of Health to the court of common pleas as in all other appeals made and provided for under the laws of the Commonwealth of Pennsylvania from executive bodies

The said board shall make all rules and regulations for the conducting of its business The board shall further have the power to hear complaints of licensed certified master plumbers and of registered journeymen plumbers against employes of the Department of Health connected with the plumbing division

In furtherance thereof the Board of Plumbing Supervision of the Department of Health may recommend to the Director of the Department of Health the punishment or dismissal of said employe of the house drainage division of the division of housing and sanitation

The proper officers of the said cities shall pay the plumbers acting on said board the sum of ten dollars ($10.00) for each day or session thus actually employed in carrying out the duties provided for by the provisions of this act The Board of Plumbing Supervision shall be convened for the purposes of carrying out the provisions of this act as frequently as they deem necessary Such meetings shall be held in a fixed centrally located headquarters provided by the Department of Health

Section 2.3 That person holding the position of supervising plumbing inspector and that person holding the position of assistant supervisor of plumbing and those persons holding the positions of plumbing inspectors must sucessfully have passed the examination of licensed master plumber as given by the Board of Plumbing Supervision Provided however That those men holding those positions upon the passage of this act shall not be affected thereby so long as they shall continue in their employment

Section 2.4 The Department of Health shall issue to each master plumber who re-registers as a master plumber for the year one thousand nine hundred and thirty-six and to every master plumber who is granted a license thereafter a license and a permanent license number stating that the applicant has successfully passed the examination for a master plumber and is entitled to apply for re-registration annually thereafter provided he has established a place of business After this place of business has been approved by the Department of Health he shall be granted a certificate of registration and the Department of Health shall furnish one metal plate bearing the words "Registered Master Plumber" Philadelphia and his permanent license number If additional metal plates are required they shall upon written application be furnished by the department as a cost to be set by the Department of Health and provided further that each and every vehicle used by master plumbers and equipped for

trade of plumbing or used for the regular transportation of tools and equipment used for plumbing must have attached thereto on its exterior in a plainly visible position the herein described metal plate

Section 2.5 Any person firm or corporation holding a license or certificate granted by any city of this Commonwealth to engage in or work at the trade of plumbing house drainage and water piping desiring to do plumbing house drainage or water piping in a city of the first class shall without examination be registered before entering upon said work Provided however That such person or persons shall prior to such registration post a surety bond in the sum of five hundred dollars ($500) in such form and with such surety as is approved by the city solicitor for use of the parties interested conditioned to indemnify the city and property owners against loss by reason of the said master plumber firm or corporation failing to comply with the acts of Assembly and the rules and regulations of the Department of Health in the performance of work done by such master plumber firm or corporation and pay the sum of fifteen dollars which sum shall be paid into the city treasury And provided further That such registration shall be restricted and limited to such plumbing repair drainage work or water piping as he they or it shall have contracted for at the time of registry On the completion of such contract or contracts the registration of such person firm or corporation shall be null and void and no further permit shall be issued to such person firm or corporation until he they or it shall have first registered his their or its name or names and addresses as hereinbefore provided

Section 5 Section sixty-nine of said act is hereby repealed

Section 6 Section seventy of said act is hereby amended to read as follows

Section 70 [Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars for each and every day he or they shall engage in or work at said business without first having obtained said certificate or license and any person or persons who shall violate any of the rules regulations or requirements set forth in this act regarding the construction reconstruction or testing of plumbing house drainage or cesspools shall be liable for every such offense to a fine of not less than ten dollars nor more than fifty dollars which fines shall be recoverable before any alderman or police magistrate in said cities by summary proceedings and shall be sued for in the name of such cities and when collected shall be paid into the treasury thereof

All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace in said cities and all suits or actions at law instituted for the recovery thereof shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be to the city treasurer thereof In default of the payment of any fine or penalty imposed by any police magistrate or justice of the peace under the provisions of this act the person or persons so offending may be committed to the jail workhouse or other penal institution of the county in which said city is situated for a period not exceeding thirty days] Any person or persons who shall fail to comply with any of the provisions of this act regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply additions alterations and repairs to plumbing house drainage water piping cesspools wastes traps or vents shall upon summary conviction before a magistrate or upon conviction in a court of record for the first offense committed by such person or persons pay the cost of prosecution and enter a bond of two years duration of an approved surety company approved by the court of common pleas of the county in the sum of five hundred dollars ($500) to the city in which said offense shall have been committed/conditioned that he will not violate any of the provisions of said acts of Assembly thereafter if the violator shall fail to procure a bond he shall be committed to the county jail for thirty days and upon any subsequent violation of any provision of this act the magistrate must hold the person or persons for the next term of court and upon conviction the said bond shall be forfeited to said city Provided That such person or persons shall be liable to a fine of fifty dollars for each and every day he or they shall engage in or work at said business without having first obtained the certificate and license as herein set forth and at the discretion of the court shall be imprisoned for a period not exceeding twelve months

Section 7 Said act is hereby amended by adding thereto Sections 70.1 70.2 70.3 to read as follows

Section 70.1 Licensed plumbers who shall violate any of the rules regulations or requirements made by the Board of Plumbing Supervision of the Department of Health in accordance with the provisions of said act as amended regarding the construction reconstruction additions alteration repairing or testing of plumbing house drainage water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools and wastes traps or vents shall be liable for every such offense to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) All fines and penalties imposed by this act shall be recoverable by summary proceedings before any police magistrate or justice of the peace or court of record in said cities and all suits or actions at law may be instituted by any individual for the recovery thereof and shall be in the name and for the use of the city within or against which offense is committed and upon recovery thereof all such fines and penalties shall be paid to the city treasurer thereof

Section 70.2 At the instance of the Director of Health the city solicitor shall institute all legal proceedings for violations of the provisions of this act

Section 70.3 All permits secured for the doing of any plumbing house drainage cesspools water piping and fixtures attached thereto directly or indirectly connected to the city service water supply cesspools wastes traps or vents shall be conspicuously posted upon the front of the premises where the work is being done Any police official or inspector of the Department of Health of the said cities shall immediately order such work discontinued until a permit is produced Provided That if said work be nevertheless continued without placing said permit in a conspicuous place said person or persons shall be guilty of a violation and punished as set forth herein

Section 8 Section 71 of said act is hereby amended to read as follows

Section 71 The Board of Plumbing Supervision of the Department [or Board or Bureau] of Health shall have power to make such rules regulations and changes in the foregoing specifications relative to the construction of the plumbing or house drainage as said [department] board [or bureau] may from time to time determine to be necessary or advisable for the better protection of the safety or health of the occupants of any house or the community

Section 9 Said act is hereby amended by adding thereto Section 73 to read as follows

Section 73 Wherever it does appear in the act to which this is an amendment the phrase "Board or Bureau of Health" the same shall be taken to mean the Board of Plumbing Supervision of the Department of Health

Section 10 All acts and parts of acts inconsistent with the provisions of this amending act or supplied thereby are hereby repealed

All rules and regulations ordinances of council of the said cities of the first class inconsistent contradictory or contravening the provisions and purposes of this amending act are hereby declared null and void

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Pierson,	Salus,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed (Washington)	Thompson (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		

NAYS—4

Lanius,	Owlett,	Shapiro,	Homsher, Pres. Pro. Tem.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1362 (House Bill No. 2315), entitled:

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Mallery,	Rice,	Trainer,
Clark,	McClure,	Roberts,	Ziesenheim,
Coyne,	McCreesh,	Rodgers,	Homsher, Pres. Pro. Tem.
Frey,	McGinnis,	Rupp,	
Gelder,	Miller,		
Graff,	Norton,		
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1380, entitled:

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E S Blackburn deceased in favor of her residuary devisee and/or heirs-at-law

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Mallery,	Rice,	Trainer,
Clark,	McClure,	Roberts,	Ziesenheim,
Coyne,	McCreesh,	Rodgers,	Homsher, Pres. Pro. Tem.
Frey,	McGinnis,	Rupp,	
Gelder,	Miller,		
Graff,	Norton,		
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1381, as follows:

An Act to amend section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act Number one) entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court the action shall be ratified confirmed and make valid preserving tax liens in such cases and providing for the fixing of dates for tax sales in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of March one thousand nine hundred and thirty-five (Act Number one) entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty?five and one thousand nine hundred and thirty-six validating any action in adjourning or readjournment tax sales taken prior to the effective date of this act and preserving the lien of all taxes on lands to be sold at such sales" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That during the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six any county treasurer may adjourn any tax sale of seated or unseated lands for nonpayment

of taxes if the county commissioners of the county have first petitioned the court of common pleas of the county to permit an adjournment or readjournment of a tax sale and the court has approved such adjournment or readjournment Any such tax sale so adjourned may thereafter be readjourned from time to time in the manner above provided but in no event shall such adjournment or readjournment be beyond the first day of May one thousand nine hundred and thirty-seven Where any such tax sale is so adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for such adjourned or readjourned sale

Where any county treasurer has prior to the effective date of this act on his own initiative or with the consent and approval of the county commissioners or court or both or pursuant to any action by the General Assembly or pursuant to any order or decree of any court adjourned or readjourned any tax sale or for any of the aforesaid reasons has failed to advertise or hold any tax sale such action in so adjourning or readjourning failing to advertise or hold a tax sale is hereby ratified confirmed and made valid and no such adjournment or readjournment failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or any penalty or interest due thereon but the lien of all such taxes shall be fully preserved until the date fixed for such sale in accordance with this act or where said sale was adjourned pursuant to any order or decree of the court until such date as may be fixed by the county treasurer but not later than the date herinbefore fixed notwithstanding that the period fixed by existing law as the life of such a tax lien has expired

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1383, entitled:

An Act to classify certain surface lands as auxiliary forest reserves, to prescribe the terms and conditions of their continuance in such classification, or removal therefrom defining the duties of the Secretary of Forests and Waters, of the county commissioners and of the county treasurer of the respective counties in connection therewith; providing for the appointment of viewers and appraisers; providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers, and from the action of the Secretary of Forests and Waters; providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom; permitting the removal of certain trees from lands so classified, by the owners thereof; providing that lands so classified may be sold only subject thereto; prescribing the method of assessment of such lands during their continuance in such classification; making it a misdemeanor to cut, fell and remove trees from lands so classified, and defining the punishment therefor; validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly; and repealing all acts or parts of acts inconsistent herewith.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed,	Thompson,
Cavalcante,	Law,	(Dauphin)	(Centre)
Chapman,	Mallery,	Reed,	Thompson,
Clark,	McClure,	(Washington)	(Westmoreland)
Coyne,	McCreesh,	Rice,	Trainer,
Frey,	McGinnis,	Roberts,	Ziesenheim,
Gelder,	Miller,	Rodgers,	Homsher,
Graff,	Norton,	Rupp,	Pres. Pro. Tem.
Harris,			

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1384, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Mallery,	Rice,	Trainer,
Coyne,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,	Rodgers,	Homsher,
Gelder,	McGinnis,	Rupp,	Pres. Pro. Tem.
Graff,	Miller,		
Harris,	Norton,		

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1386, entitled:

An Act to amend section one thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department, boards and commissions shall be determined," establishing a board for the determination and payment of minor damages caused by the National Guard.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Mallery,	Rice,	Trainer,
Clark,	McClure,	Roberts,	Ziesenheim,
Coyne,	McCreesh,	Rodgers,	Homsher,
Frey,	McGinnis,	Rupp,	Pres. Pro. Tem.
Gelder,	Miller,		
Graff,	Norton,		
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1387, entitled:

An Act authorizing the publication of legal and official advertising and notices in newspapers of general circulation published on Sunday.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreebaly to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Graff,	Norton,	Salus,
Batchelor,	Harris,	Owlett,	Sones,
Baumer,	Harvey,	Pierson,	Sordoni,
Bean,	Howell,	Prince,	Staudenmeier,
Bennett,	Huffman,	Pytko,	Thompson, (Centre)
Buckman,	Hunsicker,	Rankin,	Thompson, (Westmoreland)
Cavalcante,	Kahle,	Reed, (Dauphin)	Trainer,
Chapman,	Lanius,	Rice,	Ziesenheim,
Clark,	Mallery,	Roberts,	Homsher,
Coyne,	McClure,	Rodgers,	Pres. Pro. Tem.
Frey,	McCreesh,	Rupp,	
Gelder,	Miller,		

NAYS—4

Law,	McGinnis,	Reed, (Washington)	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 112, entitled:

An Act relating to the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof, to cities, incorporated towns, borough and townships; prescribing the time, manner, basis and purposes for and upon which said money shall be allocated and reallocated and paid, specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways, the Auditor General, State Treasurer and on cities, boroughs, towns and townships and officers thereof and providing penalties.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

BILL DROPPED FROM CALENDAR

Mr. REED (Dauphin). Mr. President, I move that Senate Bill No. 112, the bill just read, be dropped from the calendar.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 55, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto section four hundred and eleven A which reads as follows

Section 411 A EFFECT OF MEDICAL EXAMINATION AND WAIVER THEREOF In any case where the medical examiner or physician acting as such or the agent of the insurer recording the answers of the applicant where a medical examination is waived of any insurance company doing business in this State shall issue a certificate of health or declare the applicant a fit subject for insurance or so report to the company or its agent under the rules and regulations of the company it shall thereby be estopped from setting up in defense of the action on the policy or certificate issued to the insured that the insured was not in the condition of health required by the policy or certificate or by the company issuing the same at the time of the medical examination or the recording of the answers of the applicant where a medical examination is waived unless the same was procured by or through the fraud or deceit of the insured

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 645 (House Bill No. 665), entitled:

An Act to amend clause twenty-five as amended and renumbered Clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SONES. Mr. President, I move that Senate Bill No. 885 on second reading, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business

be recommitted to the Committee on Banking.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 938, as follows:

An Act to amend section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and super-

vision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 301 Requisites for Foreign Companies to do business No stock or mutual insurance company or association of any other state or foreign government shall be admitted and authorized to do business until

(a) It has filed with the Insurance Commissioner a certified copy of its charter or deed of settlement a statement of its financial condition and business signed and sworn to by its proper officers disclosing its assets to be of the same general character that companies organized under the laws of this Commonwealth are permitted to hold and copies of forms of all policies it proposes to issue in this Commonwealth with such other information as he may require

(b) It has satisfied the Insurance Commissioner that it is fully and legally organized under the laws of its State or government to do the business it proposes to transact and if a stock company that it in possession of at least the amount of fully paid up and unimpaired capital required for similar companies organized under the laws of this Commonwealth and if a mutual company that it is in possession of the required surplus

(c) It has filed with the Insurance Commissioner an agreement under its corporate seal that it will not transact in this Commonwealth any business which any similar insurance company organized under the laws of this Commonwealth may not transact It shall by a duly executed instrument filed in his office constitute and appoint the Insurance Commissioner or his successor its true and lawful attorney upon whom all lawful processes in any action rule order or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the company and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this Commonwealth

(d) It shall file in the office of the Auditor General a statement showing (I) The name of the company or association (II) The date of incorporation or organization (III) the Act of Assembly or authority under which incorporated or organized (IV) the place of business (V) the post-office address and names of the president secretary and treasurer (VI) the amount of capital authorized by its charter and (VII) the amount of capital paid into the treasury of the company

Any company or association which shall neglect or refuse to file such statement shall be subject to a penalty of five hundred dollars ($500.00) which penalty shall be collected on an amount settled by the Auditor General and State Treasurer in the same manner as taxes on stock are settled and collected

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 939, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article six of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto the following new sub-division and section

(G) MUTUAL CASUALTY INSURANCE

Section 675 Licensing of Foreign Mutual Casualty Insurance Companies A mutual casualty insurance company organized under the laws of any other state or country and having by its charter the power to transact the insurance business specified in section two hundred two subdivision (c) in order to be licensed to transact the classes of business mentioned in section two hundred to sub-paragraph (c) shall have a surplus over all liabilities including unearned premium and loss reserves of not less than the capital required of a domestic stock company to transact the same kinds of insurance

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 942, as follows:

An Act to amend section three hundred twenty of article three of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when

required by the Insurance Commissioner and providing penalties for neglecting to furnish the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred twenty of article three of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 320 Annual and other reports penalties

Every stock and mutual insurance company association and exchange doing business in this Commonwealth shall annually on or before the first day of March file in the office of the Insurance Commissioner a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year and its business of that year and shall within thirty days after requested by the Insurance Commissioner render such additional statement or statements concerning its affairs and financial condition as the Insurance Commissioner may in his discretion require The Insurance Commissioner shall [annually] furnish to each of the insurance companies associations and exchanges blanks in such form as he may adopt for their [annual] statement and he may make such changes from time to time in the form of the same as shall seem to him best adapted to elict from them a true exhibit of their financial condition Insurance companies of foreign governments doing business in this Commonwealth shall be required to return only the business done in the United States and the assets held by and for them within the United States for the protection of policyholders therein

Any company association or exchange which neglects to make and file its annual statement or other statements that may be required in the form or within the time herein provided shall forfeit one hundred dollars ($100) for each day during which such neglect continues and upon notice by the Commissioner its authority to do new business shall cease while such default continues

For wilfully making a false annual or other statement required by law an insurance company association or exchange and the persons making oath to or subscribing the same shall severally be punished by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) A person who wilfully makes oath to such false statement shall be guilty of perjury

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 944, as follows:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by prescribing the requirements of foreign mutual insurance companies other than life for admission to do business in this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and one of article eight of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled 'A'n Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Iloyds associations reciprocal and inter-insurance exchanges and fire insuranc rating bureaus and the regulation and supervision of insurance caried by such companies associations and exchanges including insurance caried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 801 Licensing of Foreign Companies Any mutual insurance company other than a mutual life cmpany organized outside of this Commonwealth and authorized to transact the business of insurance on the mutual plan may on application be admitted to transact the kinds of insurance authorized by its charter or articles of association to the extent and with the powers and privileges specified in this act when it shall be solvent under this act and shall have otherwise complied with the provisions of law applicable to such companies [to the filing of papers and furnishing information required of stock companies transacting the same kind of insurance] If organized without the United States it shall make and maintain the deposit required of stock insurance companies formed without the United States transacting the same kind of insurance

Upon compliance by any such foreign company with the provisions of this [section] act such company may be granted a certificate of authority to transact business in this Commonwealth subject to all the provisions of law relating to information to and examinations by the Insurance Commissioner annual reports taxes and the renewal of certificates of authority applicable to stock insurance companies transacting the same kinds of insurance except as otherwise provided in this article

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 951, as follows:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and thirteen of the act approved the seventeenth day of May

one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies accosiations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Section 313 Computation of Reserve The reserve required of stock and mutual casualty insurance companies and exchanges for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employe or other person and for which the insured is liable shall be computed as follows

(a) For all liability suits being defended under policies written more than

I Ten years prior to the date as of which the statement is made one thousand five hundred dollars ($1,500) for each suit

II Five and less than ten years prior to date as of which the statement is made one thousand dollars ($1,000) for each suit

III Three and less than five years prior to the date as of which the statement is made eight hundred and fifty dollars ($850) for each suit

(b) For all liability policies written during the three years immediately preceding the date as of which the statement is made such reserve shall be sixty per centum of the earned liability premiums of each of such three years less all loss and loss expense payments made under liability policies written in the corresponding years but in any event such reserves shall for the first of such three years be not less than seven hundred and fifty dollars ($750) for each outstanding liability suit on said year's policies

(c) For all compensation claims under policies written more than three years prior to the date as of which the statement is made the present value at four per centum interest of the determined and estimated future payments

(d) For all compensation claims under policies written in the three years immediately preceding the date as of which the statement is made such reserve shall be sixty-five per centum of the earned compensation premiums of each of such three years less all loss and loss expense payments made in connection with such claims under policies written in the corresponding years but in any event [in the case of the first year of any such three year period] such reserve shall be not less than the present value at four per centum interest of the determined and the estimated unpaid compensation claims under policies written during each of such [year] years

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 954, as follows:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be lawful for executors administrators guardians and other trustees within this Commonwealth to invest trust funds in their possession or under their control in shares of any Federal Savings and Loan Association or other institution within the Commonwealth to the extent to which the withdrawal or repurchasable value of such shares now are or may hereafter be insured by the Federal Government of the United States through the Federal Savings and Loan Insurance Corporation under acts of Congress of the United States of America now in effect or which may hereafter be enacted

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 963, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million four hunder eighty-five thousand dollars ($1,485,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the University of Pennsylvania

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1024, on second reading, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1027, as follows:

An Act to amend five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-two (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-two (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance ratings bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 522 Permitted Provisions in Standard Fire Policies No stock fire insurance company shall issue fire insurance policies except policies of perpetual insurance except policies of fire insurance on automobiles aircraft or other motor vehicles and except policies insuring for loss of fire resulting directly or indirectly from invasion insurrection riot civil war or commotion or military or usurped power or by order of civil authority on property in this Commonwealth other than those of the standard form herein set forth except as follows

(a) A company may print on its policies its name location and date of incorporation plan of operation the amount of its paid up capital stock the names of its officers and agents the number and date of the policy if it is issued through an agent the words "This policy shall not be valid until countersigned by the duly authorized agent of the company at ....."

(b) A company may print or use in its policies printed forms of descriptions and specifications of the property insured

(c) A company incorporated in this Commonwealth may print in its policies any provisions which it is authorized or required by law to insert therein and any company not incorporated in this Commonwealth may with the approval of the Insurance Commissioner so print any provisions required by its charter or deed of settlement or by the laws of its own State or county not contrary to the laws of this Commonwealth by the Insurance Commissioner shall require any provision which in his opinion modifies the contract of insurance in such way as to affect the question of loss to be appended to the policy by a slip or rider as hereinafter provided

(d) The blanks in said standard form may be filled in print or writing

(e) A company may print upon policies issued in compliance with the proceeding provisions of this section the words "Pennsylvania Standard Policy" and may include the name of any State or States which may adopt this form of policy

(f) A company may write upon the margin or across the face of the policy or print in type not less than seven (7) point upon separate slips or riders to be attached thereto provisions adding to or modifying those contained in the standard form and all such slips and provisions must be signed by the officers or agents of the company so issuing them

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1028, as follows:

An Act to amend section six hundred twenty-nine of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from subdivision (b) of Article six of that Act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section six hundred twenty-nine of the Act approved the seventeenh day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 629 (as amended) by Act of June twenty-three one thousand nine hundred thirty-one (Pamphlet Laws nine hundred four) Limitations

(a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy

(b) Nothing in subdivision (b) of this Article shall apply to or in any way affect contracts supplemental to contracts of life or endowment insurance or contracts of annuities where such supplemental contracts contain no provisions except such as operate to safeguard such insurance against lapse or to provide a special surrender value therefor or to provide a stipulated limited periodical income along with waiver of permium in the event that the insured shall be totally and permanently disabled by reason of accidental bodily injury or by sickness nor shall anything in subdivision (b) of this Article apply to or in any way affect contracts supplemental to contracts of life or endowment insurance or annuities where such supplemental contracts provide for the payment of an additional sum in the event of death of the insured as a result of accidental means provided that no such supplemental contract shall be issued or delivered to any person in this Commonwealth unless and until a copy of the form thereof has been submitted to any approved by the Insurance Commissioner under such reasonable rules and regulations he shall make concerning the provisions in such contracts and their submission to and approval by him

(c) Nothing in subdivision (b) of this Article shall be applicable to policies issued by companies organized under the provsions of the act approved April twenty- eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An Act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in

which certain existing corporations may become reincorporated under this act"

(d) The provisions contained in clause (e) of Section six hundred and seventeen (617) and clauses (b) (c) (h) and (l) of Section six hundred and eighteen (618) may be omitted from railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1032 on second reading, entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1110 (House Bill No. 2236), entitled:

An Act for the protection of the public and the prevention of fraud, by prohibiting any person individually or in association or partnership with another person or persons, to practice as an accountant, auditor, certified public accountant or public accountant under a false, assumed, fictitious or trade name; prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such, and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth; and providing penalties.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill on second reading?

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I have been requested to grant a public hearing on this bill, and I move that the question together with the further consideration of the bill be postponed for the present.

Mr. BATCHELOR. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1117 (House Bill No. 1286), entitled:

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows nonresidents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" are hereby amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

Section 10 (a) Any [applicant or licensee whose license has been refused suspended or revoked by] party aggrieved by a decision of the board shall within thirty days have the right to appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the Board The court may in proper cases remit the record to the Board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the Board and may appeal any decision of the Board on its own behalf naming as defendants the Board and any other party in interest The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the Board For such purposes the common pleas court

of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 12 (a) No person shall [operate] practice as an undertaker or funeral director as defined herein in this Commonwealth unless he or she shall hold a license so to do as provided in this act

The provisions of this section shall not apply to [(a)] (1) Bona fide employes of a licensed undertaker

[(b)] (2) Employes of any cemetery or crematory whose duties or business extend no further

[(c)] (3) Persons acting under the orders of commissioned medical officers of the Army or Navy or Maine force of the United States

[(d)] (4) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

[(e)] (5) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

[(f)] [Estates] of deceased licensees when the business is carried on under the supervision of a licensed undertaker for such period [and under such rules and regulations as may be prescribed by the board] Provided that the Board may issue licenses and renew the same to estates for a period not exceeding three years or widows of deceased licenses as long as they remain unmarried when the business is carried on under the supervision of a licensed undertaker and under the regulations of the board

(b) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation shall be duly qualified so to do

(c) No person shall lend sell buy give or obtain a license as a funeral director or a registration card issued by the Board in any other manner than is provided for in this act nor offer or attempt so to do

(d) No person shall attempt to practice under guise of a license or registration card not issued by the Board or under cover of a license or registration card obtained illegally or fraudulently or which has been revoked or suspended

(e) A person either individually or as a member of a partnership or of a corporation shall be deemed to be practicing as a funeral director within the meaning and intent of this act

(1) Who holds himself out to the public in any manner as one who is skilled in the knowledge of science and practice of funeral directing embalming or undertaking or who advertises himself as an undertaker

(2) Who as an employe except of a duly licensed funeral director performs services in connection with assisting in the arrangements for the burial or disposal of the body of a deceased person

(3) Who permits either as lessee employe associate or in any capacity whatsoever the illegal operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or available funeral directing or undertaking services or facilities

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking including the regulation of names of persons firms or corporations the raising of educational and other requirements of apprentices and prescribing additional grounds for revocation or suspension of licenses and the method for the restoration thereof and such other matters as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession

(b) It [may if the department approves] shall appoint an inspector or inspectors whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania" Such inspector shall hold office at the pleasure of the board and shall receive such compensation as shall be fixed by the board with the approval of the [Superintendent of] [Public Instruction] department Such inspector shall be empowered to serve all processes and papers of the board and shall have the right of entry into any place where the business or profession of undertaking is carried on or advertised as being carried on for the purpose of inspection and for the investigation of complaints coming before the board and such other matters as the board may direct

(c) The Board shall consist of five members appointed by the Governor with the advice and consent of the Senate All appointments after the passage of this act shall be made from licensed funeral directors of good moral character

At the expiration of the term of the member whose term shall expire first then his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-two at the expiration of the term of the member whose term is second to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-three at the expiration of the term of the member whose term is third to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-four at the expiration of the term of the member whose term is fourth to expire his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-five at the expiration of the term of the member whose term is last to expire he shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-six Thereafter all appointments shall be made for terms of five years expiring August thirty-first of each year Whenever a vacancy shall occur before the expiration of the term of any member then the succeeding appointment shall be for the unexpired portion of the said term it being the intention of this act that one member of the Board shall be appointed annually to fill the vacancy of a member whose regular term expires on August thirty-first of each year Providing always that at the expiration of a member's tenure he shall continue to serve on the Board until his successor shall have been appointed

(d) The Board shall formulate regulations and distribute the same to each registered licensee Every person practicing as a funeral director as defined in this act and his employes shall be governed and controlled by the regulations adopted by the Board For the purposes of this act the words "undertaker" and "funeral director" shall be deemed to be synonymous

(e) The Board shall keep a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them Such register shall be open to public inspection The board may appoint or employ with the Attorney General's consent special counsel in addition to the Attorney-General The board shall not hereafter grant any new branch licenses and it may suspend or revoke inactive licenses of any individual or corporation

(g) The Board is hereby transferred from the Department of Public Instruction to the Department of Health All duties and functions under this act required to be performed by the Superintendent or Department of Public Instruction shall be performed by the Secretary or Department of Health The Secretary of Health shall be ex-officio a member of the board

On the question,

Will the Senate agree to the section?

Mr. BATCHELOR. Mr. President, I move to amend Section 1, page 4, lines 27, 28 and 29 by striking our with light faced brackets the words "of deceased licensees" in line 27, all of line 28 and the words "a licensed undertaker for such period" in line 29

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows: and agreed to:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend sections eight, ten, twelve and fourteen of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decision of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

And said bill having been read at length the second time, and agreed to,

Order, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the whole being in this case dispensed with,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

An Act to amend section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing the method by which a foreign business corporation may change the address of its registered office

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enactd by the authority of the same That section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 1007 Amended Certificate of Authority Change of Location of Registered Office A After receiving a certificate of authority a foreign business corporation may subject to the provisions of this act change its name [or the address of its registered office in the Commonwealth] or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended certificae of auhority and proof of the advertisement hereinafter required by this section Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation

(B) A foreign business corporation shall before making application to the Department of State advertise its intention to apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic business corporation Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly

(1) The name of the corporation and of the state or county under the laws of which it is formed

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature of the business it proposes to do under the amended certificate of authority

(3) If the application is for a change of name the new name under which it proposes to do business

[(4) If the application is for change of the registered office of the corporation to another county the address including street and number if any of its then registered office and the address including street and number if any to which the registered office is to be changed]

(C) If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended cerificate of authority it shall forthwith but not prior to the day specified in the advertisement heretofore required by this section endorse its approval upon the application and when all fees and charges have been paid as required by law shall file the application and issue to the applicant corporation an amended certificate of authority setting forth the desired changes

(D) After receiving a certificate of authority a foreign business corporation may change the location of its registered office in the Commonwealth. Before the change of location shall become effective the corporation shall file with the Department of State a statement executed under he seal of the corporation signed and verified by two duly authorized officers of the corporation setting forth

(1) The name of the corporation.

(2) The address including street and number if any of its then registered office

(3) The address including street and number if any to which the registered office is to be changed

(4) That such change was authorized by resolution duly adopted by at least a majority of the members of the board of directors

The change of address of the registered office shall become effective upon th filing of such statement with the Department of State

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1313 (House Bill No. 2512), as follows:

An Act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with

it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly

WHEREAS depressed financial conditions have given rise to an economic emergency which is now pending by reason of which it is difficult and in many cases impossible to collect moneys due on mortgages on real estate without causing very serious loss and distress to home owners and other mortgagors and

WHEREAS the General Assembly by Act approved March twenty-seven one thousand nine hundred and thirty-five has extended the provisions of the Act of May eighteen one thousand nine hundred and thirty-three Pamphlet Laws eight hundred twenty-six authorizing the Courts of Common Pleas for a period of two years March thirty-first one thousand nine hundred and thirty-five to prevent the collection of mortgages by stay of execution on judgments entered thereon so that the holders of mortgages while said Act is in force are not able to realize thereon in cash

NOW THEREFORE BE IT ENACTED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 In all cases where any bank bank and trust company or trust company has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds deposited or placed with it for investment and such trust funds have been in good faith invested by such bank bank and trust company or trust company in mortgages on real estate participations in mortgages or in pools or funds of mortgages on real estate Any court in this Commonwealth in which any suit or proceeding is now pending or may be hereafter brought affecting such trust or other funds including exceptions filed to accounts of fiduciaries may upon such terms and conditions as to it seem necessary and proper under the circumstances of each case grant proper stays of proceedings in accordance with provisions of this act including stays of execution where any suit or proceeding has been reduced to judgment Providing however that no stay so granted shall extend beyond March thirty-first nineteen thirty-seven

Section 2 Any person association or corporation affected by this act may petition a court of competent jurisdiction and said court upon hearing being convinced that cash is needed for maintenance education or support and other necessitous cases may make such order as may be necessary under the circumstances

Section 3 This Act shall not affect the right of any trust estate or beneficiary to take or accept the trust investments or securities in kind on the termination of any trust

Section 4 The running of the Statute of Limitations against any claim stayed under the provisions of this Act and also all Acts or parts of Acts of Assembly inconsistent herewith are hereby suspended while this Act is in force

Section 5 Nothing contained in this act shall be construed to apply where the amount of any trust estate or other fund is five hundred dollars ($500)

Section 6 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 7 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1315, as follows:

An Act to amend sections three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies association and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing law" by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Fund providing penalties and repealing existing laws" are hereby amended to read as follows

Section 341 Power of Foreign Insurance Companies Et Cetera With Regard to Real Estate (Every such foreign insurance company joint stock company or association may erect and maintain buildings and take hold mortgage lease and convey real estate to an amount necessary for its purposes) Any foreign or alien insurance company joint stock company or association authorized to transact business within this Commonwealth may acquire hold mortgage lease and transfer real property in this Commonwealth in the same manner and subject to the same limitations as domestic insurance companies All the rights privileges and duties now by law accorded to and imposed upon lien creditors purchasing at judicial sales are hereby extended to such foreign and alien insurance companies

Section 342 Real Estate of Foreign Insurance Companies Subject to Taxation Nothing herein contained shall be deemed to prevent or relieve real estate (taken) acquired held mortgaged leased or conveyed by (such) any insurance company under the provisions of this act from being taxed in (like) the same manner (with) as other real estate within this Commonwealth is taxed

Section 343 Validation of Titles Held by Foreign Insurance Companies Et Cetera The title to any real estate taken acquired held mortgaged leased or conveyed (for any of the purposes aforesaid) by any foreign or alien insurance company joint stock company or association (under the provisions of any of the acts of Assembly repealed by this) prior to the effective date of this amending act is hereby (validated and such real estate now held by any such company joint stock company or association shall be taken held mortgaged leased or conveyed with the same effect as if acquired under the provisions of this act) declared to be as valid as if the provisions of this amending act had been in effect at the time such real estate was acquired held mortgaged leased or conveyed

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1415, as follows:

An Act for the establishment operation and maintenance by corporations and cities of foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress providing for the formation of private corporations for such purposes and prescribing the powers and duties of such corporations and of cities in connection with such trade zones

Section 1 Be it enacted by the Senate and House of Representattives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any private corporation hereafter formed in this Commonwealth as hereinafter provided and any city shall have power to establish operate and maintain within this Commonwealth a foreign-trade zone in or adjacent to any port of entry under the jurisdiction of the United States in order to expedite and encourage foreign commerce

Section 2 Any such private corporation desiring to engage in the business set forth in section one of this act shall be hereafter formed as a business corporation under and in accordance with the provisions of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corportaions of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing pnalties and repealing certain acts and parts of acts relating to corporations" except that all of the incorporators thereof shall be required to be citizens of the United States and of this Commonwealth

Section 3 Every private corporation and every city before it shall begin to operate a foreign-trade zone shall have been granted the privilege of establishing operating and maintaining such zone by the proper authority under the act of Congress of the United States approved the eighteenth day of June one thousand nine hundred and thirty-one entitled "An act to provide for the establishment operation and maintenance of foreign-trade zones in ports of entry of the United States to expedite and encourage foreign commerce and for other purposes"

Each corporation and city having been granted such privilege shall have and possess all the powers rights privileges and authority conferred by said act of Congress and the rules and regulations adopted thereunder and shall be subject to all the limitations and restrictions contained in said act and said rules and regulations

Section 4 Each foreign-trade zone established and maintained in this Commonwealth shall be operated as a public utility and all rates and charges for all services and privileges within the zone shall be fair and reasonable but no such rates or charges shall be subject to supervision regulation or control by the Public Service Commission of the Commonwealth of Pennsylvania A foreign-trade zone shall afford to all who may apply for the use of the trade zone and its facilities and appurtenances uniform treatment under like conditions

Section 5 The operator of a trade zone shall file a copy of every report it is required to make by the act of Congress under which its privilege was granted with the proper agency of the city having to do with the port or port facilities in or adjacent to which it is located and with the Department of Internal Affairs

Secion 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING POSTPONED

Mr. MILLER. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1040 on second reading, entitled:

An Act to control and regulate the dispensing of alcoholic beverages at retail under licenses as defined dividing the Commonwealth into Retail Licensing Districts creating District Retail Licensing Boards defining their powers and duties and providing for employes of such boards and fixing salaries authorizing and restricting certain classes of licenses for the dispensing of alcoholic beverages and the issuing transferring revoking and suspending of such licenses and fixing certain license fees for different classes of such licenses and providing for the payent thereof prohibiting certain practices in dispensing liquors certain interests therein and connections therewith by licensees and others providing for the submission to the electors of certain municipalities and counties of the question whether certain classes of such licenses shall or shall not be granted for such municipalities making disposition of license fees and other monies and imposing penalties.

Mr. RODGERS. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 1040, be recommitted to the Committee on Law and Order.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS read in place and presented to the Chair Senate Bill No. 1469, entitled:

An Act to provide for the burial of indigent dead throughout the Commonwealth; prescribing the procedure therefor and limiting the costs thereof; imposing certain duties on directors of the poor and/or the county commissioners in the several counties; and providing penalties.

Which was committed to the Committee on Public Health.

Mr. HARRIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS read in place and presented to the Chair, Senate Bill No. 1470, entitled:

An Act to amend section seven as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties, providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party offices, including State com-

mitteemen: a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State of the expenses of the same; authorizing the State committee of a political party to make and to alter, amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein, and repealing inconsistent legislation," requiring candidates for nomination to make cash deposits with the State Treasurer or county treasurer before their nomination papers are filed; providing for the return thereof in certain cases, and in other cases for the retention by or allocation among the counties interested, and imposing duties upon the State Treasurer and the respective county treasurers.

Which was committed to the Committee on Elections.

Mr. COYNE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE read in place and presented to the Chair Senate Bill No. 1471, entitled:

An Act to amend sections seven and eight of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto, requiring operators and owners of automobiles, under certain circumstances to furnish proof of financial responsibility as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer and prothonotaries; and prescribing penalties," providing that in certain cases a paid motor vehicle operator may secure a special or limited operator's license in lieu of furnishing proof of financial responsibility.

Which was committed to the Committee on Highways.

Mr. McGINNIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS read in place and presented to the Chair Senate Bill No. 1472, entitled:

An Act defining the powers, of persons, partnerships, associations or corporations operating cemeteries and burial grounds, to act and make regulations governing their conduct and operations and prohibiting certain acts, and conferring upon common pleas courts, jurisdiction to restrain the violation of this act.

Which was committed to the Committee on Public Health

REPORTS FROM COMMITTEE

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as amended, Senate Bill No. 646 (House Bill No. 666), entitled:

An Act appropriating the moneys in the State Forests and Waters Fund

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Judiciary General reported as committed, Senate Bill No. 813 (House Bill No. 1078), entitled:

An Act relating to judgments by agreement

Also from the Committee on Judiciary General reported as commited, Senate Bill No. 214 (House Bill No. 89), entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Judicial General, reported as committed, Senate Bill No. 907 (House Bill No. 1130), entitled:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry re-reported as amended, Senate Bill No. 759 (House Bill No. 371), entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Dauphin). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, I desire to state that there are pending, before the Committee on State Government, bills to adopt a State song for Pennsylvania. Arrangements have been made for some musicians to be in the rotunda of the Capitol at 1:30 P. M. to render the song, and I hope that the members of the Senate in general, and the members of the Committee on State Government in particular, may be present at that occasion. The party, I believe, will be personally conducted by my friend, the Senator from Allegheny, Mr. Rankin.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Dauphin, Mr. Reed.

The PRESIDENT.. Will the Senator from Dauphin, Mr. Reed, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I understand that there is also a bill by the Senator from Somerset, Mr. Ealy; and I have a bill in here for a State song. I would like to know which song will be sung this afternoon.

Mr. REED. Mr. President, I will answer by saying that if Senator Ealy has presented a bill of that kind it has not yet appeared, to my knowledge. I will be very glad to make a similar arrangement for Senator Ealy, if he wishes me to do so.

Mr. OWLETT. Mr. President, I do not purpose singing the song myself, but if there is a singing of any of these songs to be adopted I think there should not be any discrimination, and especially with regard to this song of the Senator from Somerset, Mr. Ealy, which has been publicized over the State.

Mr. REED (Dauphin). Mr. President, we will be glad to have them all sung.

Mr. RANKIN. Mr. President, if the Senator from Tioga, Mr. Owlett, and the Senator from Somerset, Mr. Ealy, will get a chorus and a band, we will listen to them any time; but they cannot expect us to get a chorus and a band up here to sing their song.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, May 27, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, June 3, 1935, at nine o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week, it reconvene Monday evening, June 3, 1935, at nine o'clock, Eastern Standard Time.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 953

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 28, 1935.

Resolved (if the Senate concur), That House Bill No. 953, entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Pro Tempore John G. Homsher) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 547 entitled:

An Act to amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three), entitled "School Employes Retirement Law," as amended, by extending the time for a present employe, as defined in the act, to elect to be covered by the Retirement System; and providing for the making of back contributions.

House Bill No. 2242 entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory, to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

House Bill No. 2216 entitled:

An Act to amend section two hundred and fifty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight), entitled "Fish Law of 1925" further regulating the establishment of nursery waters.

Whereupon,

The PRESIDENT (Pro Tempore John G. Homsher) in the presence of the Senate signed the same.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 4:30 this afternoon.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 727 (Senate Bill No. 1473), entitled:

An Act relating to the appointment of persons to the police departments in boroughs and townships of the first class; providing and regulating examinations, the manner of appointments and the manner and power of removal of employes of said departments; and providing a method for fixing compensation.

Which was committed to the Committee on Municipal Government.

House Bill No. 1428 (Senate Bill No. 1474), entitled:

An Act making it unlawful to inquire or transmit information concerning the religion or religious affiliation of persons seeking certain employment.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1914 (Senate Bill No. 1475), entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "School Employes Retirement Law" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

Which was committed to the Committee on Education.

House Bill No. 1973 (Senate Bill No. 1476), entitled:

An Act to further amend section twelve of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "State Employes Retirement Law," by extending the benefits of said act to certain employes who have heretofore separated from school service.

Which was committed to the Committee on Education.

House Bill No. 2191 (Senate Bill No. 1477), entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," regulating the refunding of taxes where appeals are finally disposed of.

Which was committed to the Committee on County Government.

House Bill No. 2338 (Senate Bill No. 1478), entitled:

An Act to amend section three of the act approved the twentieth day of April, one thousand nine hundred and twenty-seven (P. L. 322), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships," exempting credit unions from the provisions of the act.

Which was committed to the Committee on Finance.

House Bill No. 2487 (Senate Bill No. 1479), entitled:

An Act amending Sections eight, ten, sixteen and seventeen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468) entitled "Sproul State Highway Law" by providing for the abandonment of sections of State Highway Routes, providing for an effective date for the condemnation of casements for highway purposes and slopes; providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings; extending the Commonwealth's obligation to additional bridges; providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures; requiring occupancy permits for additional types of structures.

Which was committed to the Committee on Highways.

House Bill No. 2742 (Senate Bill No. 1480), entitled:

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health.

Which was committed to the Committee on Public Health.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. GELDER. Mr. President, I second the motion

The motion was agred to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 712 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of license to the registration of and the conducting of business by corporations not previously licensed and registered.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

BILLS SIGNED

The PRESIDENT (Pro Tempore John G. Homsher) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 73, entitled:

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the county and canvass of the vote and the sealing of the ballot box

Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the ctizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered.

House Bill No. 1865, entitled:

An Act to amend section eight of the act approved the twenty-seventh day of May, one thousand eight hundred and ninety-three (P. L. 172), entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor; making appropriations for such purpose as erection and equipment of the building and buildings necessary therefor; making appropriation for such purposes as erection and equipment, and the maintenance of the children admitted therein; placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania, and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the Soldiers' Orphans Schools, extending the time for the discharge of children from said school.

House Bill No. 933, entitled:

An Act to repeal the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1271), entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial, in the county court for the county of Allegheny."

House Bill No. 955, entitled:

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes, and to the payment of such funds to school districts for general school purposes.

House Bill No. 1976, entitled:

An Act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

House Bill No. 2129, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code" as amended, by exempting in certain cases the security required of depositories for school funds.

House Bill No. 2222, entitled:

An Act providing for the observance of Free School Day in commemoration of the founding and development of free publich schools in the Commonwealth.

House Bill No. 2315, entitled:

An Act to amend sections four hundred nine and four hundred twelve and sections five hundred twelve, and seven hundred four as amended of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "Game Law," prohibiting the breeding, selling, possessing, and using of fitches for hunting purposes; providing for the licensure of persons breeding, selling, possessing and using fitches, and imposing additional penalties.

Whereupon,

The PRESIDENT (Pro Tempore John G. Homsher) in the presence of the Senate signed the same.

HOUSE MESSAGE

AMENDMENT TO HOUSE BILL NO. 965, RECALLED FROM THE GOVERNOR.

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 965, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs, to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendment the concurrence of the Senate is requested.

The PRESIDENT. The bill will be laid upon the table.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 147

He also informed the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 147, entitled:

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention, and its adoption or rejection by the people; providing for the nomination of delegates to the convention and for their election at a special election; and making an appropriation.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 147 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. OWLETT. Mr. President, I move that the Senate insist upon its amendemnts to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEE

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Highways reported as committed, Senate Bill No. 779 (House Bill No. 1024), entitled:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads."

Mr. SORDONI. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SORDONI from the Committee on Highways reported as amended, Senate Bill No. 1220 (House Bill No. 2485), entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and railroad companies and making an appropriation.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations reported as committed, Senate Bill No. 1026, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as committed, Senate Bill No. 1086 (House Bill No. 2050), entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said act to highways in cities," as amended.

Also from the Committee on Highways reported as committed, Senate Bill No. 1390, entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thosand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats ;principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same; and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requrinig contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not, affected by revisions of this act," as amended; by cancelling certain judgments against townships.

Mr. TRAINER. Mr. President. I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER from the Committee on Judiciary Special reported as committed, Senate Bill No. 1439 (House Bill No. 2249), entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (P. L. 328) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

Mr. BAUMER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER from the Committee on Highways reported as committed, Senate Bill No. 1085 (House Bill No. 2049), entitled:

An Act to amend Section one of the act approved the fourth day of May one thousand nine hundred thirty-three (P. L. 277) entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside Municipalities under certain conditions

Mr. BAUMER (for Mr. Hunsicker). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER from the Comittee on Banking reported as committed, Senate Bill No. 1219 (House Bill No. 2380), entitled:

An Act authorizing certain persons having charge of of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

Also from the Committee on Banking reported as committed, Senate Bill No. 1213 (House Bill No. 2203), entitled:

An Act to amend section fifteen of the act approved the thirteenth day of April, one thousand nine hundred and twenty seven (P. L. 273), entitled "An act for the registration and regulation of certain individuals and entities selling, offering for sale or delivery, soliciting subscriptions to, or orders for, or undertaking to dispose of, inviting offers for, or inquiries about, or dealing in any manner in, securities defined herein, including securities issued by them; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania; prescribing penalties and making appropriations," requiring dealers in securities to make reports of their financial condition.

Also (for Mr. Hunsicker) from the Committee on State Government reported as amended, Senate Bill No. 1396, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey three centiguous parcels of land.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Banking, reported as committed, Senate Bill No. 1236, entitled:

An Act to amend section three hundred and six of the act aproved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given granted, conveyed, bequeathed, devised to, or otherwise invested in corporations formed for religious, educational, scientific or charitable purposes.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Corporations, reported as committed, Senate Bill No. 1025, entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third, one thousand nine hundred and thirty-three; validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies thereof; permitting the recording of such certificates or copies thereof, and making certified copies of the record of certified copies of certificates competent evidence for all purposes.

Also from the Committee on Corporations, reported as amended, Senate Bill No. 213, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Also from the Committee on Judiciary General, reported as amended, Senate Bill No. 831 (House Bill No. 1654), entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases.

REPORTS FROM COMMITTEE.

Mr. BUCKMAN from the Committee on Judiciary General, reported as amended, Senate Bill No. 971 (House Bill No 67), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof.

Also from the Committee on Judiciary General, reported as amended, Senate Bill No. 1207 (House Bill No. 1886), entitled:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons.

Mr. GRAFF. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF from the Committee on Banking, reported as committed, Senate Bill No. 1446 (House Bill No. 2483), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employe of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Highways reported as committed, Senate Bill No. 1081 (House Bill No. 2044), entitled:

An Act to amend the act approved the twenty-third day of May one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

Mr. RUPP. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP from the Committee on Judiciary Special reported as committed, Senate Bill No. 651 (House Bill No. 1243), entitled:

An Act to amend title to and to add section three to the act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws fifty-two) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" so as to protect miners from fraudulent deprivation of wages providing standard measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper measurements and imposing penalties.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 651, the bill just reported from Committee on Judiciary Special be recommitted to the Committee on Mines and Mining.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Mr. OWLETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Banking reported as committed, amended, Senate Bill No. 1249 (House Bill No. 473), entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

Mr. PIERSON (for Mr. Harvey). Mr. President, I ask unanimous consent tomake report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PIERSON from the Committee on Highways reported as committed, Senate Bill No. 1391, entitled:

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State High Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

Mr. ARON. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Banking reported as committed, Senate Bill No. 1163, entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act.

Also from the Committee on Banking reported as amended, Senate Bill No. 802 (House Bill No. 1608), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing

for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

BILLS INTRODUCED

Mr. OWLETT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT read in his place and presented to the Chair, Senate Bill No. 1481, entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks; providing for the escheat of moneys where checks are not presented within seven years; and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

Which was committed to the Committee on State Government.

Mr. ZEISENHEIM. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZEISENHEIM read in place and presented to the Chair, Senate Bill No. 1482, entitled:

An Act to amend section 1302 of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes.

Which was committed to the Committee on Municipal Government.

Mr. GRAFF. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF read in place and presented to the Chair, Senate Bill No. 1483, entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (P. L. 359), entitled "An act concerning game and other wild birds and wild animals, and amending, revising consolidating and changing the law relating thereto," by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

Which was committed to the Committee on Game and Fisheries.

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS read in place and presented to the Chair, Senate Bill No. 1484, entitled:

An Act to further amend the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities allowances returns benefits and rights from taxation and judicial process; and providing penalties," by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three; and requiring the Commonwealth to contribute on the same basis in such cases.

Which was committed to the Committee on Education.

Mr. OWLETT read in his place and presented to the Chair, Senate Bill No. 1481, entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks; providing for the escheat of moneys where checks are not presented within seven years; and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

Which was committed to the Committee on State Government.

Mr. ZIESENHEIM read in his place and presented to the Chair, Senate Bill No. 1482, entitled:

An Act to amend section 1302 of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled "The General Borough Act" by providing that no additional levy shall be made in certain cases or for certain purposes.

Which was committed to the Committee on Municipal Government.

Mr. GRAFF read in his place and presented to the Chair, Senate Bill No. 1483, entitled:

An Act to amend section one thousand one hundred ten of the act approved the twenty-fourth day of May, one thousand nine hundred twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising consolidating and changing the law relating thereto," by requiring magistrates justices of the peace and aldermen to file sworn monthly statements with the Game Commission of fines and penalties collected and bail forfeited.

Which was committed to the Committee on Game and Fisheries.

Mr. RODGERS read in his place and presented to the Chair, Senate Bill No. 1484, entitled:

An Act to further amend the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and

purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances returns benefits and rights from taxation and judicial process; and providing penalties," by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two—one thousand nine hundred and thirty-three; and requiring the Commonwealth to contribute on the same basis in such cases.

Which was committed to the Committee on Education.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from comimttees at today's session be read the first time.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 34, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing for a State annuity for principals, supervising princpals, and superintendents who separated from school service prior to the establishment of the retirement system.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 213, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same, and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 214 (House Bill No. 89), entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works.

And said bill having been read ot length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 646 (House Bill No. 666), entitled:

An Act appropriating the moneys in the State Forests and Waters Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 718, entitled:

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein of the officers of the consolidated city, including a public administrator, and abolishing certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess property, offices, professions and persons for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 779 (House Bill No. 1024), entitled:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 802 (House Bill No. 1608), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-

holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 813 (House Bill No. 1078), entitled:

An Act relating to judgments by agreement

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 831 (House Bill No. 1654), entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 907 (House Bill No. 1130), entitled:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 971 (House Bill No. 67), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 975 (House Bill No. 861), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1025, entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third, one thousand nine hundred and thirty-three; validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies thereof; permitting the recording of such certificates or copies thereof, and making certified copies of the record of certified copies of certificates competent evidence for all purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1026, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary, at Rockview.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1067 (House Bill No. 1555), entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1081 (House Bill No. 2044), entitled:

An Act to amend the act approved the twenty-third day of May one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1085 (House Bill No. 2049), entitled:

An Act to amend section one of act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred seventy-seven) entitled "An Act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside municipalities under certain conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1086 (House Bill No. 2050), entitled:

An Act to amend the Act entitled "An Act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said Act to highways in cities" as amended.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1163, entitled:

An Act licensing and regulating the business of financing conditional sale contracts, providing for the issuance of licenses by the Secretary of Banking, authorizing the Secretary of Banking to make examinations and issue regulations, and prescribing penalties for the violation of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded o the first reading and consideration of Senate Bill No. 1207 (House Bill No. 1886), entitled·

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1213 (House Bill No. 2203), entitled:

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1219 (House Bill No. 2380), entitled·

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1220 (House Bill No. 2485), entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and railroad companies and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1236, entitled:

An Act to amend section three hunderd and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered

by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given, granted, conveyed, bequeathed, devised to, or otherwise vested in corporations formed for religious, educational, scientific or charitable purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1249 (House Bill No. 473), entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of miners and of trust estates including the apointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1251 (House Bill No. 894), entitled:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1281 (House Bill No. 2495), entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said departments in relation thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1302 (House Bill No. 2167), entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1326 (House Bill No. 878), entitled:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to correspondents in certain divorce actions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1333 (House Bill No. 2176), entitled:

An Act to amend the title of and the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" as amended by providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the borough of Prospect Park reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of Forests and Waters the appropriation as so reduced.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1376 (House Bill No. 2490), entitled:

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1390, entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Deparment, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended; by cancelling certain judgments against townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1391, entitled:

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Deparment, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1396, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey three contiguous parcels of land.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1404 (House Bill No. 1716), entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of a public library although a school library already exists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1426, entitled:

An Act prohibiting others than members of the bar to practice law; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1428 (House Bill No. 1418), entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to fill corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1429 (House Bill No. 2853), entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1439 (House Bill No. 2249), entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1446 (House Bill No. 2488), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four (entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorder of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights powers duties liabilities and immunities of private banks

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1451 (House Bill No. 2662), entitled:

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred and thirty-five and thirty-seven fiscal biennium.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1461, entitled:

An Act making an appropriation for the purpose of maintaining the public roads through the Cornplanter Indian Reservation, in Elk Township, Warren County.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1466, entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," as amended; permitting dogs to be trained on Sunday during the training season with the consent of owners of lands, except in certain cases.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 10 o'clock.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:23 P. M. until Wednesday, May 29, 1935, at 10 o'clock A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, May 28, 1935.

The House met at 11:00 A. M.
The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Marshal L. Shepard, a member of the House, offered the following prayer:

Not unto us, O Lord, not unto us, but unto Thy name be glory for Thy mercy and for Thy truth. As we gather here in this hall, the servants of this great Commonwealth, we pray Thee that we may be kindly and merciful in our relations one with another, that together we may assure the logalty to Thy truth and ever seek to do Thy will in all that we shall undertake.

Bless the Speaker of this House, the Governor of this Commonwealth and all the officers of this great government, that in all of our work may Thy will be done and Thy glory have domain. In His name and for His sake, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROOT, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. COHEN. HOUSE BILL No. 2896.

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Referred to the Committee on Appropriations.

By Mr. COHEN. HOUSE BILL No. 2897.

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. JOHN E. BROWN, RESOLUTION NO. 160.

In the House of Representatives, May 27, 1935.

Whereas, The employes who are required to replace electric light bulbs on the ceiling fixtures of the Hall of the House of Representatives are exposed to extreme dangers because of improper facilities which are not available for this work; and

Whereas, The inherent right of a citizen to life and health is so valuable that the immortal Woodrow Wilson, in reply to criticisms during the war period over the expenditure of money said, "I would invest a million dollars to save one American boy;" and

Whereas, The members of this House, many of whom are fathers, do not wish any employe to unnecessarily endanger his life in order to provide brilliant lighting effects; therefore be it

Resolved, That the Speaker of this House appoint a Committee of three members of this House to investigate the cost of safe equipment for the use of employes in replacing electric light bulbs in the ceiling fixtures of the Hall of the House of Representatives and to report to the House as early as possible.

Referred to the Committee on Judiciary Local.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

BLUE LAWS.

Communications addressed to Messrs. Stewart and Sloan.
A petition from citizens of Apollo.
A resolution from Welsh Baptist Association.
A communication from West View United Presbyterian Church.
A Resolution from the Allegheny Synod of the United Lutheran Church in America, Williamsburg.
A petition from Wilkinsburg Ministerium protesting liberalization of Sunday.

Referred to the Committee on Law and Order.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NOS. 851, 1156, 1221, 1776, 1826 and 2324.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 851, Printer's No. 985, entitled, "An Act to amend paragraphs one and two of section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-one) entitled 'An act providing for the award of drill and service medals and bars to officers and enlisted men of the Pennsylvania National Guard imposing duties upon the Department of Military Affairs' altering qualification requirements for the award of such medals."

House Bill No. 1156, Printer's No. 700, entitled, "An Act creating and establishing a fund for the care maintenance and relief of aged retired and disabled employes of the Bureau of Police in cities of the second class providing a pension fund for said employes and providing for the payment of certain dues fees assessments fines and appropriations thereto regulating membership therein creating a Board for the management thereof providing the amount mode and manner of payment to beneficiaries thereof and for the care and disposition of said fund providing for the payment into this fund by cities of the second class of all monies heretofore payable into any other funds organizations corporations or associations having the same or similar purposes and of such additional monies as may be necessary to carry out the provisions of this act."

House Bill No. 1221, Printer's No. 804, entitled, "An Act to amend a part of section one of the act approved the twelfth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred one) entitled 'An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of over two hundred thousand and under one million and to provide the time of paying the same' as amended and extended to counties having a population of one hundred and fifty thousand inhabitants and over by reducing the fee charged for filing municipal and tax liens."

House Bill No. 1776, Printer's No. 932, entitled, "An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' permitting the tapping of water lines of State institutions and sanatoria in order to supply water to communities in proximity thereto."

House Bill No. 1826, Printer's No. 798, entitled "An Act to amend section four hundred and forty-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by authorizing counties to appropriate money for purpose of controlling and suppressing diseases of honeybees."

House Bill No. 2324, Printer's No. 758, entitled "An Act providing for payment by the Commonwealth for loss of livestock heretofore sustained from rabies where there is no proof of such livestock having been bitten by dogs."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 181.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 181, Printer's No. 1033, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. HERMANSEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. HERMANSEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HERMANSEN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend title, page 1, lines 9 and 10 of title, by striking out the words "Wyoming-Luzerne County" and insert in lieu thereof "City of Pittston and Duryea Borough"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

HOUSE BILL NO. 817 TAKEN FROM TABLE

Mr. HART. Mr. Speaker I move that House Bill No. 817, Printer's No. 1138, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred sixty-two) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications

and providing further for retirements and the rights of retired persons

which was recalled from the Governor and amended and which with the Senate message was laid upon the table be taken from the table.

The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED

Mr. HART. Mr. Speaker, I move that the House insist on the amendments nonconcurred in the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a committee of Conference on the part of the House Messrs. George E Downey, William G. Smith and Hart.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 547.

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retirement System and providing for the making of back contributions

HOUSE BILL No. 2242.

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

HOUSE BILL No. 2216.

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

With the information that the Senate has passed the same without amendments.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 27, 1935.

Resolved (if the House of Representatives concur) That when the Senate adjourns his week it reconvene Monday evening, June 3, 1935, at nine o'clock, Easern Standard Time and that when the House of Representatives adjourns this week, it reconvene Monday evening, June 3, 1935, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. WESTRICK asked and obtained leave of absence for himself for the remainder of the week after this morning's session.

Mr. HART asked and obtained leave of absence for himself for the remainder of the week after this morning's session.

Mr. SHREINER asked and obtained leave of absence for himself for tomorrow.

REPORTS FROM COMMITTEES

Mr. LOVETT, from the Committee on Appropriations, reported as committed House Bill No. 1587, entitled

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance, pensions for the blind and old age assistance.

Mr. HOMER S. BROWN, from the Committee on Appropriations, reported as committed House Bill No. 1031, entitled

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomanettes and nurses who were killed in action or died during the World Mar; and conferring duties upon the State Veterans' Commission.

Mr. WESTRICK, from the Committee on Highways, reported as committed House Bill No. 928, entitled

An Act to amend section seven hundred twenty-two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of the Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; exempting the Sons of Veterans Reserve from the payment of fees for registration and certificates of title of motor vehicles owned and used by them

Mr. ACHTERMAN, from the Committee on Judiciary General, reported as committed House Bill No. 2189, entitled

An Act to amend sections one and eight, and sections nine, ten, eleven and twelve, as amended, of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia, prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," by providing for the election of an additional associate judge of the Municipal Court, who with one other associate judge shall form the Family Court; and providing for the jurisdiction thereof.

Mr. ACHTERMAN, from the Committee on Judiciary General, reported as committed House Bill No. 2190, entitled

An Act to amend sections one and two of the act approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 10), entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith," giving jurisdiction over houses of detention to the Family Court.

Mr. BAINE, from the Committee on Elections, reported as committed House Bill No. 2470, entitled

An Act to amend the title and to further amend clauses (a) and (f) of section six of the act approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be use; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts; providing for the payment of expense incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by changing the method of collecting and disbursing fees received or collected for examinations of voting machines.

Mr. JOHN J. BAKER, from the Committee on Appropriations, reported as committed House Bill No. 2026, entitled

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth, one thousand nine hundred and nineteen (P. L. 1003), entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties," as amended, providing for the method of reimbursement to such licensees; and making an appropriation therefor.

Mr. HOOPES, from the Committee on Judiciary General, reported as committed House Bill No. 2278, entitled

An Act to provide for sexual sterilization of mental defectives providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed House Bill No. 1591, entitled

An Act making an appropriation to the Department of Welfare for Pensions for the Blind.

Mr. BARBER, from the Committee on Appropriations, reported as amended House Bill No. 805, entitled

An Act making an appropriation to the Trustees of the Pennsylvania Military College, Chester, Pennsylvania, for the training and education of students.

Mr. BARBER, from the Committee on Judiciary General, reported as committed House Bill No. 2423, entitled

An Act to amend section one of the act, approved the seventeenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred and twenty-seven), entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit, without the necessity of entering liens for such claims, and repealing existing laws," by extending the right of action conferred thereby to the assignees of cities, boroughs, incorporated towns, and first class townships.

Mr. BALDI, from the Committee on Appropriations, reported as committed, House Bill No. 1593, entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance.

Mr. GERARD, from the Committee on Appropriations, reported as amended House Bill No. 1895, entitled:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

Mr. CONNER, from the Committee on Appropriations, reported as amended House Bill No. 564, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries.

Mr. SCHROCK, from the Committee on Agriculture, reported as committed House Bill No. 2875, entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of

the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

Mr. BLUMBERG, from the Committee on Judiciary General reported as committed, House Bill No. 2595, entitled:

An Act providing for priority and the attaching of the lien of mortgages, judgments and other liens according to the date and time the same are filed for record.

Mr. HART, from the Committee on Appropriations reported as committed, House Bill No. 477, entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

Mr. HART, from the Committee on Appropriations reported as amended, House Bill No. 1133, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Mr. HOMER S. BROWN, from the Committee on Judiciary General reported as committed, House Bill No. 2871 (Senate Bill No. 1232), entiled:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three), entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases.

Mr. SINWELL, from the Comittmee on Appropriations reported as committed, House Bill No. 2435 (Senate Bill No. 820), entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief.

Mr. ACHTERMAN, from the Committee on Judiciary General reported as committed, House Bill No. 1501 (Senate Bill No. 399), entitled:

An Act to amend sections two and fifteen of the act approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (P. L. 381), entitled "An Act Concerning Arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements; and conferring certain powers and imposing certain duties upon the courts with reference thereto"; by prescribing the time for making application to stay proceedings pending arbitration, by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration, and regulating such appeals.

Mr. SOWERS, from the Committee on Municipal Corporations reported as committed, House Bill No. 2870 (Senate Bill No. 1296), entitled:

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act.

Mr. FRANCIS T. BAKER, from the Committee on Highways reported as committed, House Bill No. 2883 (Senate Bill No. 1235), entitled:

An Act to further amend section ten of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highways Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointetes; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

Mr. TURNER, from the Committee on Appropriations re-reported as amended, House Bill No. 2016, entitled:

An Act creating a State Planning Board, prescribing and defining its powers and duties, including the planning of long term and emergency programs of public works construction and expenditure, planning for the conservation and utilization of the resources of the Commonwealth, coordinating the plans of the various departments of the State government for the general good of the Commonwealth, and assisting official and citizen constituted planning groups throughout the Commonwealth.

cooperating closely with the Federal government, making special studies for the Legislature when requested and provided for, and such other activities as may be assigned to it by the Governor of the Commonwealth, and making an appropriation.

Mr. SIMPSON, from the Committee on Boroughs and Townships reported as committed, House Bill No. 2855 (Senate Bill No. 1246), entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured salely by liens and imposing no municipal liability.

Mr. TURNER, from the Committee on Judiciary General reported as committed, House Resolution No. 159,

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 147.

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election at a special election and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 4, by striking out after the word "election" the words "at a special election" and inserting in lieu thereof the words "and for a vote of the electors on the question of calling such a convention with limited powers conferring jurisdiction on the Court of Common Pleas of Dauphin County."

Amend section 1, page 1, line 4 by striking out at the beginning the words "a special" and inserting in lieu thereof the words "at the municipal"; also in line 4 by striking out after the word "election" the words "shall be held on the fourteenth day of May, one thousand nine hundred thirty-five at which" and inserting in lieu thereof "in November one thousand nine hundred thirty-five"

Amend section 2, page 3, line 2 by striking out at the beginning the words "one hundred two" and inserting in lieu thereof the word "fifty" also in line 2 by striking out after the word "delegates" the word "three" and inserting in lieu thereof the word "one"; also in line 3 by striking out after the word "each" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 3, by striking out after the word "and" the word "twenty-seven" and inserting in lieu thereof the word "twenty."

Amend section 3, page 2, line 6 by striking out after the word "each" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 8 by striking out at the beginning of said line the words "not more than two of the candidates for delegates" and inserting in lieu thereof the words "one candidate for delegate"; also in line 9 by striking out after the word "the" the words "three candidates" and inserting in lieu thereof the word "candidate"; also in line 12 by striking out after the word "than" the word "eighteen" and inserting in lieu thereof the word "ten"; also in line 14 by striking out at the beginning of said line the word "twenty-seven" and inserting in lieu thereof the word "twenty."

Amend section 4, page 2, line 18 by striking out at the beginning of said line the word "five" and inserting in lieu thereof the word "ten"; also in line 19 by striking out after the word "least" the word "two" and inserting in lieu thereof the word "five"; also in line 19 by striking out after the word "the" the word "special" and inserting in lieu thereof the word "municipal"; also in line 20 by inserting after the word "election" the words "in the year one thousand nine hundred thirty-five"; also in line 21 by striking out after the word "the" the word "congressional" and inserting in lieu thereof the word "senatorial."

Amend section 5, page 2, line 24 by inserting after the word "candidates" the words "for public office"; also in line 25 by striking out after the word "nominate" the words "two candidates" and inserting in lieu thereof the words "one candidate"; also in line 26 by striking out after the word "each" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 26 by striking out after the word "senatorial"; also in line 26 by striking out after the word "district" the word "delegates" and inserting in lieu thereof the word "delegate"; also in line 27 by striking out after the word "and" the word "eighteen" and inserting in lieu thereof the word "ten"; also on page 3, line 3 by striking out at the beginning of said line the word "delegates" and inserting in lieu thereof the word "delegate"; also in line 3 by striking out after the word "in" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 3 by striking out after the word "up" the word "congressional" and inserting in lieu thereof "senatorial"; also in line 4 by striking out after the word "each" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 5 by striking out after the word "the" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 8 by striking out after the word "particular" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 9 by striking out after the word "of" the word "congressional" by inserting in lieu thereof the word "senatorial"; also in line 12 by striking out after the word "particular" the word "congressional" and inserting in lieu thereof the word "senatorial"; also in line 16 by inserting after the word "times" the words "not later than by inserting after the word "times" the words "not later than October fifth one thousand nine hundred thirty-five"; also in line 16 by inserting after the word "and" the word "such."

Amend section 6, page 3, line 28 by striking out after the word "nominations" the words "under the preceding section of this act" and inserting in lieu thereof "of candidates for public office at the primary election"; also on page 4, line 4 by striking out after the word "the" the words "House of Representatives of the United States" and inserting in lieu thereof the words "Senate of Pennsylvania"; also in line 8 by striking out after the word "than" the words "two candidates for district delegates" and inserting in lieu thereof the words "one candidate for district delegate"; also in line 9 by striking out after the word "than" the word "eighteen" and inserting in lieu thereof the word "ten."

Amend section 7, page 4, line 13, by striking out after the word "least" the word "forty-five" and inserting in lieu thereof the word "twenty-seven"; also in 13 by striking out after the word "the" the word "special" and inserting in lieu thereof the word "municipal"; also in line 13 by striking out afterthe word "election" the words "authorized in this act" and inserting in lieu thereof the words "in one thousand nine hundred thirty-five"; also in line 20 by inserting after the word "law" the words "for objections to nomination papers"; also in line 22 by striking out after the word "Commonwealth" the word "within"; also in line 23 by striking out after the word "least" the word "forty" and inserting in lieu thereof the word "twenty-two"; also in line 23 by striking out after the word "of" the words "the special" and inserting in lieu thereof the words "said municipal."

Amend section 8, page 4, line 25 by inserting after the word "his" the words "or her"; also in line 26 by inserting after the word "him" the words "or her"; also in line 29 by striking out after the word "Commonwealth" the words "within thirty" and inserting in lieu thereof the words "at least twenty-two"; also on page 5, line 1 by

striking out after the word "of" the words "the special" and inserting in lieu thereof the words "said municipal."

Amend section 9, page 5, line 4 by striking out after the word "of" the words "the special election authorized in this act" and inserting in lieu thereof the words "said municipal election"; also in line 6 by striking out after the word "county" the words "in which such election is to be held"; also in line 9 by inserting after the word "or" the word "nomination"; also in line 11 after the word "found" the word "and" and inserting in lieu thereof the word "or"; also in line 12 by inserting after the word "and" the words "who are"; also in line 12 by striking out after the word "at" the words "each voting place in each county respectively substantially in the form of the ballots to be used therein" and inserting in lieu thereof the words "such election."

Amend section 10, page 5, line 16 by striking out after the word "at-large" and inserting in lieu thereof the word "to"; also in line 17 by inserting after the word "upon" the words "the official" also in line 17 by inserting after the word "labels" the words "used at the municipal election in one thousand nine hundred thirty-five"; also in line 21 by striking out after the word "district" the words "delegates for" and inserting in lieu thereof the words "delegate to"; also in line 22 by inserting after the word "upon" the words "the official"; also in line 24 by striking out at the beginning of said line the words "'Delegates to Constitutional Convention———District'" and inserting in lieu thereof the words "'District Delegate to Constitutional Convention'"; also in line 26 by inserting after the word "A" the words "vote in the"; also in line 26 by striking out after the word "column" the words "shall be"; also in line 27 by inserting after the word "the" the word "official"; also in line 27 by striking out after the word "ballot" the words "and a vote in the party column" also in line 28 by striking out after the word "party" the words "of the" and inserting in lieu thereof the word "each" and inserting in lieu thereof the word "the"; also in line 29 by striking out after the word "party" the word "of" and inserting in lieu thereof the word "for"; also on page 6, line 1 by striking out at the beginning of said line the word "the"; also in line 6 by striking out after the word "and" the words "provision for like effect shall be made"; also in line 2 by inserting after the word "machines" the words "a straight party vote shall have a like effect."

Amend bill page 6, line 3 by striking out the words following:

Section 11 The special election auhorized by this act shall be held and conducted by the regular election officers of the several election districts of the Commonwealth and shall be governed and regulated in all respects by the laws governing general and special elections of the Commonwealth so far as the same shall be applicable thereto and not inconsistent with the provisions of this act Provided that not constables or deputy constables shall be required to attend or shall receive any compensation for attending the special election Any law to the contrary notwithstanding all judges of election inspectors and clerks and custodians or deputy custodians or inspectors of voting machines shall receive as full compensation for their service in connection with the special election the sum of Five Dollars ($5.00) per day Return judges in congressional districts shall receive as full compensation for their services in connection with the special election Five Dollars ($5.00) per day and mileage at the rate of four cents ($0.04) per mile circular

Amend bill page 6, line 22 by striking out after the word "Section" the figures "12" and inserting in lieu thereof the figures "11"; also in line 22 by striking out after the word "at" the words "the special" and inserting in lieu thereof the words "said municipal"; also in line 23 by striking out after the word "district" the words "delegates" and inserting in lieu thereof the word "delegate" also in line 25 by striking out after the word "the" the words "House of Representatives of the United States" and inserting in lieu thereof the words "Senate of Pennsylvania".

Amend bill page 7, line 1 by striking out after the word "Section" the figures "13" and inserting in lieu thereof the figures "12"; also in line 1 by striking out after the word "the" the word "special" and inserting in lieu thereof the words "said municipal"; also in line 2 by striking out after the word "counted" the words "certified and computed" and inserting in lieu thereof the words "canvassed certified".

Amend bill page 7, line 7 by striking out after the word "Section" the figures "14" and inserting in lieu thereof the figures "13"; also in line 11 by striking out after the several the word "Congressional" and inserting in lieu thereof the word "senatorial"; also in line 13 by striking out at the beginning of said line the words "the special" and inserting in lieu thereof the words "said municipal"; also in line 15 by striking out after the word "the" the words "special election" and inserting in lieu thereof the words "municipal election in one thousand nine hundred thirty-five"; also in line 19 by striking out after the word "each" the word "person" and inserting in lieu thereof the word "delegate".

Amend the bill page 7, line 20 by striking out after the word "Section" the figures "15" and inserting in lieu thereof the figures "14"; also in line 21 by striking out after the word "receive" the words "as full compensation for their services and" and inserting in lieu thereof the words "for the payment of".

Amend bill, page 7, line 25 by striking out after the word "Section" the figures "16" and inserting in lieu thereof the figures "16"; also on page 18, line 1 by striking out after the word "the" the word "election" and inserting in lieu thereof the words "ballots for such election are printed".

Amend bill page 8, line 9 by striking out after the word "Section" the figures "17" and inserting in lieu thereof the figures "16"; also in line 10 by striking out after the word "at" the words "nine o'clock A M" and inserting in lieu thereof the words "twelve o'clock noon"; also in line 10 by striking out after the word "the" the words "fourth day of June" and inserting in lieu thereof the words "the first Monday of December"; also in line 11 by striking out after the word "thirty-five" the words "at such place" and inserting in lieu thereof the words "in the Hall of the House of Representatives"; also in line 12 by striking out after the word "Pennsylvania" the words "as the Governor may designate"; also in line 14 by striking out after the word "President" the words "secretary and such other officers" and inserting in lieu thereof the words "and secretary and shall from time to time elect such other officers and assistants"; also in line 15 by striking out at the beginning of said line the words "shall be" and inserting in lieu thereof the words "may be deemed".

Amend bill, page 8, line 20 by striking out after the word "Section" the figures "18" and inserting in lieu thereof the figures "17"; also in line 21 by striking out at the beginning of said line the words "employ and"; also in line 21 by striking out after the word "of" the words "such clerks and other employes as shall be deemed necessary to carry out the word of the convention and the provisions of this act It" and inserting in lieu thereof the word "the secretary other officers and assistants and".

Amend bill, page 8, line 26 by striking out after the word "Section" the figures "19" and inserting in lieu thereof the figures "18"; also in line 1 page 9 by inserting after the word "Pennsylvania" the following: "tion for the Commonwealth of Pennsylvania The convention in the proposed constitution shall not authorize the future creation of indebtedness for any purposes other than those enumerated in article nine section four of the existing Constitution of the Commonwealth as originally adopted by the people on December sixteenth one thousand eight hundred seventy-three unless the General Assembly shall at the time the indebtedness is authorized be required to enact legislation estimated to produce sufficient revenue to pay the interest on such indebtedness and provide for the retirement thereof at maturity The indebtedness authorized to be created for the purpose of supplying casual deficiencies in revenue shall never together with any existing indebtedness created for such purposes exceed in the aggregate at any one time fifty million dollars

If the convention shall not observe the limitations imposed by this section any taxpayer may proceed by bill in equity in the Court of Common Pleas of Dauphin County to restrain the submission to the electors of the

proposed Constitution and for this purpose jurisdiction is hereby conferred upon the Court of Common Pleas of Dauphin County"; also in line 2 by striking out after the word "submit" the word "a" and inserting in lieu thereof the word "the"; also in line 2 by inserting after the word "proposed" the words "new or revised"; also in line 3 by striking out at the beginning of said line the words "as a whole or may submit separately such parts thereof as it may determine"; also in line 5 by striking out after the word "the" the words "municipal election of one thousand nine hundred thirty-five or at such election subsequent thereto" and inserting in lieu thereof the words "spring primary election in the year one thousand nine hundred thirty-six or at the general election in the year one thousand nine hundred thirty-six".

Amend bill page 9, line 8 by striking out after the word "Section" the figures "20" and inserting in lieu thereof the figures "19"; also in line 12 by striking out after the word "the" the words "fifteenth day of September one thousand nine hundred thirty-five" and inserting in lieu thereof the following: "tenth day of March if it is to be submitted at the spring primary in one thousand nine hundred thirty-six and not later than the fifteenth day of September if it is to be submitted at the general election in one thousand nine hundred thirty-six"; also in line 6 by striking out after the word "in" the words "at least two newspapers" and inserting in lieu thereof the words "three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred twenty-nine (Pamphlet Laws seven hundred eighty-four)"; also in line 18 by striking out after the word "published" the words "once at a time not more than twenty-days nor less than ten days immediately preceding" and inserting in lieu thereof the words "three times before"; also in line twenty-three by inserting after the word 'electors" the words "The newspapers selected in each county shall be those having the largest bona fide circulation"; also in line 24 by striking out at the beginning of said line the words "and shall" and inserting in lieu there theof words "He shall also".

Amend bill, page 9, line 27 by striking out after the word "Section" the figures "21" and inserting in lieu thereof the figures "20"; also in line 4 by inserting after the word "the" the word "proposed"; also in line 5 by striking out after the word "whole" the words "or by separate votes indicate his approval or rejection of the various parts respectively as may be submitted separately" and inserting in lieu thereof the following: "Such ballots shall be bound into books of convenient numbers with stubs and the ballot and the stub shall bear the name of the county in which the ballot is to be used The stubs shall be numbered consecutively beginning with the number one in each county Each ballot shall have at the upper right-hand corner of the back of the ballot a diagonal perforated printend line and upon the corner of the ballot and included within such line shall be printed the same number as appears on the stub to which the ballot is attaached Such number so printed on the ballot shall be removed by the voter in the manner provided by the election laws for removal of such numbers before the ballot is deposited in the ballot box".

Amend bill page 10, line 8 by striking out after the word "Section" the figures "22" and inserting in lieu thereof the figures "21"; also in line 11 by striking out after the word "the" the word "municipal"; also in line 12 by inserting after the word "election" the words "at which such proposed Constitution is submitted"; also in line 18 by striking out after the word ""the" the word "constitutional" and inserting in lieu thereof the word "constitution".

Amend bill page 10, line 22 by striking out after the word "Section" the figures "23" and inserting in lieu thereof the figures "22"; also in line 23 by striking out after the word "Constitution" the words "or any parts thereof submitted separately"; also in line 25 by striking out after the word "Constitution" the words "and any part or parts submitted separately thereof"; also in line 1 page 11 by striking out after the word "of" the word "January" and inserting in lieu thereof the word "June"; also in line 2 by inserting after the word "thirty-six" the following: "if voted on at the spring primary in one thousand nine hundred thirty-six and on the first day of January one thousand nine hundred thirty-seven if voted on at the general election in one thousand nine hundred thirty-six"; also in line 3 by striking out after the word "Constitution" the words "and for and against any part or parts thereof submitted separately"; also in line 12 by striking out at the beginning of said line the words "or any part or parts thereof submitted separately".

Amend bill, line 24, page 11 by striking out the following: "Section 24 The several counties of the Commonwealth shall be reimbursed out of the funds hereinafter appropriated for all expenses lawfully incurred by such counties in holding the special election authorized by this act for the election of delegates to the constitutional convention upon bills rendered by the various county commissioners".

Amend bill page 11, line 21 by striking out after the word "Section" the figures "25" and inserting in lieu thereof the figures "23"; also in line 21 by striking out after the word "of" the words "One Million Dollars ($1,000,000.00)" and inserting in lieu thereof the words "three hundred fifty thousand dollars ($350,000.00)"; also in line 24 by striking out after the word "the" the word "compensation" and inserting in lieu thereof the word "expenses"; also on page 11 line 26 by striking out after the word "the" the words "clerks and other employes" and inserting in lieu thereof the words "officers and assistants"; also in line 27 by striking out at the beginning of said line the words "for the payment of all expenses lawfully incurred by the Commonwealth and the several counties in holding the special election authorized by this act"; also in line 4 page 12 by striking out after the word "Commonwealth" the words "to carry" and inserting in lieu thereof the words" in carrying"; also in line 7 by inserting after the word "convention" the words "or of the Secretary of the Commonwealth as the case may be."

Amend bill page 12, line 8 by striking out after the word "Section" the figures "26" and inserting in lieu thereof the figures "24".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. RUTH. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

On the question,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appear to have it.

Whereupon, a division was called for, ninety members having voted in the affirmative and fifty-one in the negative, the question was determined in the affirmative, and the motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 547.

An Act to amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights of taxation and judicial process and providing penalties" as amended by extending the time for a present employe as defined in the act to elect to be covered by the Retire-

ment System and providing for the making of back contributions

HOUSE BILL No. 2216.

An Act to amend section two hundred and fifty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the establishment of nursery waters

HOUSE BILL No. 2242.

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION

RESOLUTION NO. 136 AMENDED

Mr. HALUSKA offered a resolution and asked and obtained unanimous consent for its immediate consideration

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 28, 1935.

Resolved, That Resolution No. 136, Serial No. 185, Printer's No. 812, be amended so that paragraph number six shall read as follows:

Resolved, That said committee make its report to the House of Representatives at the (present) [next] session of the Legislature; and be it further

RESOLUTION

NEGATIVELY REPORTED BILL TO BE PLACED ON CALENDAR

Mr. ANDREWS offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 28, 1935.

Resolved, That House Bill No. 116, Printer's No. 1210, entitled "An act providing for, limiting and regulating the suspension, removal, dismissal and demotion of certain employes of the Commonwealth; creating a Personnel Commission; defining its powers and duties; providing for appeals to the Court of Common Pleas of Dauphin County; and making an appropriation," which was reported from the Committee on State Government on May 22nd, 1935 with a negative recommendation, be placed on the calendar notwithstanding such negative recommendation.

RESOLUTION MADE SPECIAL ORDER

Mr. ANDREWS. Mr. Speaker, I move that this resolution be made a special order of business on Monday evening, June 3, at 10:00 o'clock.

The motion was agreed to.

RESOLUTION

Mr. KOBELAK offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its consent for the reading of the resolution? Are there objections?

Mr. BLUMBERG. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

RESOLUTION

RECALLING HOUSE BILL NO. 953 FROM THE GOVERNOR

Mr. JACKSON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 28, 1935.

Resolved (if the Senate concur), That House Bill No. 953, Printer's No. 1076, entitled "An act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled 'An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes' by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused withdrawn or not proceeded with," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED TO HON. SAMUEL B. HART

Mr. REYNOLDS offered the following resolution which was twice read, considered and unanimously adopted.

In the House of Representatives, May 28, 1935.

Whereas, The Grim Reaper, Death, has visited a home of one of our colleagues, the Honorable Samuel B. Hart; and

Whereas, On May 26, 1935, Death claimed the loving and devoted sister of our colleague ,Samuel B. Hart, in the City of Philadelphia; and

Whereas, Samuel B. Hart is a most distinguished and respected member of our Body; be it therefore

Resolved, That we tenderly condole with our colleague and his family in the hour of trial and affliction and command them to the keeping of Him, who looks with compassion upon those who mourn; and be it further

Resolved, That we inscribe upon our Journal this tribute in order that future generations will know that we always stop to sympathize with one of our colleagues in their hour of sorrow, and that the Chief Clerk send a copy of these resolutions to the bereaved family.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1687, entitled:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight sections two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphle Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidaing the law relating thereto" providing for the collection of city county school and poor taxes in cities of the third class by the city treasurer as tax collector

providing for his compensaion and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarifying the powers and duties of said tax collector.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 272, entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing for notice of the provisions of this act to be furnished newly qualified magistrates aldermen and justices of the peace and others and providing penalties for violations thereof.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1861, as follows:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) is hereby further amended to read as follows

Section 1205 In school districts of the second third and fourth class all contracts with teachers shall be in writing in duplicate and shall be executed on behalf of the board of school directors by the president and secretary and signed by the teacher

After the thirtieth day of June one thousand nine hundred and twenty-nine each board of school directors or board of public education in school districts of the second third and fourth class in this Commonwealth shall enter into contract in writing with all teachers supervisors supervising principals and principals employed by them and said contract shall contain the following

"IT IS AGREED BY and between ..... Teacher and the Board of Directors of the school district of.....Pennsylvania that said teacher shall under the authority of the said board and its successors and subject to the supervision and authority of the properly authorized superintendent of schools teach in the said school district for a term.. .....months for an annual compensation of $.....payable monthly or semimonthly during the school term less the contribution required by law to be paid to the Teachers' Retirement Fund

This contract is subject to the provisions of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' and the amendments thereto and to such regulations as the Board of School Directors of this district may impose consistent with the said act

AND IT IS FURTHER AGREED by the parties hereto that this contract shall continue in force year after year with the right of the Board of Education or the Board of School Directors to increase the compensation over the compensation herein stated from time to time as may be provided under the provisions and proper operation of the established salary schedule if any for the school district or to change said salary subject to the provisions of law without invalidating any other provision of this contract [unless terminated] any such increase or change of salary for each ensuing year shall be made at least sixty days before the end of the previous school term

A teacher's contract may only be terminated by the teacher at the close of the school term by written resignation presented sixty days before the close of said school term or by the Board of School Directors for reasons specified and in accordance with the procedure provided by this act by official written notice presented to the teacher sixy days before the close of the school term"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HARKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2691, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several

administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administraitve officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating and prescribing the powers and duties of an Advisory Medical Committee to the State Council for the Blind and extending the powers of the Council with respect to the blind authorizing the Board of Game Commissioners to grant rights of way through State Game Refuges and Game Farms modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any permium wage or wages required by their contract to be paid to their employes providing for the demolition or destruction of certain military stores in certain cases authorizing the transfer of surplus products between State institutions conferring upon the Department of Health the power to supervise county tuberculosis hospitals and sanatoria extending the supervision of the Department of Welfare to private homes for the care of the aged further defining the working hours and duties of State employes amplifying the supervision of the Department of Welfare over inmates in and the transfer of inmates from State penal and correctional institutions and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 221 222 444 511 522 1402 2107 2302 2311 2312 2320 2404 2405 2406 2407 2409 and 2604 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Scholos or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other asistants and employes in certain departments boards and commisisons and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" be and the same are hereby amended or further amended as the case may be as follows

Section 221 Office Hours All administrative offices of the State Government shall be open for the transaction of public business at least eight hours each day except Saturdays Sundays and legal holidays [On Saturdays when not legal holidays such offices shall be open for business for at least three hours] The hours when such offices shall open and close shall from time to time be determined by the Executive Board

Section 222 Work-Hours and Vacations Each employe of an administrative department of an independent administrative board or commission or of a departmental administrative board or commission if employed for continuous service shall work during such hours as the head of the department or the board or commission shall require but not less than [thirty-eight] thirty-five hours per week Such employe shall be entitled during each calendar year to fifteen days' leave of absence with full pay and in special and meritorious cases where to limit the annual leave to fifteen days in ay one calendar year would work peculiar hardships the extent of such leave with pay may in the discretion of the head of the department or of the board or commisison be extended but any such extension shall not be for more than fifteen days except with the approval of the Executive Board in the case of employes of department or of independent administrative boards or commisisons and in the case of employes of departmental administrative boards or commissions of the departments with which such boards or commisisons are respectively connected This section shall be construed to mean that the pay of such employe shall ceases upon the expiration of the granted leave regardless of his or her continuation thereafter upon the rolls of the department board or commission The annual leave of absence with pay shall be exclusive of Saturdays Sundays and legal holidays

Section 444 State Council for the Blind The State Council for the Blind shall consist of seven members of whom three shall be the Secretary of Welfare the Superintendent of Public Instruction and the Secretary of Labor and Industry Of the other four members one at least shall be a blind person

The terms of members shall be four years from the dates of their respective appointments

No paid employe of any school institution or other agency carrying on work for the blind shall be eligible for appointment

The council for the blind shall annually elect from its members a chairman The Secretary of Welfare shall be the secretary and executive officer of the council

Four members of the council shall constitute a quorum

At least four regular meetings of the council shall be held each year Special meetings may be called jointly by the chairman and the secretary and shall be called by the chairman on the written request of any three of the appointed members of the council

There is hereby created as an adjunct to the State Council for the Blind a committee to be known as the "Advisory Medical Committee to the State Council for the Blind" The committee shall consist of seven ophthalmologists appointed by the Secretary of Welfare They shall be called into committee by the Director of the Council for the Blind not oftener than four times during each year They shall serve without compensation but shall receive their necessity traveling and other expenses actually incurred in the performance of their duties The Advisory Medical Committee shall have the powers and its duties shall be to advise the Director of the Council for the Blind on such matters as he may bring before it and to guide the Council for the Blind in formulating its medical policy and program for the prevention of blindness and for the improvement of conditions of blind persons in the Commonwealth

Section 511 Sale and Transfer of Surplus Products All department boards and commissions may sell for the best price obtainable but not less than the current market price for similar products any surplus products of the soil meats live stock timber or other materials raised or grown upon or taken from property of the Commonwealth administered by such departments boards or commissions or their by-products respectively Transfers may be made of such products by and between State institutions under the control and management of such departments boards or commissions

As used in this section "surplus" shall mean products meats live stock timber or other materials or their by-products respectively which cannot conveniently and economically be used in connection with the proper maintenance of the institution park or other property administered by the department board or commission involved but under no circumstances shall live trees be cut for sale unless and until the Department of Forests and Waters has approved the cutting of such trees and no sales or transfers shall be made under this section by any

departmental administrative board or commission without the approval of the department with which such board or commission is connected

The proceeds of the sale of any products of the soil meats live stock timber or other materials sold by any department board or commission under the provisions of this section shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund unless the expenses of such department board or commission are paid wholly or mainly out of a special fund in which case such proceeds shall be credited to the proper special fund Any questions arising hereunder shall be determined by the Governor and his decision shall be certified to the Department of Revenue and the Treasury Department

Every department board or commission which sells or transfers any product of the soil meats live stock timber or other materials under the provisions of this section shall keep an accurate record of the dates quantities and prices of all sales or transfers which records shall at all times be subject to audit by the Department of the Auditor General

The Executive Board shall prescribe rules and regulations prescribing the manner in which transfers shall be made under this section

Section 522 Wage Specifications in Contracts for Public Works The specifications upon which contracts are entered into by the Commonwealth for the construction alteration or repair of any public work shall as far as possible contain the minimum wage or wages which may be paid by the contractor or his sub-contractors for the work performed by laborers and mechanics shall be paid not less than such minimum wage or wages and shall not be required to refund directly or indirectly any part of such wage or wages. The contractor shall submit to the Commonwealth certain detailed payrolls giving names classifications hours worked rates per hour and total paid on each pay day The contractor shall also certify that he is not or will not receive require directly or indirectly from any employe any refund of any such minimum wage or wages

Every contract entered into upon such specifications shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications Every officer or person designated as inspector of the work to be performed under any such contract or to aid in the enforcing of the fulfillment thereof shall upon observation or investigation report to the department board or commission which made the contract award all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid less than that prescribed by the specifications and the day or days of such violation All such penalties shall be withheld and deducted for the use of the Commonwealth from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor whether the violations of the minimum wage stipulation of the specifications is by the contractor or by any of his subcontractors

Section 1402 Pennsylvania National Guard The Department of Military Affairs shall have the power and its duty shall be

(a) To keep in its custody all books and accounts and military property of the Commonwealth issued by it pertaining to the Pennsylvania National Guard

(b) To distribute all orders from the Commander-in-Chief and perform such other duties as the Commander-in-Chief shall direct

(c) To make returns periodically as required of the Pennsylvania National Guard and report of their arms uniforms accoutrements and ammunition according to such forms as may be prescribed by the Secretary of War of the United States and to forward a copy thereof to the Secretary of War of the United States

(d) To pay the troops and make all other disbursements authorized by law by requisition presented to the Auditor General in the usual way

(e) To supply to all officers of the Pennsylvania National Guard such copies of drill regulations manuals of rifle practice service manuals and military publication forms and books prescribed for use of the United States Army as the Governor as Commander-in-Chief may designate

(f) To supply to all organizations of the Pennsylvania National Guard all necessary military stores arms and equipment

(g) With the approval of the Governor as Commander-in-Chief to sell or exchange from time to time such military stores belonging to the Commonwealth as are found to be unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange but if the department is unable to obtain a bid for the property it may be demolished or destroyed The destruction of the property shall be witnessed by three disinterested officers of the Pennsylvania National Guard and their certificate shall constitute proper authority to issue a voucher for marking off the property All moneys received for stores so sold shall be paid into the State Treasury through the Department of Revenue

(h) To audit and adjust all claims incident to the organization training discipline maintenance and service of the Pennsylvania National Guard other than fixed allowances and to pay such claims when audited and adjusted but all claims paid hereunder shall be subject to audit by the Department of the Auditor General.

(i) Subject to the approval of the Governor as Commander-in-Chief to procure and issue from time to time to the Pennsylvania National Guard such flags standards and guidons as may be necessary which shall have however as far as practical be similar in style to those of the United States Army

Section 2107 Tuberculosis Sanatoria The [department] Department of Health shall have the power and its duty shall be

(a) To maintain sanatoria or colonies for the reception and treatment of indigent persons affected with tuberculosis.

(b) To approve or disapprove plans and specifications for county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis as may now or hereafter be provided by law

(c) To supervise county hospitals or sanatoria erected for the treatment therein of indigent persons suffering from tuberculosis

Section 2302 Definitions As used in this article (a) "State Institutions" shall mean and include all penal reformatory or correctional institutions hospitals for the insane or any other institutions for feeble-minded or epileptic persons or for juvenile delinquents and dependents and charitable institutions within this Commonwealth maintained in whole by the Commonwealth and whose boards of trustees are departmental administrative boards within the Department of Welfare

(b) "Children's Institutions" shall mean any incorporated or unincorporated organization society corporation or agency public or private which may receive or care for children or place them in foster family homes either at board wages or free or any individual who for hire gain or reward receives for care a child unless he is related to such child by blood or marriage within the second degree or any individual not in the regular employ of the court or of an organization society association or agency duly certified by the department who in any manner becomes a party to the placing of children in foster homes unless he is related to such children by blood or marriage within the second degree or is the duly appointed guardian thereof.

(c) "Maternity Home and Hospital" shall mean any house home or place in which within a period of six months any person receives for care or treatment during pregnancy or during or immediately after parturition more than one woman except women related to such person by blood or marriage within the second degree

(d) "Supervised Institution" shall mean any charitable institution within the Commonwealth which receives financial assistance from the Commonwealth either directly or indirectly and to which the Governor does not appoint any member of the board of inspectors managers trustees or directors all houses or places within the Commonwealth in which any person of unsound mind is detained whenever the occupant or owner of the house or person having charge of such person of unsound mind receives any compensation for custody control or attendance other than as an attendant or nurse and also all institutions houses or places in which more than one such person is detained with or without compensation paid for custody or attendance all children's institutions and maternity homes and hospitals within the Commonwealth all homes or hospitals for crippled children within the Commonwealth except the State Hospital for Crippled Children all private homes for the care of the aged all prisons jails hospitals almshouses or poorhouses maintained by any county city borough township or poor district of this Commonwealth and all institutions associations and societies within this commonwealth into whose care the custody of delinquent dependent or neglected children may be committed and all houses and places maintained by such institutions associations or societies in which such children may be kept or detained.

Section 2311 Restoration The Department of Welfare shall have the power and its duty shall be

(a) To require and supervise the transfer of inmates [of one penitentiary to another under any law providing therefor] from one State penal or correctional institution to any other State penal or correctional institution

(b) To formulate and put into operation plans for the classification of State penal or correctional institutions and also to formulate and put into operation a program for the classification of inmates so that the inmates may be grouped in those institutions which have the proper facilities

[(b)] (c) To request from any or all magistrates chiefs of police sheriffs districts attorneys courts judges probation officers and all others concerned in the control apprehension trial and punishment of criminals and delinquents in this Commonwealth periodical reports as to the number and kind of crimes reported the numbers age sex color nativity and offenses of criminals and delinquents arrested tried and otherwise disposed of the sentences imposed and whether executed or suspended the number placed on probation and the reasons therefor the number of probation officers and the nature of the oversight exercised over those placed on probation and for the purpose of verifying the reports so made the department shall have the power to make such further inquiry or investigation as may seem to it necessary and it shall be the duty of all such magistrates and other officers to make such reports at such time or times and to furnish such facilities for investigation and such cooperation as the department may require

Section 2312 Inmate Labor The Department of Welfare shall have the power and its duty shall be

(a) To establish maintain and carry on industries in the Eastern State Penitentiary the Western State Penitentiary the Rockview Penitentiary the new Eastern State Penitentiary at Graterford the Pennsylvania Industrial Reformatory at Huntingdon and such other penal or correctional institutions of this Commonwealth as it may deem proper in which industries all persons sentenced to such institutions who are physically capable of such labor may be employed at labor for not to exceed eight hours each day other than Sundays and public holidays Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies or for the preparation and manufacture of building material for the construction or repair of any State institution or in the work of such construction or repair or for the planting of seed trees or the performance of other work in State forests or for the purpose of industrial training or instruction or in the manufacture and production of crushed stone brick tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material

(b) To determine the amount kind and character of the machinery to be erected in each of the said penitentiaries reformatory or other penal or correctional institutions of the Commonwealth and the industries to be carried on therein having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates

(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries reformatory or other penal or correctional institutions which cannot be used therein to the Commonwealth or to any county city borough township school district or poor district thereof or to any State institution or to any educational or charitable institution receiving aid from the Commonwealth or to the Government of the United States or any department bureau commission or agency thereof or to any other State or political subdivision thereof or to any institution receiving aid from the Government of the United States or of any other State

(d) To arrange for the employment of inmates of such institutions at such work or labor within or upon the grounds of such institutions as may be necessary for the maintenance of the institutions or the raising of food products therefor

(e) To charge to each such institution such rates per diem as may be paid by the department to such inmate hereunder for his services for the work or labor of each inmate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor

Also to collect from each institution for any manufactured supplies or products used by it the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor. All amounts collected by the Department of Welfare from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense

(f) To charge to each such institution in like manner for the labor of all inmates engaged in preparing materials for the construction of buildings or in going construction work such payments to be made by the institutions out of funds available for construction work All moneys received hereunder shall be paid into the Manufacturing Fund through the Depatrment of Revenue

(g) Through the Department of Revenue to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institutions This clause shall not however apply to the sale of surplus food products or products of the soil as elsewhere in this act permitted

(h) To pay out of the Manufacturing Fund [for the machinery equipment and material required or used in the carrying on of the industries in the said penitentiaries reformatory or other institutions under the provisions hereof and all salaries of superintendents managers salesmen clerks and others employed in the management of the industries and the wages as hereinafter provided for the labor of the inmates of said penitentiaries reformatory or other institutions in such industries] all expenses necessary for the proper conduct of the work of the department pertaining to the establishment maintenance and carrying on of industries in the State penal and correctional institutions including the payment of salaries wages and other compensation of superintendents managers supervisors chairmen clerks assistants and other employes engaged in the operation and management of such industries the payment of wages for the labor of inmates of such institutions the payment of rentals and other expenses for offices rooms garage space and other accommodations outside of the capitol buildings either in or outside the City of Harrisburg the payment of premiums for workmen's compensation insurance covering

officers and employes and for surety bonds for such officers and employes as may be required by law to furnish such bonds the purchase and the payment of the operating cost of motor vehicles required for full time use including premiums and liability insurance covering such motor vehicles for officers and employes operating them the payment of mileage charges to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use and purchase of machinery equipment furniture materials supplies and commodities the payment of charges to the Department of Property and Supplies for any purchases or services made through the Purchasing Fund and for the payment of all other necessary expenses

Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures of moneys out of this appropriation in excess of the estimates approved by the Governor Subject to this provision the Department of the Auditor General shall from time to time draw warrants upon the Treasury Department for the amounts specified in such requisitions not exceeding however the amount in the Manufacturing Fund at the time of the making of any such requisitions

(i) To require that an account shall be kept by the proper officers of each said penitentiary reformatory and other correctional institution of the labor performed by inmates In such account shall be shown the time each inmate is actually engaged in work the rate of wage at which he is to be paid which shall be regulated by the department In no case shall the amount be less than ten cents for each day of labor actually performed The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness industry and good conduct of the inmate All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund to be disbursed or held by such institution in the manner following

Three-fourths of the amount of wages payable to an inmate of such penitentiary reformatory or other institution or the entire amount if the inmate so wishes shall constitute a fund for the relief of any person or persons dependent upon such inmate and shall be paid upon the order of the board of trustees of the penitentiary reformatory or other institution in which the inmate is a prisoner to the person or persons establishing such dependency to the satisfaction of such board at such time or times as said board may order

All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary reformatory or other institution in which he was a prisoner. Provided however That subject to the rules and regulations of the board of trustees of the penitentiary reformatory or other institution in which such inmate is a prisoner the whole or any part of said sum may be paid to him during his imprisonment for his present needs such rules and regulations to be subject to the approval of the department

(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries

(k) To the extent to which it is unable to provide work for every physically able inmate of such institutions to authorize the several boards of trustees of such institutions to permit inmates to engage in such work or industries as the Department may approve and which they are able to provide from other sources but all such work shall be performed the products hereof sold and the proceeds thereof disposed of under the rules and regulations of the department covering the same

(l) To supervise the establishment in other State institutions of industries classes in occupational therapy and other means for the employment and training of inmates or patients

Section 2320 State Council for the Blind The State Council for the Blind shall have the power and its duties shall be

(a) To formulate a general policy and program for the prevention of blindness and for the improvement of the condition of the blind in this Commonwealth Such policy and program shall be modified from time to time as may be found necessary or advisable in the light of improvements in method and practice

(b) To make recommendations in accordance with such policy and practice to the several executive and administrative departments boards and commissions of this Commonwealth and to any public or private agencies therein which may be in any way concerned with work with or for the blind

(c) To cooperate with State and local agencies both public and private in taking steps to prevent the loss of sight in alleviating the condition of blind persons and persons of impaired vision in extending and improving the education advisement training placement and conservation of the blind and in promoting their personal economic social and civic well-being

(d) To act as a means for communication with other State agencies public or private and with national agencies and to cooperate in efforts to produce an enactment of legislation regarding the prevention of blindness the improvement of the blind or the regulation of private agencies for the care of the blind

(e) To collect systematize and transmit to the Department of Property and Supplies for publication and distribution to other agencies information in regard to blind persons and persons of impaired vision in this Commonwealth including their present physical and mental condition the causes of blindness and the possibilities of improvement of vision their financial status and earning capacity their capacity for education and vocational training and any other relevant information looking toward the improvement of their condition

(f) To refer cases of blind persons or problems in relation to the blind or prevention of blindness to such agencies public or private as may be likely to deal most successfully with them

(g) To encourage the cooperation of all agencies public and private doing work for the blind in this Commonwealth and of the agencies whose work is related to the prevention of blindness

(h) To supervise the expenditures of State appropriations made to such agencies except in cases in which such supervision is by law within the powers or duties of some other administrative department board or commission

(i) To aid blind persons to become self-supporting by furnishing them for their use the equipment necessary for the operation of suitable types of vending stands by the installation of equipment so furnished and by the giving of such advice and supervision as may be needed from time to time for their continued successful operation of such vending stands

Section 2404 Bonds and Liability Insurance The Department of Property and Supplies shall have the power and its duty shall be

(a) To procure from a corporation or corporations authorized by law to act as sureties in the Commonwealth of Pennsylvania good and sufficient bonds which shall be approved by the Attorney General and filed with the State Treasurer to meet the requirements of law in the case of all State officers and employes required by statute to give surety bonds to the Commonwealth for the faithful performance of their official duties or to account for State funds in their possession

(b) To procure liability insurance covering vehicles owned by the Commonwealth and operated by State officers or employes or State officers or employes operating vehicles loaned by the Federal government and in its discretion excess fire insurance on State buildings and any other kind of insurance which it may be lawful for the Commonwealth or any department board commission or officer thereof to carry and for which an appropriation has been made to the department

The department shall pay for such insurance out of the moneys appropriated to it except that it shall not pay for insurance covering officers employes or property of the departments boards and commissions whose expenses are wholly paid out of funds other than the Gen-

eral Fund of the State Treasury and except officers employes and property of State institutions Insurance covering the officers employes and property of such departments boards and commissions shall be paid for out of the special funds appropriated to them and insurance covering the officers employes and property of State institutions shall be paid for out of the moneys appropriated for their maintenance

All automobile liability insurance procured by the Department of Property and Supplies hereunder shall protect both the Commonwealth and the State officer or employe operating the vehicle against claims for damages for injury to person or property within such limits as the department with the approval of the Executive Board shall prescribe

Section 2405 Sale of Unserviceable Property The Department of Property and Supplies shall have the power and its duty shall be to receive from the several administrative departments and independent administrative and departmental administrative boards and commissions unserviceable personal property of this Commonwealth to issue a receipt therefor make a complete record thereof and if no other department board or commission is able to make use of the same presently then as soon os convenient to sell the same either at public auction or private sale in the city of Harrisburg or elsewhere as may be deemed advisable Except in the case of perishable property such sales shall if the department deems it feasible in view of the value of the property involved be advertised in not exceeding five newspapers of the Commonwealth once a week for three weeks such advertisements to state the time place and conditions of any such sale but if after such advertising the department is unable to obtain a bid for the property it may be demolished or destroyed Provided That when the unserviceable property is located [at a State institution] outside the city of Harrisburg the [department] Department of Property and Supplies in its discretion may authorize [such institution] the department board or commisison having possession of the same without advertising to obtain at least two bids in the locality where the property is located Such bids shall be referred to the [department] Department of Property and Supplies and if it believes that the property will not realize a higher net sale price if transported to the Capitol for sale the department may authorize the [institution] department board or commission having possession of the same to sell the property locally to the highest bidder to make a proper receipt therefor and to transmit the proceeds to the [department] Department of Property and Supplies to be by it paid into the State Treasury through the Department of Revenue And provided further That whenever any department board or commission shall deliver to the Department of Property and Supplies any unserviceable personal property and at the same time requisition the said department to furnish new property of a similar character to replace the unserviceable property delivered as aforesaid or request said department as purchasing agency to purchase new property of a similar character the Department of Property and Supplies with the approval of the Board of Commisioners of Public Grounds and Buildings shall endeavor to exchange the unserviceable property for or on account of the purchase price of the new property about to be purchased but such unserviceable property shall not be delivered for or on account of the purchase price of any property at a lower valuation than the price which such unserviceable property would bring if sold in the open market for cash and to the extent that advertising any such unserviceable property for sale may be necessary to establish its market value the Department of Property and Supplies is authorized and directed to advertise as hereinabove provided The Department of Property and Supplies shall obtain from the person partnership or corporation to which any personal property is delivered in exchange under the authority of this section a receipt therefor describing such personal property and specifying the value at which it was taken in exchange and such receipt shall be delivered to the Auditor General attached to the requisition for the payment of the balance of the purchase price due for the new property purchased The proceeds of sales of personal property hereunder shall be transmitted by the Department of Property and Supplies to the Department of Revenue which shall transmit it to the Treasury Department to be credited to the fund out of which the property sold was originally purchased

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

(a) To edit for publication all reports bulletins and other publications of the various departments board and commissions of the State Government

(b) With the approval of the President pro tempore of the Senate and the Speaker of the House to determine the size and character of the various publications to be printed for the use of the General Assembly Provided That the quantity of any new publication for the members and officers of the General Assembly shall be fixed by act or resolution And provided That the members and officers of the General Assembly shall receive not less than the same number of advance sheets of the laws bills calendars journals Pamphlet Laws department reports and other publications as is now authorized by law which shall be distributed to the members and officers of the General Assembly only on the requisition of the librarian of the Senate and the resident clerk of the House of Representatives

With the approval of the Governor to determine the need size character quantity and method of distribution of the various publications to be printed for the use of or distribution by the several departments boards commissions and other agencies engaged in the administrative work of the State Government Provided That in the case of reports made by the several departments boards or commissions the department board or commission making the report shall be consulted with regard to the need size character quantity and method of distribution of such reports

With the approval of the Governor and of the Chief Justice of the Supreme Court of Pennsylvania to determine the size character quantity and method of distribution of the various publications to be printed for the use of the judicial department

Unless specifically authorized by act or resolution no public printing and binding shall be ordered performed or furnished by the department for the General Assembly or any department board commission or other agency of the State Government until a requisition for said work or materials has been presented to the department duly signed by the chief clerk or librarian for the Senate the chief clerk or resident clerk for the House of Representatives or the head or the person or persons who may be given such authority by the head of the department or the chief executive officer or other authorized representative of the board commission or other agency of the State Government making such requisition

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than the number that they were heretofore given of Smull's Legislative Hand Book The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

(d) To enter into contracts for furnishing all printing used in the legislative and other departments of the government and the printing binding and distributing of the laws journals department reports and all other printing and binding lithographing cuts plates dies and supplies and materials incident thereto which contracts shall be given to the lowest responsible bidder below such maximum price and under such regulations as are prescribed by this act and shall be subject to the approval of the Governor Auditor General and State Treasurer

(e) To distribute all documents upon requisition of ne persons entitled to make requisition therefore by caus-ng the same to be packed in packages or boxes addressed s required in the requisition and delivered personally at ne onice of the department or free at the post office ex-ress or freight office indicated in the requisition Pro-ided That the department shall not without the consent f the Governor honor any requisition from any admin-strative department board or commission after the mount of any biennial appropriation for documents llocated to such department board or commission shall ave been expended for such department board or com-nission

(f) To furnish blank requisition forms at cost to all ersons entitled to make requisitions upon the department or documents stationery furniture or supplies of any naracter

(g) From time to time to solicit by advertising pro-osals for the purchase of all waste paper documents nd other materials that have been accumulated and are o longer needed and the department is hereby authorized o make sale thereof by contract or contracts to the ighest bidder upon such terms and conditions as it shall etermine but the department shall have the right to eject any and all proposals for the sale The proceeds f any such sale shall be paid into the General Fund the State Treasury through the Department of Revenue

(h) To publish advance sheets of the Pamphlet Laws nd to transmit one copy thereof by mail to each depart-ent board and commission of the State Government to ach prothonotary and to each law judge of the courts nd to every county and public library of this Common-calth and to each member of the General Assembly Such opies shall be furnished without charge The department hall also mail to any person who shall pay to it the um of five dollars one copy of each such law enacted uring any legislative session All moneys received here-nder shall be paid into the General Fund in the State reasury through the Department of Revenue

(i) To copyright in the name of the Commonwealth l publications of the Commonwealth or of any depart-ent board or commission or officer thereof including the tate Reports which under existing or future laws it hall be necessary to have copyrighted and such other ublications as the Secretary of Property and Supplies ith the approval of the Governor shall deem it advisable copyright

(j) To distribute to the public upon payment to the epartment of such sum per copy as shall cover the cost publication any documents published by the depart-ent for the Commonwealth or any department board ommission or officer thereof which shall cost more than ve cents per copy to publish except documents published r the Governor and the General Assembly which shall e distributed without charge as heretofore To administer is subsection the department may publish for free dis-ibution to applicants therefor a price-list showing the ublications which the department is prepared to furnish the public and the charges for each such document ll moneys collected by the department hereunder shall e paid through the Department of Revenue into the eneral Fund in the State Treasury except that if the st of publishing any document sold by the department ereunder shall have been paid out of any special fund the State Treasury the proceeds of the sale thereof hall be paid into such special fund through the Depart-ent of Revenue

Section 2407 Automobiles The Department of Property nd Supplies shall upon the effective date of this act take ver and thereafter assume responsibility for the main-nance and operation of all automobiles owned by the ommonwealth or any administrative department board commission thereof except the Department of Highways After the effective date of this act all automobiles quired for use by the administrative departments boards mmissions and officers of the State Government shall be rchased by the Department of Property and Supplies t in purchasing automobiles required for the use of any partment board commission having authority to pur-ase automobiles out of money appropriated to it the partment of Property and Supplies shall act as purchas-g agency

The Department of Property and Supplies shall make or contract for the making of all repairs to automobiles owned by the Commonwealth except those operated by the Department of Highways unless in any case it shall specifically authorize any department board commission or officer to make or order the making of repairs to any specified automobiles and except emergency repairs neces-sarily made while any automobile is away from its garage

The Department of Property and Supplies may assign to any department board or commission such automobiles as may be required by it for full-time daily use and such automobiles shall be operated by employes of such departments boards or commissions The department shall maintain a sufficient number of automobiles not assigned to departments boards or commissions to meet the re-quirements of departments boards and commissions which do not require the full-time daily use of automobiles and to meet extraordinary and occasional demands of all de-partments boards and commissions other than the Depart-ment of Highways Such automobiles with or without chauffeurs shall be furnished to departments boards or commissions upon requisition of the heads of the respec-tive departments or of the executive officers of the re-spective boards or commissions This paragraph shall not be construed to prohibit a State officer or employe from being reimbursed for the use of his own automobile on State business but all such reimbursements shall be made under and subject to the rules of the Executive Board regulating the payment of expenses to State officers and employes

The cost of oil gasoline tires repair-parts for and re-pairs to automobiles permanently assigned to depart-ments boards and commissions shall be paid out of the appropriations to such departments boards and commis-sions but the Department of Property and Supplies shall contract for all such oil gasoline tires repair-parts and repairs except that repairs may be made by the Depart-ment of Highways and if authorized as hereinbefore pro-vided by other departments and by boards and commis-sions For the use of other automobiles departments boards and commissions shall be billed by the Depart-ment of Property and Supplies upon a mileage basis at such amount per mile as the Department of Property and Supplies with the approval of the Governor shall de-termine Amounts payable for the use of such automobiles shall be paid out of the appropriations to such depart-ments boards or commissions to the Department of Prop-erty and Supplies and shall be by it paid into the General Fund of the State Treasury through the Department of Revenue

The Department of Property and Supplies shall require every administrative department including the Depart-ment of Highways and every independent administrative and departmental administrative board or commission to report to it monthly upon forms supplied by it and with such detail as it shall require the places to and from which each automobile was operated the mileage travelled the amount of oil and gasoline purchased the names of employes of the department board or commission operat-ing each automobile the names of the employes of the de-partment board or commission for whom the automobiles were operated and such other information as may be necessary to enable the Department of Property and Sup-plies to make and keep complete records of the use and cost of operation of all State automobiles except that it shall not be necessary for the Department of the Auditor General the Treasury Department or the Pennsylvania State Police to report the places to and from which or the names of the persons by or for whom automobiles were operated

The types and number of automobiles to be purchased by the Department of Property and Supplies hereunder shall be subject to approval by the Executive Board and the use of automobiles by State officers and employes shall be subject to the rules and regulations of the Executive Board

Section 2409 Method of Awarding Contracts for Sta-tionery Paper Fuel Repairs Furnishings and Supplies The Department of Property and Supplies shall on or before the first day of February in each year notify the Governor the several administrative departments the independent

administrative departmental administrative and advisory boards and commissions the chief clerks of the Senate and House of Representatives and the proper officers of the judicial department respectively to furnish lists of all equipment furniture and furnishings stationery supplies repairs alterations improvements fuel and all other articles that may be needed by their respective departments boards or commissions or the Senate or the House of Representatives for the fiscal year beginning the first day of June next following excepting only perishable foodstuffs [and fuel] for State institutions and repairs or alterations which are not to be made by the Department of Property and Supplies

Upon receipt of such lists the Department of Property and Supplies shall as far as practicable consolidate and classify the articles named therein taking care that there shall be full descriptions given with make and number of goods when possible and proper maximum price fixed and shall prepare annual semi-annual or quarterly schedules thereof as deemed for the best interests of the Commonwealth Whenever deemed necessary it shall have plans designs and specifications prepared of any equipment furniture or furnishings repairs alterations and improvements paying for the preparation of the same out of the funds appropriated to the department

The department shall state in the schedules that the work or articles for which the plans designs and specifications are prepared are to be done or furnished in accordance therewith and that the plans designs or specifications will be found in its office for inspection and copies of the same shall be furnished to the successful bidders The schedules shall state that bids will be received on one or more of the items of any classification of the schedules In such schedules the form of proposal shall be given and all other information which the department shall consider necessary for the bidder In preparing the lists or schedules the department shall in all cases give preference to goods of American production or manufacture The quantities given in the schedules shall be the estimated maximum quantities that are likely to be required during the terms of contract but the schedules shall in all cases provide that the goods shall be furnished in greater or less quantity and at such times as the needs of the departments boards commissions and the Senate and House shall require

The schedules shall also provide whenever practicable a per diem penalty or forfeiture after a stated time for the failure of a contractor to finish or furnish the work or materials contracted for which penalty or forfeiture shall be deducted by the Auditor General from the amount of the contractor's bill before settlement is made when so directed to do by the department

The department after conferring with the heads of the various departments boards commissions and the chief clerks of the Senate and House shall have the power to make such changes in the schedules as may be deemed proper and may standardize any or all articles therein When the schedules have been finally prepared they shall be [printed in pamphlet] prepared in such form as the department shall deem advisable and shall be the schedules of stationery paper supplies fuel equipment furniture furnishings repairs alterations improvements and other matters and things needed for the public grounds and buildings the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion

The department shall not less than six weeks prior to the termination of schedule contracts now existing or that may be made in the future advertise the opening of bids for the annual semi-annual or quarterly schedules by advertising inserted for at least three days the first and last publication to be at least ten days apart in not less than six or more than twelve newspapers of extensive general circulation in different parts of the Commonwealth not more than three of which shall be published in any one county invite sealed proposals for contracts to furnish all stationery supplies paper and fuel used by the Senate and House of Representatives the several departments boards and commissions of the State Government and the Executive Mansion and for repairing altering improving furnishing or refurnishing and all other matters or things required for the public grounds and buildings legislative halls and rooms connected therewth the rooms of the several departments boards and commissions and the buildings connected with the State Capitol and the Executive Mansion The advertisement shall contain a reference to the schedules so [printed] prepared by the department and as briefly as practicable invite bids for the furnishing of articles named in the schedules and give notice of the time and place where such bids will be received and when they will be opened

All proposals shall be delivered to the department on or before [twelve o'clock meridian] the hour designated in the proposal on the day set by the department following the date of the last advertisement and each bid shall be in duplicate one of which shall be marked "Duplicate Bid" Each bid together with the proper certified or bank check as provided for in this act shall be enclosed in an envelope securely sealed and shall be mailed or delivered to the department which shall retain all envelopes unopened until the time fixed for the opening thereof

The department shall on the date fixed for opening of bids at [twelve o'clock meridian] the hour designated in the proposal open and publish said proposals and as soon thereafter as practicable award the contracts to the lowest responsible bidder on each of the items of the several classifications of the schedules The department shall have the right to reject any or all bids The bids when opened shall be tabulated and shall be subject to examination by bidders A record of all bids shall be made by the department in a book kept for that purpose

When no proposal has been received or if for any reason the department shall reject all proposals the department shall advertise again for proposals giving at least fifteen days' notice of the time of receiving the same which proposals shall be opened awarded and approved in like maner as heretofore provided

No proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check to the order of the State Treasurer in one-fourth the amount of the estimated contract or by a bond in such form and amount as may be prescribed by the department Any such bond shall be conditioned for the faithful performance of the terms of the contract if awarded and shall have as surety one surety company authorized to act as surety in this Commonwealth or two individual sureties approved by the Department of Justice

A bidder who shall have accompanied his proposal with a certified or bank check as aforesaid and to whom a contract shall have been awarded may within ten days after such award substitute for said check a bond as herein prescribed otherwise said check shall be retained in lieu of a bond

In the event that any contractor shall fail to fulfill or comply with the terms of any contract such contract shall be awarded to the next lowest responsible bidder and the department shall request the Department of Justice to bring suit against the failing contractor or his sureties to recover the loss sustained by the Commonwealth by the reletting

All contracts awarded shall be severally void unless first approved by the Governor the Auditor General and the State Treasurer and when so approved together with all checks or bonds given for their faithful performance be filed with the department which shall keep a record of the same and shall within twenty days after the award certify copies of all said contracts to the Auditor General The bonds and certified checks of all unsuccessful bidders shall be returned to such bidders as soon as practicable after contracts have been awarded and approved but not later than sixty days after the date of opening the proposals

The enforcement of all contracts provided for by this act and of all similar contracts heretofore entered into and now in force shall be under the control and supervision of the department

The department shall receive from the contractor or contractors the articles mentioned in the schedules Articles contracted for must be furnished promptly It shall be the duty of the department to reject all articles not up to the standard required and if a contractor shall fail

to exchange them for articles that meet the requirements prescribed or shall fail to deliver any article within a reasonable time the department may go into the open market and purchase articles to take the place of those adjudged to be of inferior quality or which have not been delivered and deduct the expense including any excess in price over that called for in the contract from the amount due the contractor from the Commonwealth If the amount due said contractor is not sufficient to meet such expenses and excess price paid for the articles purchased the department may proceed against the contractor or his sureties under the bond aforesaid by proper action through the Department of Justice

In all cases where a lump sum contract containing a provision for partial payments on account of materials delivered and work done is entered into by the department a percentage to be fixed by the department of the amount due as set forth in the contract shall be withheld from the contractor by the Auditor General until the department shall certify the contract has been fully complied with

The department except in those cases where the department acts in the capacity of purchasing agent shall examine all bills on account of contracts entered into under the provisions of this section and if they are correct the department shall certify that the materials have been furnished or that the work or labor has been performed in accordance with the contract and approve the bills When so approved the bills shall be audited settled and paid by the Auditor General and State Treasurer in the manner provided by law

It shall be the duty of the department when the articles named in the schedules are received from the contractors to care for them properly in storage rooms and the department shall be held responsible for their safekeeping

The Board of Commissioners of Public Grounds and Buildings shall provide suitable storage rooms for the furniture stationery supplies and fuel that may be procured

Whenever the Governor the heads of departments the executive officers of independent administrative boards and commissions the chief clerks of the Senate and House of Representatives or the proper officers of the judicial department shall require any portion of the stationery supplies fuel furniture furnishings repairs alterations improvements and other matters or things appearing in the schedules for which contracts have been awarded by the board a requisition giving number and description of the item needed shall be made on the department which shall cause the article to be delivered taking a proper receipt therefor.

Whenever any administrative department or any independent administrative or departmental administrative board or commission shall call upon the department to purchase for it as purchasing agency any article named in the schedules if the department has such article on hand it may deliver the same to such department board or commission and forthwith [as purchasing agency for such department board or commission purchase another article to replace the article so delivered such replacement] bill such department board or commission for the cost of the same Such bill to be paid for out of the appropriation available to the department board or commission for the purchase of the article

In the event that requisitions are made upon the department for any article of furniture furnishings stationery supplies fuel or any other matter or thing the want of which was not anticipated at the time of the making of the schedules the department may in its discretion invite proposals from at least two responsible bidders unless the article can be procured from only one source and when one proposal shall be invited such proposal or proposals together with such requisition or requisitions shall be submitted to the Board of Commissioners of Public Grounds and Buildings for approval or disapproval at its next meeting Provided however That the department may in its discretion purchase in the open market without inviting any proposal any such article costing less than fifty dollars but all such purchases shall be reported to the Board of Commissioners of Public Grounds and Buildings at its next meeting.

Section 2604. State Game Refuges and Farms The Board of Game Commissioners shall have the power to acquire lands with or without mineral reservations by purchase lease or gift [and] to establish and maintain State Game Refuges and Game Farms for the protection and propagation of game as may now or hereafter be authorized by law and to grant rights of way through State Game Refuges and Game Farms to individuals or corporations who may apply therefor when it shall appear to the Board that the grant of a right of way will not so adversely affect the land as to interfere with its usual and orderly administration and when it shall appear that the interests of the Commonwealth or its citizens will be promoted by such grant Rights of way as used in this section is hereby construed to include rights of passage and haulage for any lawful purpose also rights of flowage or transmission for any lawful purpose

Section 2 This act shall become effective on the first day of June one thousand nine hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2403, as follows:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by prescribing the requirements of foreign mutual insurance companies other than life for admission to do business in this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and one of article eight of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 801 Licensing of Foreign Companies Any mutual insurance company other than a mutual life company organized outside of this Commonwealth and authorized to transact the business of insurance on the mutual plan may on application be admitted to transact the kinds of insurance authorized by its charter or articles of association to the extent and with the powers and privileges specified in this act when it shall be solvent under this act and shall have otherwise complied with the provisions of law applicable to such companies [to the filing of papers and furnishing information required of stock companies transacting the same kind of insurance] If organized without the United States it shall make and maintain the deposit required of stock insurance companies formed without the United States transacting the same kind of insurance

Upon compliance by any such foreign company with the provisions of this [section] act such company may be granted a certificate of authority to transact business in this Commonwealth subject to all the provisions of law relating to information to and examinations by the Insurance Commissioner annual reports taxes and the renewal of certificates of authority applicable to stock insurance companies transacting the same kinds of insurance except as otherwise provided in this article

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1341 as follows:

An Act imposing a State tax upon certain butter substitutes providing for the collection thereof requiring distributors to be registered imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same. That DEFINITIONS As used in this act

"Person" includes an individual copartnership society corporation and joint stock company

"Distributor" means any person who imports or causes to be imported into the State for distribution or sale within the State any butter substitute containing any fat or oil ingredient other than any of the following fats or oils oleo oil from cattle oleo stock from cattle oleo stearine from cattle, neutral lard from hogs cottonseed oil peanut oil corn oil soy bean oil or milk fat and also any person who produces manufacturers or compounds butter substitutes within the State for distribution or sale

"Butter substitute" means and includes oleomargarine butterine and any other compound or compounds of animal or vegetable fats such as tallow beef fat suet lard lard oil suine lardine intestinal fat offal fat cocoanut oil olive oil cottonseed oil peanut oil in combination with milk butter or any product of milk or butter either colored or uncolored that does not contain eighty per centum of milk or butter fat and is sold by whatever name known as a substitute for butter

"Sale" means any transfer exchange or barter in any manner or by any means whatsoever for a consideration

"Department" means the Department of Revenue

Section 2 REGISTRATION OF DISTRIBUTORS The department upon the application of a distributor as defined herein shall register such distributor in a suitable book to be kept by the department for that purpose. The application shall be in a form and contain such data as the department shall prescribe No distributor as herein defined unless so registered shall make any sale of butter substitutes within the State except a sale if any as to which the State cannot impose such condition by reason of the United States Constitution and of laws of the United States enacted pursuant thereto

Section 3 TAX IMPOSED There is hereby levied and imposed an excise tax of ten cents per pound standard avoirdupois weight on each pound of butter substitutes sold within the State by a distributor containing any fat or oil ingredient other than any of the following fats or oils Oleo oil from cattle oleo stearine from cattle oleo stock from cattle neutral lard from hogs peanut oil corn oil cottonseed oil soy bean oil or milk fat except when sold under circumstances which preclude the collection of such tax by reason of the United States Constitution and of laws of the United States enacted pursuant thereto All tax for the period for which a return is required to be filed shall be due on the date limited for the filing of the return for such period regardless of whether a return is filed by such distributor as required by this act or whether the return which is filed correctly shows the amount of tax due

Section 4 RECORDS TO BE KEPT BY DISTRIBUTORS Every distributor as defined herein shall keep a complete and accurate record of all sales within the State of butter substitutes subject to the tax imposed by this act and a complete and accurate record of the number of pounds of such butter substitutes imported produced manufactured or compounded and the date of importation production manufacturing or compounding Such records shall be in such form and contain such other information as the department shall prescribe The department by rule or regulation also may require the delivery of statements by distributors to purchasers with consignments of such butter substitutes and prescribe the matters to be contained therein Such records and any such statements shall be preserved by such distributors and such purchasers respectively for a period of one year and shall be offered for inspection at any time upon oral or written demand by the department

Section 5 RECORDS AND REPORTS OF TRANSPORTATION OF BUTTER SUBSTITUTES Every person transporting butter substitutes subject to the tax imposed by this act within the State whether such transportation originates within or without the State when required by the department shall keep a true and accurate record of all such butter substitutes transported showing such facts with relation to such butter substitutes as the department may require Such record shall be open to inspection by the representatives of the department at any time and the department may require from any such person sworn returns of all or any part of the information shown by such records

Section 6 PAYMENT OF TAX RETURNS Every distributor as defined herein shall in each month file with the department a return under oath on forms to be prescribed and furnished by the department stating the number of pounds of butter substitutes sold by such distributor in the State during the preceding calendar month except that the department may if it deems it necessary in order to insure the payment of the tax imposed by this act require returns to be made at such times and covering such periods as it may deem necessary Such returns shall contain such further information as the deparment shall require Each such distributor shall pay to the department with the filing of such return the tax imposed by this act as so reported during the period covered to such return after deducting therefrom an amount equivalent to one per centum of the amount due which is hereby allowed the distributor on account of services and expenses in complying with the provisions of this act

Section 7 DETERMINATION OF TAX ON FAILURE TO FILE RETURN If a distributor as defined herein fails to file a return as required by this act or having filed an incorrect or insufficient return fails to file a corrected or sufficient return as the case may require within twenty days after the giving of notice to him by the department that such corrected or sufficient return is required the department shall determine the amount of tax due at any time within one year after the making of the earliest sale included in such determination and give written notice of such determination to the distributor except that if such distributor has not registered as required by this act such determination may be made at any time The distributor may petition the board of finance and revenue to review such determination and from the action of the board on such petition or from the determination of the department the distributor may appeal to the Court of Common Pleas of Dauphin County in the same manner and form provided in the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) known as "The Fiscal Code"

Section 8 PROCEEDINGS TO RECOVER TAX Whenever any distributor as defined herein shall fail to pay within the time limited herein any tax which he is required to pay under the provisions of this act the Department of Justice shall upon the request of the Department of

Revenue enforce payment of such tax by civil action in the name of the Commonwealth against such distributor for the amount of such tax with interest The proceeds of the judgment if any shall be paid to the department

Whenever any distributor shall fail to pay within the time limited herein any tax which he is required to pay under the provisions of this act the department as an additional or alternate remedy may issue a warrant under its official seal directed to the sheriff of any county of the State commanding him to levy upon and sell the real and personal property of such distributor found within his county for the payment of the amount thereof with the added penalties interest and the costs of executing the warrant and to return such warrant to the department and to pay to it the money collected by virtue thereof within sixty days after the receipt of such warrant The sheriff shall within five days after the receipt of the warrant file with the prothonotary of his county a copy thereof and thereupon the prothonotary shall enter in the judgment docket the name of the distributor mentioned in the warrant and the amount of the tax and penalties for which the warrant is issued and the date when such copy is filed and thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real property or chattels real of the distributor against whom the warrant is issued in the same manner as a judgment duly docketed in the office of such prothonotary The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against property upon judgments of a court of record and shall be entitled to the same fees for his services in executing the warrant to be collected in the same manner In the discretion of the department a warrant of like terms force and effect may be issued and directed to any officer or employe of the department and in the execution thereof such officer or employe shall have all the powers conferred by law upon sheriffs but shall be entitled to no fee or compensation in excess of actual expenses paid in the performance of such duty If a warrant is returned not satisfied in full the department shall have the same remedies to enforce the claim for taxes against the distributor as if the Commonwealth had recovered judgment against such distributor for the amount of the tax

Section 9 TAX TO BE PAID BUT ONCE FOREIGN AND INTERSTATE COMMERCE INJUNCTION Nothing in this act shall be construed to require the payment to the department of such tax more than once on any taxable butter substitutes sold within the State No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective pursuant to the United States Constitution and to laws of the United States enacted pursuant thereto The courts of common pleas shall have jurisdiction to restrain the department by injunction from collecting a tax under this act upon any sale as to which by reason of the United States Constitution and the laws of the United States enacted pursuant thereto such a tax cannot be imposed

Section 10 PENALTIES 1 A distributor who fails to file a return or corrected return or to pay any tax within the time required by or pursuant to this act shall thereby forfeit to the State a penalty of five per centum of the amount of tax determined to be due as provided in his act plus one per centum of such amount for each month or fraction thereof of delay after the expiration of the first month after such return was required to be filed or such tax became due but the department if satisfied that the delay was excusable may remit all or any part of such penalty Unpaid penalties under this section shall be recovered by the Department of Justice by action in the name of the Commonwealth and all penalties due from the same distributor may be sued for in one action

2 Any distributor who files or causes to be filed any return or statement required or permitted by this act which is wilfully false shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000)

3 Except in the case specified in subdivision two of this section any distributor who violates any provision of this act or any reasonable rule or regulation adopted pursuant to this act by the department shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

4 The failure to do any act required by or under the provisions of this act shall be deemed an act committed in part at the office of the department in Harrisburg The certificate of the department to the effect that a tax has not been paid that a return has not been filed or that information has not been supplied as required by or under the provisions of this act shall be prima facie evidence that such tax has not been paid that such return has not been filed or that such information has not been supplied

Section 11 REFUNDS Whenever the Board of Finance and Revenue shall determine that any tax collected under the provisions of this act or any part of such tax has been erroneously collected the amount so determined shall be refunded without interest in the manner that refunds of other State taxes are provided for by the provisions of the Fiscal Code but no such refund shall be made unless application therefor is made within one year from the date when such tax is due and payable as required by this act

Section 12 DISPOSITION OF TAX MONEYS The amount of all taxes and penalties and interest thereon if and collected or received by the department under this act shall be paid into the General Fund in the State Treasury

Section 13 NOTICE AND LIMITATION OF TIME Any notice authorized or required under the provisions of this act may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this act or if no return has been filed then to such address as may be obtainable The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed Any period of time which is determined according to the provisions of this act by the giving of notice shall commence to run from the date of mailing of such notice The provisions of any law relating to civil practice relative to the limitation of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken with respect to the enforcement of the collection of any tax or penalty provided by this act

Section 14 GENERAL POWERS OF THE DEPARTMENT The powers conferred upon the department and upon the board of finance and revenue by the Fiscal Code shall so far as applicable be exercisable and respect to the provisions of this act

Section 15 RETURNS TO BE SECRET 1 Except in accordance with proper judicial order or as otherwise provided by law it shall be unlawful for the department or any officer or employe of the department to divulge or make known in any manner the receipts or any other information relating to the business of a taxpayer contained in any return required under this act The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceding in any court except on behalf of the State or the department in any action or proceeding under the provisions of this act or on behalf of any party to any action or proceeding under the provisions of this act when the returns or facts shown thereby are directly involved in such action or proceedings in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof or the inspection by the Department of Justice of the return of any taxpayer who shall bring action to set aside or review the tax based thereon or against whom an action or proceeding has been instituted for the collection of a tax or penalty Returns shall be preserved for three years and thereafter until the department orders them to be destroyed

2 Any offense against subdivision one of this section shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year or both at the discretion of the court and if the offender is an officer or employe of the State he shall be dismissed from office and be ineligible to hold any public office in this State for a period of five years thereafter

Section 16 CONSTRUCTION If any clause sentence paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainedr thereof but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered It is hereby declared as the legislative intent that this act would have been adopted had such invalid provision not been included therein

Section 17 DEPARTMENT OF AGRICULTURE TO AID ENFORCEMENT The Department of Agriculture shall upon application of the Department of Revenue assist in the enforcement of the provisions of this act

Section 18 EFFECTIVE DATE This act shall take effect July first one thousand nine hundred and thirty-five except that as soon as practicable after this act becomes a law the department shall make such preparations regarding forms blanks rules regulations and otherwise as may be necessary for the operation on July first one thousand nine hundred and thirty-five of the provisions of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUTH. Mr. Speaker, by the vote of the Committee when this bill was reported out it was to have two readings and then be recommitted.. I, therefore, move that it be recommitted to the Committee on Ways and Means for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 719, as follows:

An Act ratifying confirming and validating transactions by boards of school directors involving defects and errors of law but where there was no fraud corruption dishonesty or conspiracy to violate the law and exonerating school directors from surcharge or removal from office in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any board of school directors or any officers thereof shall have issued or authorized the issue or executed any school orders for payments from the school funds of the school district which orders were charged against the proper classes of expenditures in the financial account book of the district and lists thereof showing the classes against which they were charged were forwarded to the treasurer of the school district with the orders after they had been drawn and executed but where said orders did not state on their faces respectively the particular classes of expenditures of the annual school budget upon which said orders were drawn as required by law and where heretofore any such board of school directors has authorized expenditures to be made and to be charged against a budget allocation in excess of the amount of the fund allocated thereto in the annual budget and without transferring to such budget allocation as required by law sufficient funds to cover such expenditures and where school orders for such expenditures were drawn and executed by the officers and payments thereon made and where heretofore any such board of school directors or any officers thereof shall have incurred a temporary loan not in excess of the limitation prescribed by law without formal action or authorization or without entering into the minutes of the board an authorization for such temporary loan and where the officers of such board of school directors have executed a note for such temporary loan and received the amount or proceeds thereof and paid the same into the treasury of the school district and by subsequent action duly entered in the minutes the board of school directors ratified such temporary loan by a vote of not less than two-thirds of the members of such board of school directors or where any board of school directors or the officers thereof have heretofore issued and executed orders for payments for supplies services salaries expenses compensation for attendance at teachers' institutes and payments to the State Employes' Retirement Board which supplies and services were actually received by the school district and which salaries expenses compensation and payments were actually due but such orders were executed and payments thereon made before action was taken by the board of school directors duly authorizing or ratifying the same as required by law or where any board of school directors of any school district has heretofore taken any action performed any duty or exercised any power pursuant to the affirmative vote of a majority or greater proportion of all the members of such board and the secretary of the board or the board did not actually record on the minutes of the board the vote showing how each member voted as required by law or where any board of school directors or the officers thereof have heretofore authorized the payment of any salaries expenses compensation and payments when funds are available but have not delivered the said orders to the payees before funds were in bank as required under the School Code or where any board of school directors or the officers thereof have failed to file with said school board the official bonds of the treasurer and secretary within the time prescribed by the code but where the same have been furnished within the term of office and no loss occurs to the district or where any board of school directors or the officers thereof have heretofore entered into contracts for work to be done and no material bond has been furnished but where the said work has been completed and the material men have been paid and no loss has resulted to the school district or to the material men or where any board of school directors or the officers thereof have been guilty of any technical act or of any technical violation of law where no loss has been sustained by the school district or whenever any board of school directors shall have heretofore contracted for labor materials and supplies for the school district the purchase of which by contract are authorized under the provisions of the school laws of the Commonwealth and such board of school directors has actually received such labor materials and supplies or whenever any board of school directors shall have heretofore in good faith paid out of the school funds the expenses of more than one school director or delegate for attending any state convention or association of school directors held within the Commonwealth or where such payments were made without requiring the presentation of an itemized verified statement of such expenses and the person or persons to whom payments were made were in actual attendance and the amounts paid were reasonable in amount and not in excess of the actual expenses incurred or whenever any board of school directors shall have heretofore deposited funds of the school district in any bank or trust company in excess of thirty-three and one-third per centum of the total capital stock and surplus of such bank or trust company and the school district has not suffered any pecuniary loss as the result of such deposits or whenever any board of school directors or any member or officer thereof shall have heretofore inadvertently mislaid or failed to deposit for collection any check for the payment of money to the school district and the school district has not sustained any loss in the collection of the amount of the said check except only interest that might have been realized thereon had the check been de-

posited more promptly then in each and every case the transactions of the board of school directors or the officers thereof heretofore enumerated shall be and the same are hereby ratified confirmed and validated notwithstanding any defects or errors of law in the transactions of such board of school directors and the officers thereof if such transactions by the board of school directors and the officers thereof did not evidence any fraud corruption misappropriation dishonesty manipulation of funds redounding to the benefit of the members of the board of school directors or any one else or any conspiracy to violate the provisions of the school laws of the Commonwealth and the school district has not suffered any pecuniary loss as the result of such transactions but has received full value and a fair return for all moneys expended And no board of school directors or any members or officers thereof shall be subject to surcharge or removal from office for the transactions and expenditures validated by this act Provided however That the provisions of this act shall not have any force or effect upon any pending ouster proceedings

Section 2 This act shall be in force immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1994, as follows:

An Act to validate contracts for the erection and construction of school buildings additions to and improvements of existing school buildings and improvements of the grounds appurtenant to the same and orders for extra work and material in connection therewith and to authorize payment therefor by the school districts where there is no evidence of fraud or conspiracy

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore any board of school directors of any school district shall have advertised for bids and let contracts for the construction and erection of any school building or additions to or improvements of an existing school building or improvements of the grounds appurtenant to the same and such building addition or improvement has been actually constructed erected and completed by the contractor or contractors and has become available for use by the school district or whenever heretofore any board of school directors of any school district after advertising for bids and letting contracts for the construction and erection of any school building or additions to or improvements of an existing school building or improvements of the grounds appurtenant to the same shall for the purpose of making such school building addition or improvement suitable fit or adequate for school purposes have ordered or directed any person persons firm firms corporation or corporations to do extra work or furnish extra material not required to be performed or furnished by the terms of the original contract for such erection or construction or shall have entered into a separate or additional contract or contracts for such extra work or material and such extra work or material shall have actually been performed or furnished and become available for school use or whenever heretofore any board of school directors shall have accepted or used on behalf of the school district and for school purposes and newly constructed school building or addition to or improvement of an existing school building or improvement of the grounds appurtenant to the same and where any such contract or contracts order or orders direction or directions acceptance or use shall not evidence any fraud or conspiracy to violate any law or laws of the Commonwealth in such case made and provided then and in such cases any such contract or contracts order or orders direction or directions acceptance and use and all proceedings of such board of school directors in connection therewith are hereby ratified confirmed validated and made binding upon such school district and the board of school directors is hereby authorized on behalf of the school district to accept such building addition improvement extra work or extra material to use the same for school purposes and to pay to the contractor or contractors or the person persons firm firms corporation or corporations doing any such work or furnishing any such material the amount and amounts due thereon under the terms of such contract or contracts order or orders direction or directions or if the amount or amounts to be paid therefor are not so fixed then not to exceed the fair value thereof from the funds of the school district raised by taxation notwithstanding the fact in either or any of the above cases that such contract or contracts order or orders or direction or directions relating to extra work or material shall have been null and void for the reason that bids therefor were not asked for by advertisement or otherwise or were not received or that reference to extra work or material was or was not contained in any contract or contracts order or orders or direction or directions entered into or given for other parts of the work or in the plans and specifications used in connection with such other work or where bids were advertised for the construction and erection of such building addition to or improvements of an existing school building or improvements of the grounds appurtenant thereto or for such extra work or material the bids received and contracts let were not in accordance with the advertisements or bidders did not bid on a like basis with each other as to the time for the completion of the work or verbal changes in the plans and specifications for such work were made by responsible agents of the school district prior to receipt of bids which changes were never duly advertised or after the contract or contracts were awarded or the order or orders or direction or directions were given the board of school directors agreed to pay for the completion bond or bonds given by the contractor or contractors or other person persons firm firms corporation or corporations doing such work or furnishing such material or agreed to dispense with such bond or bonds or because of a failure on the part of the board of school directors to comply with the requirements of section six hundred and seventeen of the School Code approved May eighteenth one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) as amended by the acts of assembly approved July tenth one thousand nine hundred and nineteen (Pamphlet Laws eight hundred eighty-nine) May seventh one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred twenty-five) and May twenty-ninth one thousand nine hundred and thirty-one (Pamphlet Laws two hundred forty-three) or with any other law or laws of the Commonwealth or because such contract or contracts order or orders direction or directions were executed entered into or given or such work was done or such material furnished or such building addition thereto or improvement thereof or improvement of the grounds appurtenant thereto was accepted or used in violation of any law or laws of the Commonwealth or because the advertisements for bids if any did not fix the time at which the building addition or improvement was to be completed or the extra work or material to be performed or furnished or for any other reason whatever

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1561, as follows:

An Act to amend section one thousand two hundred and eight of the act approved the eighteenth day of May one

thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing when and how supervising principals principals and teachers as herein defined may be dismissed or refused re-election and conferring powers and imposing duties on officers of school districts and courts of common pleas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand two hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1208 (a) Any supervising principal (other than one acting as the chief administrative officer of a school district) principal or teacher employed in any school district may be dismissed at any time or may be refused re-election for the next ensuing term by the board of school directors as hereinafter provided on account of immorality incompetency intemperance cruelty to a pupil or pupils negligence attainment of superannuation age or for the violation of any of the provisions of this act if such violation is a misdemeanor [Provided That before any principal or teacher is dismissed be shall be given an opportunity to be heard after reasonable notice in writing of the charges made against him] The word teacher as used in this section shall be construed to include any dental hygienist nurse secretary or other employe of a school district who is duly certified as a teacher

(b) Before any such supervising principal principal or teacher is dismissed or refused re-election by the board of school directors the secretary of the school district shall furnish such supervising principal principal or teacher with a detailed written statement of the charges upon which his or her dismissal or refusal of re-election is based together with a written notice signed by the president and attested by the secretary of the board of school directors of a time and place when and where such supervising principal principal or teacher will be given an opportunity to be heard either in person or by counsel or both at a public hearing before the board of school directors Such hearing shall be not sooner than ten (10) days nor later than fifteen (15) days after such written notice At such hearing all testimony offered including that of complainants and their witnesses as well as that of the accused supervising principal principal or teacher and his or her witnesses shall be recorder by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense Any such hearing may be postponed continued or adjourned by agreement by the persons charged and the board of school directors

(c) After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending and after full impartial and unbiased consideration thereof the board of school directors shall by majority vote to be recorded by roll determine whether or not such charges or complaints have been sustained and in accordance with such determination discharge refuse to re-elect or retain such supervising principal principal or teacher

(d) No member of any board of school directors shall vote on any roll call if he is related as father mother brother sister husband wife son daughter stepson stepdaughter grandchild nephew niece first cousin sister-in-law brother-in-law uncle or aunt to the supervising principal principal or teacher involved or to any of the parties instituting the complaint

(e) A written notice of any decision of the board of school directors discharging or refusing to re-elect a supervising principal principal or teacher shall be sent by registered mail to such supervising principal principal or teacher at his or her last known address within ten (10) days after such hearing is actually concluded

(f) In case the supervising principal principal or teacher concerned considers him or herself aggrieved by the action of the board of school directors an appeal by petition setting forth the grounds for such appeal may be taken to the court of common pleas of the county wherein the school district concerned is situate Such appeal shall be filed within thirty (30) days or receipt by registered mail of the written notice of the decision of the board and a copy of such appeal shall be served by registered mail on the secretary of the school board The judge of the court of common pleas to whom such petition is presented shall fix a date for a hearing de novo by court which shall be not sooner than ten (10) days nor more than twenty (20) days after the presentation of such petition Upon the hearing de novo of said petition the court shall make whatever order it considers just either affirming or reversing the action of the board of school directors and stating plainly whether the supervising principal principal or teacher is to be discharged refused reelection or is to be retained The decision of the court of common shall be final and there shall be no further appeal

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HARKINS. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2377, as follows:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and thirteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies

Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to reads as follows

Section 313 COMPUTATION OF RESERVE The reserve required of stock and mutual casualty insurance companies and exchanges for outstanding losses under insurance against loss or damage from accident to or injuries suffered by an employe or other person and for which the insured is liable shall be computed as follows

(a) For all liability suits being defended under policies written more than

I Ten years prior to the date as of which the statement is made one thousand five hundred dollars ($1,500) for each suit

II Five and less than ten years prior to date as of which the statement is made one thousand dollars ($1,000) for each suit

III Three and less than five years prior to the date as of which the statement is made eight hundred and fifty dollars ($850) for each suit

(b) For all liability policies written during the three years immediately preceding the date as of which the statement is made such reserve shall be sixty per centum of the earned liability premiums of each of such three years less all loss and loss expense payments made under liability policies written in the corresponding years but in any event such reserves shall for the first of such three years be not less than seven hundred and fifty dollars ($750) for each outstanding liability suit on said year's policies

(c) For all compensation claims under policies written more than three years prior to the date as of which the statement is made the present value at four per cenum interest of the determined and estimated future payments

(d) For all compensation claims under policies written in the three years immediately preceding the date as of which the statement is made such reserve shall be sixty five per centum of the earned compensation premiums of each of such three years less all loss and loss expense payments made in connection with such claims under policies written in the corresponding years but in any event [in the case of the first year of any such three year period] such reserve shall be not less than the present value at four per centum interest of the determined and the estimated unpaid compensation claims under policies written during each of such [year] years

And said bill having been read at length the second time and agreed to

Ordered To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2859 (Senate Bill No. 31), entitled

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" which was amended by the act approved the eighteenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred forty-four) is hereby further amended to read as follows

Section 6 The names of candidates for nomination as President of the United States and the names of all other party candidates shall be printed upon the official ballot of a designated party upon the filing of nomination petitions in their behalf signed by qualified electors of the State or of the political district or division as the case may be within which the nomination is to be made or election is to be held and the filing of affidavits by the candidates as provided in this act and the names of no candidates shall be printed upon an official ballot of a political party to be used at any primary unless such petitions shall have been filed and unless such candidates except they be candidates for the office of President of the United States shall have filed affidavits as hereinafter provided

(a) Each signer of a nomination petition shall sign but one such petition for each office to be filled and shall declare therein that he is a member of the party designated in such petition Provided however That where there are to be elected two or more persons to the same office each signer may sign petitions for as many candidates for such office as and no more than he could vote for at the succeeding election He shall also declare therein that he is a qualified elector of the county therein named and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large of the political district or division therein named in which the nomination is to be made or the election is to be held He shall add his occupation and residence giving city borough or township with street and number if any and shall also add the date of signing No nomination petition shall be circulated prior to forty (40) days before the last day on which such petition may be filed and no signature shall be counted unless it bears date within forty (40) days of the last day for filing the same

Said nomination petition may be on one or more sheets and different sheets must be used for signers resident in different counties Each sheet shall have appended thereto the affidavit of some person not necessarily a signer and not necessarily the same person on each sheet setting forth that the affiant is a qualified elector of the State or of the political district or division as the case may be referred to in said petition his residence giving city borough or township with street and number if any that the signers signed with full knowledge of the contents of the petition that their respective residences are correctly stated therein that they all reside in the county named in the affidavit

and that each signed on the date set opposite his name and that to the best of affiant's knowledge and belief the signers are qualified electors and members of the designated party of the State or of the political district or division as the case may be

(b) Each candidate for United States Senator or Representative in Congress or for any State county [or] city borough incorporated town township school or poor district office shall file with his nomination petition his affidavit stating his residence with street and number if any and his postoffice address his election district the name of the office for which he consents to be a candidate that he is eligible for such office [and] that he will not knowingly violate any election law or any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith and unless he is a candidate for judge of a court of record that he is not a candidate for nomination for the same office of any party other than the one designated in such petition In no event shall petitions of any candidates except candidates for judge of a court of record be accepted for filing for nomination by more than one party for the same office in no event shall the name of any person consenting to be a candidate for nomination for any one office except the office of judge of a court of record be printed as a candidate for such office upon the official primary ballot of more than one party and [Provided That] in no event shall any person's name be printed upon the official ballot of any party as a candidate for delegate State committeeman National committeeman or party officer unless he is a qualified elector of said party

In the case of a candidate for nomination as President of the United States it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates but the postoffice address of such candidate shall be stated in such nomination petition

(c) Each candidate for election as delegate or alternate delegate to a National party convention may include with his affidavit the statement hereinafter set forth in this section but his failure to include such statement shall not be a valid ground on the part of the Secretary of the Commonwealth for refusal to receive and file his nomination petition Such statement if any be made shall be in substantially the following form

Delegate's Statement

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania" if a delegate or alternate delegate at large otherwise insert "..... District") that if elected and in attendance as a delegate to the National convention of the party I shall with all fidelity to the best of my judgment and ability in all matters coming before the convention support that candidate for President of the United States who shall have received the highest number of votes cast in the (here insert "State" if a delegate or alternate delegate at large otherwise insert "..... District") by the voters of my party for said office at the ensuing primary and shall use all honorable means within my power to aid in securing the nomination for such candidate for President .....

(Signature of candidate for delegate or alternate delegate)

On the ballot used at a primary after or under the name of each candidate for delegate or alternate delegate to a National party convention shall appear the words "Promises to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert "..... District") for President" or "Does not promise to support popular choice of party in the (here insert "State" if a delegate or alternate delegate at large otherwise insert "..... District") for President" according as if the candidate included or failed to include the above statement with his affidavit

On the question,

Will the House agree to the section?

Mr. BLUMBERG. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 5, line 13, by inserting after the word "record" the following: "or district attorney"

Amend sec. 1, page 5, line 17, by inserting after the word "record" the following: "or district attorney"

Amend sec. 1, page 5, line 21, by inserting after the word "record" the following: "or district attorney"

On the question,

Will the House agree to the amendments?

The SPEAKER declared the nays appeared to have it,

Whereupon, a division was called for and forty-one members having voted in the affirmative and ninety-seven members having voted in the negative, the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the Section?

Mr. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 5, line 13, by inserting after the word "record" the following: "or school director"

Amend sec. 1, page 5, line 17, by inserting after the word "record" the following:: "or school director"

Amend sec. 1, page 5, line 21, by inserting after the word "record" the following: "or school director"

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the Section?

It was agreed to.

The second section was read as follows:

Section 2 That section eight of said act is hereby amended to read as follows

Section 8 No nomination petition shall be refused or set aside except for

(a) Material error or defects apparent on the face thereof or on the face of the appended or accompanying affidavits or

(b) Material alterations made after signing without the consent of the signers or

(c) Want of a sufficient number of genuine signatures of persons qualified with respect to age [sex] residence [and] citizenship and party membership to be [electors] signers or

(d) The fact that nomination petitions have been filed for printing of the name of the same person for the same office except the office of judge of a court of record upon the official ballot of more than one politial party.

The invalidity of any sheet of a petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet

Application to set aside any nomination petition shall be by petition to the court of common pleas of the county in which such nomination petition has been filed setting forth specifically the matters objected to and must be filed within five days after the last day for filing said nomination petition Upon the presentation of such a petition the court shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition and specifying the time and manner of notice that shall be given to the candidate named in the nomination petition sought to be set aside

If the matters objected to are such as are specified in

subdivision (a) of this section the court upon hearing the case may in its discretion permit amendments within such time and upon such terms as to payment of costs as the said court may specify

In case the petition to set aside a nomination petition is dismissed the petitioner shall pay the while of the costs of the proceeding including all witness fees

On the question,

Will the House agree to the section?

Mr. STEVENS. Mr. Speaker, may we ask that the bill be passed over in its order until further amendments are prepared?

The SPEAKER. The bill cannot be passed over in its order because we are already on the bill. The gentleman can make a motion to place the bill on the postponed calendar.

MOTION TO POSTPONE BILL

Mr. STEVENS. Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third section and title were separately read and agreed to as follows:

Section 3 The provisions of this act shall become effective immediately upon its final enactment

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for certain offices from being candidates for more than one party nomination and requiring candidates' affidavits from candidates for additional offices.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1496 (Senate Bill No. 344), entitled:

An Act to amend the title and sections one and two of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one thousand nineteen) entitled "An act relating to seated lands purchased by county commissioners at county treasurer's sale of seated lands for collection of taxes authorizing the county commissioners to sell the same at private sale under the circumstances" by extending the provisions thereof to unseated lands

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2828 (Senate Bill No. 614), entitled:

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 689, as follows:

An Act authorizing the insurance of deposits of the funds of school districts with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all moneys belonging to any school district or held by any such school district for any purpose and deposited with any banking institution in this Commonwealth may be insured with the Federal Deposit Insurance Corporation or any other corporation hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name and when so insured no school district shall require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2795 (Senate Bill No. 890), entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in cer-

tain cases the security required of depositories for school funds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2764, as follows:

An Act providing for the creation and incorporation as municipal corporations and for the management and operation of water supply districts to furnish and supply water to the public residing therein and to public and private corporations and the Commonwealth and its agencies through the construction of water-works and facilities and/or the acquisition of the property water-works rights and franchises of public and private corporations copartnerships associations and individuals furnishing and supplying water to the public in said districts prescribing the powers and duties of such districts and the officers thereof conferring jurisdiction on courts of common pleas in connection therewith and imposing certain costs and charges preliminarily on counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the several courts of common pleas within this Commonwealth shall have power in manner provided by law to create and incorporate as municipal corporations what shall be known as "Water Supply Districts" without regard to the population thereof provided that the petition or petitions hereinafter described for the creation or incorporation of any water supply district shall be presented to the court of common pleas of the county or that part thereof embraced in proposed district in which are located at the time of filing said petition or petitions the greater number of the consumers then being supplied with water service in said contemplated or proposed water supply district

The court as hereinbefore defined of any county of the Commonwealth shall have power and jurisdiction to create and incorporate a district or districts which may be co-extensive in territory with the county of such court or include only part of such county or a part of such county and a part or parts of one or more continguous counties which can in the opinion of the court reasonably and conveniently be created a district The territory of such a district need not be continguous if it is so situate that in the opinion of the court it can reasonably be included in the territory comprising a proposed district Upon the creation of any such district the said court shall have jurisdiction coextensive with the boundaries and limits of said district of all matters and affairs properly coming before said court concerning said district

Section 2 Within ten days after the certified copies of the decree of court and letters patent are recorded with the recorder of deeds as aforesaid the court shall appoint three persons who shall be qualified electors and resident freeholders within the district as a board of directors to manage the affairs of the district The first appointments shall be for the following terms One for two years one for four years and one for six years from the date of their respective appointments Thereafter all appointments by the court to membership of the board where terms expire shall be for terms of six years Vacancies in the membership of the board shall be filled by the court for the unexpired term

The court shall fix the compensation of the members of the board which shall not exceed six thousand dollars ($6,000.00) per annum payable from the funds of the district

Each member of the board before entering upon the duties of his office shall take and subscribe an oath before an officer authorized to administer oaths that he will honestly faithfully and impartially perform the duties of his office and that he will not be pecuniarily interested directly or indirectly in any contract concerning the business or affairs of the district Each member of the board shall also give bond to the Commonwealth for the use of the district in the penal sum of twenty-five thousand dollars ($25,000) with corporate surety conditioned for the faithful and honest discharge of his duties The premium on such bonds shall be paid from the funds of the district The oath and bond shall be filed with the prothonotary of the court

Section 3 A water supply district may

I Have succession perpetually by its corporate name

II Sue and be sued and complain and defend in the courts of the Commonwealth All actions by or against the district shall be brought in the court having jurisdiction over the district

III Adopt and use a common seal and alter the same at pleasure

Section 4 The powers of a water supply district shall be vested in its board of directors The board shall have power to purchase acquire take hold and operate the property and works of a company within and/or without the territorial limits of the district and to sell and convey the same or any part thereof as may be deemed necessary to construct any addition or extension thereto and to maintain and operate such property and works The construction of any water works by such water supply district shall be in accordance with plans therefor previously filed with the Secretary of Health and a permit issued therefor in accordance with the act of Assembly approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" and its amendments and supplements thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 364, as follows:

An Act relating to and regulating the furnishing and sale of natural gas and of natural and artificial gas admixtures and fixing standards for such gas requiring public service companies to file post and publish tariffs and schedules in accordance with such standards defining the powers and duties of the Public Service Commission in connection therewith and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the standard of heating power for natural gas or any admixture thereof with artificial gas is hereby fixed at ten hundred (1000) British Thermal units per cubic foot All natural or admixtures of natural and artificial gas shall after the first day of January one thousand nine hundred and thirty-six if below said standard be sold in this Commonwealth only in accordance with a rate based on the standard fixed by this act

Section 2 Every person copartnership association and corporation now operating as a public service company supplying admixtures of natural and artificial gas shall within six months after the effective date of this act and every such person copartnership association and corporation hereafter so operating shall before commencing to operate file with the Public Service Commission and post and publish as provided by the act approved the twenty-sixth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) commonly known as the "Public Service Company Law" and its amendments complete tariffs and schedules showing prices charges rates or other compensation asked demanded or received separately for each grade of such gas according to the standards fixed by this act and in accordance with regulations and practices prescribed by

the Public Service Commission and such tariffs and schedules shall clearly show the various rates charges and prices according to the grades of gas established by this act and which shall not be in excess of those permitted by this act

Natural gas and admixtures of natural and artificial gas shall be divided into the following grades according to British Thermal units per cubic foot

	British Thermal Units per cubic foot
Grade A	1000 or more
Grade B	900 or more but less than 1000
Grade C	800 or more but less than 900
Grade D	700 or more but less than 800
Grade E	600 or more but less than 700
Grade F	500 or more but less than 600
Grade G	Less than 500

Every person copartnership association or corporation selling admixtures of natural and artificial gas shall be required to fix a basic price for Grade A gas and the rate or price charged for gas of any other grade shall not exceed the following percentages of the rate or price fixed for Grade A gas

Grade B	95%
Grade C	85%
Grade D	75%
Grade E	65%
Grade F	55%
Grade G	50%

Section 3 It shall be unlawful for any person copartnership association or corporation after said tariffs and schedules have been filed as provided by section two hereof to furnish or sell natural gas that is mixed with coke oven gas or any other kind of artificial gas unless such fact is made known to the purchaser or to sell or furnish any such admixture of gas which falls below the standard fixed by this act for Grade A gas at a price in excess of the percentage permitted by this act charged or fixed by the same person copartnership association or corporation for Grade A gas

Section 4 The Public Service Commission shall carefully examine all such tariffs and schedules filed under section two hereof and determine on its own initiative or on complaint whether differentials in charges rates and prices of different grades are reasonable and in accordance with this act and where the same are unreasonable or unlawful to order amended tariffs or schedules to be filed in accordance with its order subject to appeal by any party aggrieved as provided in the Public Service Company Law

Section 5 The Public Service Commission by its employes and agents is hereby empowered to take samples of gas sold in this Commonwealth natural or admixtures of natural and artificial gas and to forward to the same or to the proper agency of the Commonwealth for the purpose of determining the British Thermal units in such gas and to ascertain whether the same conforms to the grades established by this act and under which it is sold

Section 6 Any person copartnership association or corporation violating or failing to comply with any of the provisions of this act or furnishing and selling gas according to a certain grade when the same is below said grade in British Thermal units or charging a rate or price for any grade of gas in excess of the percentage of that fixed for Grade A gas allowed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars or in the case of individuals and the responsible officers of associations and corporations to undergo imprisonment for a period not exceeding six months or both

Section 7 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2869 (Senate Bill No. 1234), entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1658 (Senate Bill No. 221), entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT

Mr. ZAPPALA. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Zappala?

Mr. ZAPPALA. I will, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman the purpose of recomitting this bill?

Mr. ZAPPALA. Mr. Speaker, for the purpose of amendment.

Mr. WITKIN. Mr. Speaker ,may I ask the gentleman whether the question of amendments has been taken up with the sponsor of the bill?

Mr. ZAPPALA. No, it has not as yet, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, will the gentleman from Allegheny have any objections to the placing of this bill on the postponed calendar so as to give me an opportunity to comunicate with the Senator from Allegheny, Mr. Coyne?

Mr. ZAPPALA. Mr. Speaker, I have no objections.

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2143 as follows

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June one housand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" requiring cities to make certain payments into the police pension fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and its is hereby enacted by the authority of the same That section four thousand three hundred and five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 4305 Payments to Pension Funds by City There shall be paid annually to the organization or association constituting and having in charge the distribution of police pension funds in every city a sum of money not [exceeding] less than one half nor more than one per centum of all city taxes collected by the city other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2025, as follows:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by exempting municipalities and townships from paying any license fee on their service lines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" which was amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) is hereby further amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belonging to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or State institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or township any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department board or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2501 entitled

An Act providing for the utilization of labor of adult men who are employed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangars for Boroughs Cities and Counties in which they reside

Whereas Many unemployed persons receiving public relief are unable to secure any employment and

Whereas It is the duty of the Commonwealth to provide shelter for unemployed persons and moneys are appropriated to the State Emergency Relief Board for such purposes and

Whereas The Commonwealth cannot indefinitely continue to provide relief for unemployed persons without some reimbursement in the form of constructive improvement of the Commonwealth for the benefit of its

taxpaying citizens and creating some new business or occupations which can when established furnish work in ways not now available and

Whereas The present policy of administering relief produces nothing which will tend to end the necessity for relief by making new fields of employment therefor

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the county commissioners of any county the mayor of any city or the burgess of any borough shall have he authority to employ men eighteen years of age or older residing in their county city or borough who are receiving public relief for periods up to thirty hours per week and not over six hours per day upon the construction extension improvement or maintenance of airports and hangars thereon belonging to or leased by said county city or borough

They shall provide transportation for said workers so employed to and from work where the distance is over one mile from the said workers residence They shall carry workmen's compensation insurance on said workers They shall pay said workers so employed at the end of each period of thirty hours such wages as said county city or borough can reasonably afford but not less than the sum of ten cents per hour in cash Said compensation shall be in addition to any relief now received and shall not be considered as employment which will deprive the worker so occupied and receiving such compensation of the right to continue to receive unemployment relief in the same manner and to the same extent as though he were wholly unemployed Provided however that any such person offered such employment and who shall refuse to accept such employment or to work thereon willingly when physically able to do so and without having any other remunerative work available shall be reported by said commissioner mayor or burgess to the State Emergency Relief Board who shall upon being satisfied of such refusal having been made without good cause deprive such individual refusing such work of all further public relief This refusal however shall not deprive the wife and children of relief which however must thereafter be administered solely to and through the wife or mother

On the question,

Will the House agree to the sections?

Mr. KANE. Mr. Speaker, I would like permission of the House to make a statement in regard to the bill at this time.

The SPEAKER. The bill is before the House and if the gentleman wishes to discuss it, he may do so.

Mr. KANE. Mr. Speaker and members of the House, this bill which is on second reading today is the first of a series of bills which I introduced sometime ago with the intention of enabling the authorities of the different municipalities in the Commonwealth to utilize the services of the adult male citizens who are receiving public relief in the construction, maintenance, or improvement of sundry enterprizes which would be for the public benefit, in the communities in which those persons reside. I have stated before and I again repeat, that this bill is merely an effort in that direction. I intend to ask to have this bill kept on second reading until tomorrow, for the reason that I would like any members of the House who have given this matter thought and who have any constructive ideas for the utilization of persons on relief for the benefit of the Commonwealth, to confer with me and offer any amendments which will be for the improvement of the bill. I wish to assure my fellow members of the House that I think that this is a very important enterprise. The labor of thousands of people who are on relief should not be wasted, if by the addition of a small amount of cash the communities in which they reside can bring out of this depression some lasting and permanent benefit, by all means we should secure that benefit and come out of this depression with a better State to live in.

I do not wish to call this bill up today. I would like to have it remain on second reading until tomorrow and I invite all of the members of the House who have any constructive ideas along this line to confer with me for the purpose of adding any beneficial amendments to the bill that they may want. I would like to have this bill remain on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1898, as follows:

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purpose including parks or playgrounds and providing for the making of such assessments by the Board of View and the entry of such assessments as liens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any municipality shall take by condemnation proceedings any land for any municipal purpose including parks or playgrounds the Board of View appointed by the court to assess the damages payable to the owners of land so condemned shall in addition fix determine and assess the benefits to any adjacent land or pieces of land which will be actually benefited by the improvement subject to appeal as is now or may hereafter be provided by law

Section 2 The term "adjacent" as used in the act shall include not only immediate abutting property and lots of ground but shall include all the property or properties in the vicinity which in the judgment of the Board of View are actually benefited by the improvement whether contiguous to the land taken by the municipality or separated therefrom by public highways or other intervening land

Section 3 Before the filing of any report of a Board of View in which benefits are fixed and assessed against any lot or piece of ground notice of the proposed assessment shall be given either by personal service or posting upon the property to the registered owner thereof and also by publication once a week for two successive weeks in a newspaper of general circulation published in the general language of the county Such notice shall fix a time at least thirty (30) days after the service or posting of such notice when any person interested may appear before the Board of View in the matter of the assessments

Section 4 Upon the filing of any report of any Board of View assessing benefits against any lot or piece of land the amounts so assessed shall become a lien upon the property from the date of the filing of the said report and shall bear interest at six per centum (6%) per annum from the date The amount thereof shall be entered of record against the property affected in the office of the prothonotary of the court of common pleas in the county in which the land is situated in the docket ordinarily used for the entry of mechanics and muncipal claims

Section 5 The act approved the fifteenth day of June one thousand eight hundred and seventy-one (Pamphlet Laws three hundred ninety-one) and all other acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2204, as follows:

An Act to amend sections six and eleven of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties" changing the qualifications of mothers entitled to the assistance provided by the said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections six and eleven of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State supervisor and assistants and fixing the salaries of such State supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of the act to appropriate certain moneys and providing penalties" are hereby amended to read as follows

Section 6 It shall be the duty of the board of trustees to provide from the funds made available under the provisions of this act as aid in supporting their children in their own homes assistance to poor and dependent mothers of proved character and ability who have children of their own or children legally adopted by such mothers and their husbands under the age of [sixteen] eighteen years and whose husbands are dead or permanently confined in institutions for the insane or have been declared legally dead as provided by law

Section 11 All payments made under the provisions of this act shall continue at the will of the trustees but not beyond the time when any child under the provisions of the law may secure employment excepting where the child is physically unable to earn wages or is at school with a satisfactory record of attendance and scholarship in which case such payment shall continue until such child has reached the age of [sixteen] eighteen years

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2854 (Senate Bill No. 900), as follows:

An Act to amend section nine of the act aproved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws ninety-one) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" limiting existing indebtedness as covered by the section to bonded indebtedness

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pensylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (Pamphlet Laws ninety-one) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" is hereby amended to read as follows

Section 9 Hereafter it shall be unlawful for any municipality to provide for the refunding of any existing bonded indebtedness for a longer period than twenty years and any obligation issued for a longer period than herein provided shall be invalid and impose no municipal liability or have any lien All proceedings to issue bonds or obligations for the purpose of refunding existing bonded indebtedness shall be approved by the Department of Internal Affairs as in the case of other proceedings and no refunding bonds shall hereafter be issued by any municipality without the approval of the said department Refunding bonds issued without the approval of the said department shall be invalid and impose no municipal liability

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

USE OF HALL OF HOUSE GRANTED COMMITTEE

Mr. RUTH. Mr. Speaker, I move that the use of the Hall of the House be granted to the Committee on Ways and Means for a public hearing on House Bill No. 1911, (Race Track Bill) this afternoon from 2:00 to 3:00 P. M.

The motion was agreed to.

HOUSE BILL NO. 1373 TAKEN FROM TABLE

Mr. MOOMAW. Mr. Speaker, I move that House Bill No. 1373, Printer's No. 1062, entitled:

An Act relating to local taxation; establishing a centralized system in counties of the second class for the collection of all county, borough, town, township, and certain school and poor taxes except in certain cases through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns and townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws

which was laid upon the table be taken from the table.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appear to have it.

Whereupon, a division was called for, ninety five members having voted in the affirmative and sixty-eight in th negative, the question was determined in the affirmative, and the motion was agreed to.

RECONSIDERATION OF VOTE

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to transcribe the bill for third reading be reconsidered.

Mr. HIRSCH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks vote?

Mr. RUTH. I voted in the affirmative, Mr. Speaker.

The SPEAKER. How did the gentleman from Schuylkill vote?

Mr. HIRSCH. I voted in the majority, Mr. Speaker?

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading as amended be reconsidered?

The motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to section one as amended be reconsidered.

The motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the amendment to section one be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the amendment offered by the gentleman from Dauphin, Mr. Woodside?

Mr. WOODSIDE. Mr. Speaker and members of the House, sometime age the amendments offered by me to take out of this bill all of the counties with the exception of counties of second class were adopted. Since that time there has been considerable parliamentary dickering with this bill, which was done primarily for this purpose of putting the question in such a position that it could be brought before the House at this time to determine whether or not these amendments should remain in the bill. When the motion was originally made to reconsider the vote by which the bill passed second reading, it was upon an agreement between the sponsors and myself for the sole reason of permitting this question to be decided on the merits rather than on any technicality. I make that as a statement because there seems to have been considerable confusion as to the procedure in connection with this. The question is now before the House as to whether or not these amendments should be inserted in this bill. I feel now exactly as I did at the time that I introduced these amendments. I feel that the people of the counties which are primarily affected by this bill do not want it. I was informed prior to introducing this amendment that the people from Allegheny did want this bill or at least the Representatives from Allegheny county seemed to think that their people did want this bill, and, therefore, I thought that it was proper to give them this bill, and I gave them the opportunity to have this bill and to try the experiment which I personally believe will be a failure under our present system of taxation in Pennsylvania. However, I am not so sure that the representatives from Allegheny county really do want this bill. They now have the opportunity to get this bill by leaving in counties of the second class, and that will remove, I believe, a great deal of the objection which was made to this bill. So, I call now on the members from Allegheny county who honestly and truly believe that their people want this bill, and who themselves honestly and truly want this bill, to vote in favor of keeping in the amendments which I have offered. I believe that the majority of the people who will be affected by this bill do not want it. I could take up hours of time in setting forth the reasons but I do not propose to do so at this time, but I merely call upon all the members of this House who sincerely and truly and honestly believe that this bill in its present form is not workable under our present system of taxation, and who do not want to try this bill in their own county, to vote to keep in the amendments which I have offered, and I ask the members from Allegheny county if they truly and honestly believe that this is a good bill for Allegheny county, to vote to keep in the amendments for this county which I have offered.

Mr. MORAN. Mr. Speaker and members of the House, I ask you to vote "no" on these amendments.

Mr. GATES. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Moran?

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. MORAN. I will, Mr. Speaker.

Mr. GATES. Mr. Speaker, is it the intention of the sponsor of this bill to eventually add an amendment which would make it local option to the counties?

Mr. MORAN. It is, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker and members of the House, since that question has been raised as to the amending of the bill to make it optional, I do not want to debate that question because I do not think that it is before the House, but nevertheless, as the question has been raised, I think it is altogether proper for me to say at this time, by the authority of the Director of the Legislative Reference Bureau, who is recognized as a very outstanding constitutional lawyer, that this bill is impossible to be amended in such a way that it will make it optional, and that any such amendment would be unquestionably unconstitutional. That opinion was also concurred in by a Deputy Attorney General.

Mr. MOOMAW. Mr. Speaker and members of the House, the remarks just made by the gentleman from Dauphin, Mr. Woodside, regarding the possibility of the unconstitutionality of the local option feature in this measure has been a controversy, and I beg to correct his statement in that the Attorney General's Department in its latest ruling, after a very comprehensive search, feels that it would be constitutional to have a local option clause inserted in this bill.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. WOODSIDE and Mr. SHREINER and were as follows:

YEAS—72

Baldi,	Hart,	O'Neill,	Stockham,
Barnhardt,	Hefferon,	Perry,	Stott,
Bernhard,	Hermansen,	Peters,	Surface,
Blumberg,	Hoffner,	Phillips,	Tahl,
Boyd, R.,	Horst,	Reynolds,	Terry,
Boyer,	Jackson,	Roan,	Trout,
Brennan,	Jones,	Root,	Turner,
Castor,	Kelder,	Schrock,	Wall,
Coleman,	Linderman,	Shortz,	Wasserman,
Conner,	Longaker,	Shreiner,	Weidemann,
Davies,	Mallen,	Sloan,	White,
Downey, J. J.,	McDevitt,	Snyder, F. E.,	Wickersham,
Duffort,	McHenry,	Snyder, J. L.,	Winner,

Ferko,	Merrell,	Sowers,	Witkin,
Forrest,	Moore,	Spangler,	Wood,
Greenstein,	Muir,	Sproul,	Woodside,
Habbyshaw,	Munley,	Stank,	Yeakel,
Hamilton, R. S.,	Nothnagle,	Stewart,	Zimmerman,

NAYS—112

Achterman,	Diehl,	Kobelak,	Rinn,
Alexander,	Dilley,	LaRue,	Robinson,
Allen,	Downey, G. E.,	Long,	Ruffennach,
Altenburg,	Eberharter,	Lovett,	Ruth,
Andrews,	Eroe,	Lynch,	Sarraf,
Arnold,	Falkenstein,	Male,	Schwab,
Aukerman,	Finnerty,	McCreary,	Shaw,
Baine,	Fitch,	McDermott,	Shepard,
Baker, J J.,	Flinchbaugh,	McElroy,	Shugarts,
Barber,	Furman,	McKinney,	Siegel,
Boose,	Gates,	Mentzer,	Simon,
Brancato,	Gerard,	Moomaw,	Simpson,
Brown, H. S.,	Hagerty,	Mooney,	Sinwell,
Brown, J. E.,	Haluska,	Moran,	Smith, J. A.,
Brownfield,	Hamilton, F. P.,	Moul,	Stevens,
Brumbaugh,	Harkins,	Murrin,	Sumney,
Cannon,	Harmuth,	Nagel,	Tronzo,
Caputo,	Hartman,	O'Keefe,	Tumelty,
Carr,	Hetrick,	Ominsky,	Van Allsburg,
Carson,	Hindman,	Panton,	Van Sickle,
Chervenak,	Hirsch,	Parks,	Walker,
Coakley,	Holstrom,	Patterson, C.,	Weiss,
Cochran,	Hoopes,	Patterson, J. W.,	Welliver,
Cohen,	Kane,	Pearson,	Welsh,
Condon,	Kelso,	Pfaff,	Westrick,
Coolahan,	Kilroy,	Piole,	Yourishin,
Cordier,	Kinney,	Powers,	Zappala,
Decker,	Klingler,	Reising,	Sarig,
Dent,			

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to section two as amended be reconsidered.

The motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the amendment to section two be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to sections three to thirty-five be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to sections three to thirty-five.

They were agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to section thirty-six as amended be reconsidered.

The motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the amendment to section thirty-six be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the title as amended be reconsidered.

The motion was agreed to.

Mr. RUTH. Mr. Speaker, I move that the vote by which the House agreed to the amendment to the title be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the amendment.

It was not agreed to.

On the question recurring,

Will the House agree to the title?

It was agreed to.

On the question,

Will the House agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MOOMAW. Mr. Speaker, I move that this bill be recommitted to the committee on Counties for the purpose of amendment.

The motion was agreed to.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 965, as follows:

An Act Authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery located at Boalsburg Centre County Pennsylvania Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs is hereby authorized to sell and convey to any cemetery association or religious organization maintaining a cemetery for such price as may be agreed upon any portion of the land acquired for a State Military Cemetery located at Boalsburg Centre County Pennsylvania where such portion is cut off from the main portion of such military cemetery by a public road or highway and is unlikely to be used in the future for military cemetery purposes The deed for any such conveyance shall be executed and delivered by the Secretary of Property and Supplies

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Eroe,	McDevitt,	Shreiner,
Alexander,	Falkenstein,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Siegel,
Altenburg,	Fitch,	McKinney,	Simon,
Andrews,	Flanagan,	Melchiorre,	Simpson,
Arnold,	Flinchbaugh,	Mentzer,	Sinwell,
Atkins,	Forrest,	Merrell,	Sloan,
Aukerman,	Furman,	Moomaw,	Smith, J. A.,
Baine,	Gates,	Mooney,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moore,	Snyder, F. E.,
Baker, J J.,	Gillette,	Moran,	Snyder, J. L.,
Baldi,	Habbyshaw,	Moul,	Sowers,

Barber,	Haberlen,	Muir,	Spangler,
Barnhardt,	Hagerty,	Munley,	Sproul,
Bernhard,	Haluska,	Murrin,	Stank,
Blumberg,	Hamilton, F. P.,	Nagel,	Stevens,
Boose,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyd, R.,	Harkins,	O'Keefe,	Stockham
Boyer,	Harmuth,	Ominsky,	Stone,
Bradley,	Hart,	O'Neill,	Stott,
Brancato,	Hartman,	Panton,	Sumney,
Brennan,	Hefferon,	Parks,	Surface,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tahl,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Terry,
Brownfield,	Hindman,	Pearson,	Tronzo,
Brumbaugh,	Hirsch,	Perry,	Trout,
Cannon,	Hoffner,	Peters,	Tumelty,
Caputo,	Holstrom,	Pfaff,	Turner,
Carr,	Hoopes,	Phillips,	Van Allsburg,
Carson,	Horst,	Piole,	Van Sickle,
Castor,	Jackson,	Powers,	Walker,
Chervenak,	Jones,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klingler,	Rooney,	Westrick,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Denning,	Longaker,	Scanlon,	Wood,
Dent,	Lovett,	Schrock,	Woodside,
Diehl,	Lynch,	Schrope,	Yeakel,
Dilley,	Male,	Schwab,	Yourishin,
Downey, G. E.,	Mallen,	Schwartz,	Zappala,
Downey, J. J.,	Mason,	Shaw,	Zimmerman,
Duffort,	McCreary,	Shepard,	Sarig,
Eberharter,	McDermott,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2498, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An Act relating to the business of building and loan associations providing for the organization and voluntary dissolution of such association defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 410 of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven) entitled "An act relating ot the business of building and loan associations providing for the organization and voluntary dissolution of such associations defining the rights powers duties liabilities and immunities of such associations and of their officers directors shareholders solicitors and other employes prohibiting the transaction of business in this Commonwealth by foreign building and loan associations conferring powers and imposing duties upon the courts recorders of deeds and certain State departments commissions and officers establishing limitations of actions imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 410 Officers of Associations Removal License Compensation A Every association shall have a president a vice-president a secretary and a treasurer and may have such additional officers as shall be provided for in the by-laws Any two or more officers may be held by the same person except that the same person shall not at the same time be holder of more than one of the following offices President vice-president secretary treasurer and solicitor in addition when an association has a conveyancer the president vice-president secretary or treasurer of such association shall not at the same time be the conveyancer of the association

B The officers of an association shall be selected at least annually by the board of directors unless the by-laws provide a different method The president vice-president and secretary of an association shall be required to be members of the board of directors of the association and the secretary shall be required to be licensed by the department pursuant to the provisions of the Department of Banking Code

Any person who shall after the first day of January nineteen hundred and thirty-six act as secretary of a building and loan association without a license shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or undergo an imprisonment for a period of not more than one year or both in the discretion of the court

C Unless specifically provided otherwise in the by-laws the board of directors shall fix the compensation of all officers

D Any officer may be removed by the board of directors whenever in its judgment the best interests of the association will be served thereby but such removal shall be without prejudice to the contract rights if any of the person so removed

E Unless specifically provided otherwise in the by-laws the board of directors shall have the power to fill any vacancies created by the death removal resignation or otherwise of any officer

F The officers as between themselves and the association shall have such authority and perform such duties as shall be specified by the by-laws

Section 2 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker, may I ask the gentleman if I interpret the provisions of this bill correctly, there is no allowance for a temporary secretary, and there would be a penalty in case of a secretary who became ill or could not attend a meeting of building and loan association. If there happened to be an important meeting of a building and loan association they could not transact their business because of the absence of the secretary, because there is a heavy penalty provided and no temporary secretary is provided for in the bill. This bill provides for no appointment or election of a temporary secretary of a building and loan association in case of the absence or sickness or for any cause of the secretary. They could, therefore, not take the minutes, because they would be subject to a fine. Could this bill not be amended to provide that there may be a temporary secretary elected or appointed. Would the sponsor of the bill agree to the amendment or recommit it for

the purpose of amendment? I have two other suggestions to make.

Will the gentleman make that as a motion?

BILL POSTPONED

Mr. SINWELL. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2191, as follows:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May one thouand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" regulating the refunding of taxes where appeals are finally disposed of

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 518 Appeal to Court from Assessments Collection Pending Appeal Payment into Court Any owner of real estate or taxable property in this Commonwealth who may feel aggrieved by the last or any future assessment or valuation of his real estate or taxable property may appeal from the decision of the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to the court of common pleas of the county within which such property is situated and for that purpose may present to said court or file in the prothonotary's office within sixty days after the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be have held the appeals provided for by this or any other act of Assembly and acted on the said assessments and valuations a petition signed by him his agen or attorney setting forth the facts of the case and thereupon the court shall proceed at the earliest convenient time to be by them appointed of which notice shall be given to the county commissioners acting as a board of revision or the board of revision of taxes or the board for the assessment and revision of taxes as the case may be to hear the said appeal and the proofs in the case and to make such orders and decrees touching the matter complained of as to the judges of said court may seem just and equitable having due regard to the valuation and assessment made of other real estate in such county or city the costs of the appeal and hearing to be apportioned or paid as the court may direct Provided however That the appeal shall not prevent the collection of the taxes complained of but in case the same shall be reduced then the excess shall be returned to the person or persons who shall have paid the same And provided further That the appellant may pay the amount of the tax alleged to be due by reason of the assessment appealed from into the court to which such appeal is taken whereupon said court shall allocate and pay over to the proper authorities such amount of said tax as shall appear to said court to be reasonably free from dispute and the remainer of the amount paid in shall be held by the court pending the final disposition of the appeal Upon final disposition of the appeal the amount found to be due the appellant as a refund shall be a legal set off or credit against any future taxes assessed against appellant in the same taxing district Provided that where such taxing district is unable to thus credit all of such refund or any balance thereof in any one year the court shall upon application of either party ascertain and determine how much of said refund shall be credited in that year

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

Yeas—199

Achterman,	Eroe,	McDevitt,	Shreiner,
Alexander,	Falkenstein,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Siegel,
Altenburg,	Fitch,	McKinney,	Simon,
Andrews,	Flanagan,	Melchiorre,	Simpson,
Arnold,	Flinchbaugh,	Mentzer,	Sinwell,
Atkins,	Forrest,	Merrell,	Sloan,
Aukerman,	Furman,	Moomaw,	Smith, J. A.,
Baine,	Gates,	Mooney,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moore,	Snyder, F. E.,
Baker, J J.,	Gillette,	Moran,	Snyder, J. L.,
Baldi,	Habbyshaw,	Moul,	Sowers,
Barber,	Haberlen,	Muir,	Spangler,
Barnhardt,	Hagerty,	Munley,	Sproul,
Bernhard,	Haluska,	Murrin,	Stank,
Blumberg,	Hamilton, F. P.,	Nagel,	Stevens,
Boose,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyd, R.,	Harkins,	O'Keefe,	Stockham,
Boyer,	Harmuth,	Ominsky,	Stone,
Bradley,	Hart,	O'Neill,	Stott,
Brancato,	Hartman,	Panton,	Sumney,
Brennan,	Hefferon,	Parks,	Surface,
Brown, H. S.,	Hermansen,	Patterson, C.,	Tahl,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Terry,
Brownfield,	Hindman,	Pearson,	Tronzo,
Brumbaugh,	Hirsch,	Perry,	Trout,
Cannon,	Hoffner,	Peters,	Tumelty,
Caputo,	Holstrom,	Pfaff,	Turner,
Carr,	Hoopes,	Phillips,	Van Allsburg,
Carson,	Horst,	Piole,	Van Sickle,
Castor,	Jackson,	Powers,	Walker,
Chervenak,	Jones,	Reising,	Wall,
Coakley,	Kane,	Reynolds,	Wasserman,
Cochran,	Kelder,	Rhys,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Roan,	Welliver,
Condon,	Kinney,	Robinson,	Welsh,
Conner,	Klingler,	Rooney,	Westrick,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Denning,	Longaker,	Scanlon,	Wood,
Dent,	Lovett,	Schrock,	Woodside,
Diehl,	Lynch,	Schrope,	Yeakel,
Dilley,	Male,	Schwab,	Yourishin,
Downey, G. E.,	Mallen,	Schwartz,	Zappala,
Downey, J. J.,	Mason,	Shaw,	Zimmerman,
Duffort,	McCreary,	Shepard,	Sarig,
Eberharter,	McDermott,	Shortz,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

The House proceeded to the consideration on final passage of House Bill No. 2742, as follows

An Act to regulate the sale of certain hypnotic analgesic and body-weight reduction drugs in the interest of public health

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases shall for the purpose of this act have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning

"Hypnotic drug" shall mean the drugs known as barbital and the salts of barbituric acid also known as malonylurea or any derivative or compounds or any preparations or mixtures thereof possessing hypnotic properties or effects

"Other hypnotic drug or analgesic drug or body-weight reducing drug" shall be held to mean and include sul phonethylmethane (Trional) or sulphonmethane (Sulphonal) or diethylsulphon diethylmethane (Tetronal) or bromdiethylacetylcarbamide (Carbromal) or whatever name they may be known or paraldehyde or any derivatives or compounds or preparations or mixtures thereof possessing hypnotic properties or effects and chloral or chloralhydrate or chlorbutanol or any compounds or mixtures thereof possessing hypnotic properties or effects or phenylcinchroninic acid (Cinchophen) an analgesic anti-rheumatic drug or any derivative or compound including Atophen and Atoquinol or dinitrophenol a metabolic accelerator body-weight reduction drug or any dinitro compounds including dinitrophenol sodium and dinitrocresol sodium when the drugs herein defined or any derivatives or compounds or mixtures or preparations thereof

Section 2 No hypnotic drug or analgesic or body-weight reduction drug as defined herein shall be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician dentist or veterinarian compounded or dispensed by a registered pharmacist or under the immediate personal supervision of af registered pharmacist and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files together with the name of the physician dentist or veterinarian prescribing it Provided That the provisions of this section of this act shall not apply to a duly licensed physician dentist or veterinarian Provided however That they keep a record of the amount of such drugs purchased and a dispensing record showing the date name of the quantity of the drugs dispensed and the name and address of the patient No physician dentist or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser the date dispensed the name and address of the patient and the directions for the use of the drug by the patient

Section 3 No manufacturer pharmacist jobber dealer in drugs or any other person shall sell or have in his possession any hypnotic drug or analgesic drug or body-weight reduction drug defined herein unless the container bears a label securely attached thereto stating conspicuously the specific name of the barbital or other hypnotic drug or analgesic drug or body weight reduction drug and the proportion of amount thereof Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription or dispensed by a physician dentist or veterinarian and the container is labeled in the manner described in section two hereof

Section 4 The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and for that purposes the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act and to employ such assistants and employes as in said Secretary of Health's opinion may be necessary and to fix their compensation

Section 5 Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense and not less than one hundred dollars ($100.00) for the third and each subsequent offense If the violation is by a corporation copartnership or association the officers and directors of such copartnership or association their agents and employes with guilty knowledge of the fact shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally

Section 6 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shreiner,
Altenburg,	Finnerty,	McDevitt,	Shugarts,
Andrews,	Fitch,	McElroy,	Siegel,
Arnold,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Cannon,	Hetrick,	Patterson, J. W.,	Tronzo,
Caputo,	Hindman,	Pearson,	Trout,
Carr,	Hirsch,	Perry,	Tumelty,
Carson,	Hoffner,	Peters,	Turner,
Castor,	Holstrom,	Pfaff,	VanAllsburg,
Chervenak,	Hoopes,	Phillips,	VanSickle,
Coakley,	Horst,	Piole,	Walker,
Cochran,	Jackson,	Powers,	Wall,
Cohen,	Jones,	Reising,	Wasserman,
Coleman,	Kane,	Reynolds,	Weidemann,
Condon,	Kelder,	Rhys,	Weiss,
Conner,	Kelso,	Rinn,	Welliver,
Coolahan,	Kilroy,	Root,	Welsh,
Cordier,	Kinney,	Robinson,	Westrick,
Davies,	Klingler,	Rooney,	White,
Decker,	Kobelak,	Root,	Wickersham,
Denning,	LaRue,	Ruffennach,	Winner,
Dent,	Linderman,	Ruth,	Witkin,
Diehl,	Long,	Sarraf,	Wood,
Dilley,	Longaker,	Scanlon,	Woodside,
Downey, G. E.,	Lovett,	Schrock,	Yeakel,
Downey, J. J.,	Lynch,	Schrope,	Yourishin,
Duffort,	Male,	Schwab,	Zappala,
Eberharter,	Mallen,	Schwartz,	Zimmerman,
		Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1914, as follows:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties which was last amended by section one of the act approved the fourteenth day of April one thousand nine hundred and twenty-nine (P. L. 1738)) is hereby further amended to read as follows

1 "Employe" shall mean any teacher principal supervisor supervising principal county superintendent district superintendent assistant superintendent any member of the staff of the State Normal Schools or of the staff of the State Department of Public Instruction or of the staff of the State Council of Education or any clerk stenographer janitor attendance officer or other person engaged in any work concerning or relating to the public schools of this Commonwealth or in connection therewith or under contract or engagement to perform one or more of these functions Provided That no person shall be deemed an employe within the meaning of this act who is not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods In all cases of doubt the retirement board shall determine whether any person is an employe as defined in this act And provided further That those employes of the Department of Public Instruction who are members of or are entitled to membership in the retirement system herein established may withdraw from the system and be entitled to reimbursement of moneys which they have paid in by so electing in writing filed with the retirement board on or before the first day of July one thousand nine hundred and thirty-six After said date all new employes in the Department of Public Instruction shall be members of said system unless they elect otherwise in writing filed with the retirement board within one year after beginning their employment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tahl,
Brownfield,	Hermansen,	Patterson, J. W.,	Terry,
Brumbaugh,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holstrom,	Phillips,	VanAllsburg,
Castor,	Hoopes,	Piole,	VanSickle,
Chervenak,	Horst,	Powers,	Walker,
Coakley,	Jackson,	Reising,	Wall,
Cochran,	Jones,	Reynolds,	Wasserman,
Cohen,	Kane,	Rhys,	Weidemann,
Coleman,	Kelder,	Rinn,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2487, as follows:

An Act to further amend Sections Eight Ten Sixteen and Seventeen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make

maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by providing for the abandonment of sections of State Highway Routes providing an effective date for the condemnation of easements for highway purposes and slopes providing for the limitation of the responsibility of the Commonwealth in the elimination of grade crossings extending the Commonwealth's obligation to additional bridges providing for agreements by the Secretary of Highways and counties for the sharing of property damages and the removal of structures requiring occupancy permits for additional types of structures

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the said act as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws eight hundred thirty-one) and the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 8 [Whenever it shall appear to the Secretary of Highways that any part or portion of a State highway as now or hereafter defined and described is dangerous or inconvenient to the traveling public in its present location either by reason of width grades dangerous turns or other local conditions or that the expense to the Commonwealth in the construction building rebuilding maintenance and repair thereof would be too great or unreasonable and could be materially reduced or lessened by a change of the road or route] The Secretary of Highways is hereby empowered to change alter or establish the width lines location or grades of [such] any State highway or any intersecting road in such manner as in his discretion may seem best in order to correct [said] danger or inconvenience to the traveling public or lessen the cost to the Commonwealth [and] in the construction reconstruction or maintenance thereof After the relocation has been opened to traffic the Secretary of Highways by notice to the local authorities may abandon as a State highway route all or any part of the section of highway between the termini of the relocation Where the [portion of the line or route so abandoned shall be entirely contiguous to the new line or being of a length not exceeding one half of a mile shall have both termini in the new route whereby such new route supplies and takes the place of the abandoned portion so that in the opinion of the Secretary of Highways the same shall be unnecessary for public use and travel or burdensome or dangerous the Secretary of Highways may at any time by written order declare the portion of the road so abandoned to be vacated and thereafter the same shall be closed to public use and travel and shall no longer be a public road or where the portion of the line or route so abandoned shall have both termini in the new route whereby such] new route in the judgment of the Secretary of Highways supplies and takes the place of any part of such abandoned portion and such part is of a length [in excess] of [one-half mile and] not more than two miles the Secretary of Highways being of the opinion that such part shall be unnecessary for public use and travel or burdensome or dangerous and having due regard for the convenience of access to the new highway by the owners of property abutting on such to be vacated [upon being requested so to do by a petition part may at any time by written order declare such part signed by the owners of property comprising at least three-fourths of the lineal foot frontage which abuts the part to be vacated] and thereafter the part so vacated shall be closed to public use and travel and shall no longer be a public road Provided That the said Secretary of Highways shall first submit a plan of the proposed change and any proposed order of vacation to the Governr and that the same shall be approved by him and filed as a public record in the office of the Department of Highways The approval of such plan or plans by the Governor shall be considered to be the condemnation of an easement for highway purposes from all property within the lines marked as required for right-of-way and the condemnation of an easement of support or protection from all property within the lines marked as required for slopes

The Secretary of Highways shall also have power with the approval of the Governor to establish the ultimate width and lines of any State highway for future construction before or after the construction reconstruction or improvement of the same not however exceeding the maximum width fixed by law for public roads [Whenever the Secretary of Highways shall establish the] The establishment of such ultimate width and lines [of any such State highway] for future construction [he] shall [cause] be by a description and plan [thereof to be made] showing the center line of said highway and the established ultimate width thereof for future construction [and shall attach thereto his] bearing the acknowledgment [.] of the Secretary of Highways Thereupon such description plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county in a separate book kept for such purpose which shall be furnished to the recorder of deeds by the county commissioners at the expense of the county All costs of the recording as herein provided shall be paid by the county

The Secretary of Highways shall have power with the approval of the Governor to change any plan of record by reducing the width of any State highway or section thereof established as hereinbefore provided by causing a new description and plan thereof to be made showing the center line of said highway and the new established width thereof and shall attach thereto his acknowledgment Thereupon such description plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county as hereinbefore provided and a notation shall be made on the prior plan that the same has been replaced by a later plan

No person shall [hereafter] be entitled [for a period of two years from the approval of this act] to recover any damages for any buildings or improvements of any kind which shall or may be placed or constructed upon or within the lines of any such State highway after the same shall have been established for future construction and recorded as aforesaid

No person shall be entitled to damages by reason of such establishment of the ultimate width and lines of a State highway for future construction and where the Commonwealth by its proper authorities has improved and constructed or shall hereafter improve and construct such State highway and in so doing has taken or shall take a part only of the lands lying within the lines shown by such plan damages shall be allowed for and to the extent of such actual taking only Such taking shall be deemed to occur only when right-of-way plans or construction drawings prepared by the Department of High-

ways showing thereon the right-of-way required for highway purposes and for slopes shall have been approved by the Secretary of Highways and the Governor and filed as a public record in the office of the Department of Highways

Section 2 Section Ten of the said Act as last amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred two) is hereby further amended to read as follows

Section 10 Anything herein contained or any apportionment of the State into highway districts shall not be construed as including or in any manner interfering with the roads streets and highways in any of the cities boroughs or incorporated towns of the Commonwealth Provided That where any road streets or highway shall form a part or section of any State highway as now or hereafter established within the limits of any borough or incorporated town the Department of Highways shall improve or reconstruct any section or sections of such road street or highway which have heretofore been maintained or are hereafter established as State highways to be maintained by the Department of Highways to such width as it may deem advisable at the expense of the Commonwealth

The maintenance of any road street or highway which forms a part or section of any State highway as now or hereafter established within the limits of any borough or incorporated town shall be done by the Department of Highways at the expense of the Commonwealth Provided That all improvements reconstruction and maintenance of any road street or highway in boroughs or incorporated towns shall be of such width and type as may be determined by the Secretary of Highways

The Department of Highways shall also construct reconstruct and maintain any bridge over a stream which the borough or incorporated town is obligated to maintain and which bridge is located on or forms a part of a State highway [established prior to the twenty-second day of June one thousand nine hundred thirty-one] within the limits of any borough or incorporated town Provided That nothing herein contained shall authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing on any highway within the limits of a borough or incorporated town and no such assessment shall hereafter be made under any act of Assembly heretofore enacted And provided further That nothing in this act shall be construed as placing on the Commonwealth the payment of any costs of construction or reconstruction of any such bridges in boroughs or incorporated towns for the construction or reconstruction of which a contract has been let prior to the effective date of this act and the Department of Highways shall not assume the obligation for the construction reconstruction or maintenance thereof until such contract has been performed

No opening shall be made in the surface of any improved highway which is maintained by the Department of Highways under the authority of this act within the limits of any borough or incorporated town until and unless a permit has been obtained for such opening either from the municipal authorities or from the Department of Highways pursuant to an ordinance passed subsequent to the approval of this act authorizing the Department of Highways to act for the municipality Where a permit is not obtained from the Department of Highways as above provided the borough or incorporated town shall require a cash deposit or bond conditioned upon the proper restoration of the surface and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction Any person firm or corporation opening the improved surface of any street or highways without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25) dollars and in addition thereto the cost of prosecution and surface restoration costs and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 3 That Section Sixteen of said act as amended by Act of Assembly approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws two hundred nine) is hereby further amended to read as follows

Section 16 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway on the plan of the State highways wherein a change of width or of existing lines and location is necessary and damage is likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location After the county commissioners have agreed to such changes or refused to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300.00) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and asses such damages The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said prop-

erty damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county [or Commonwelath] shall also provide for the removal of all structures within the lines of the highway as thus established [as may be] unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by this section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relcoation or widening of any highways as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing containg in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway where such highway was widened or the lines or location changed prior to the date this act takes affect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

Section 4 That section seventeen of the said act as last amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 17 All State highways under the provisions of this act shall be marked with suitable signs having the words "State Highway" and year-date thereon and signs or distance board giving directions to towns or villages shall be erected at cross or intersecting roads the same to be paid for as part of the cost of the highway The Secretary of Highways may also cause trees to be planted and maintained along such highways the same to be paid for as a part of the cost of the road No railroad or street railway shall hereafter be constructed upon any State highway or State-aid highway nor shall any railroad or street railway crossing nor any gas pipe water pipe electric conduits or other piping be laid upon over under or in nor shall any telephone telegraph or electric light or power poles or [any coal tipples or any] other [obstruction] structures be erected upon over or in any portion of a State highway or State-aid highway nor shall any opening be made therein except under such conditions restrictions and regulations and subject to the payment of such fees for permits for the placing replacing repair and removal of such structures and openings as may be prescribed and required by the Department of Highways such fees not [exceeding] to exceed the reasonable cost of [issuing the permit expense of inspecting the work authorized by such permit upon completion thereof] permit issuance inspection and surface restoration costs The Secretary of Highways shall also have authority to issue permits to any public utility company for the occupancy by the facilities of such company of any bridge under the control or jurisdiction of the Department of Highways Such permits shall be for such length of time and for such fee for the occupancy of said bridge as may be determined by the Secretary of Highways subject to the right of the utility company to appeal to the court of common pleas of the proper county having jurisdiction thereof as to the reasonableness of the fee of the occupancy All fees so collected shall be paid into the State Treasury and shall be credited to the special fund in the State Treasury into which motor vehicle registration and license fees are now paid and all such fees in said fund from time to time are hereby specifically appropriated to the Department of Highways for expenditures for the same purposes and in like manner as that for which the moneys now in said fund may be exepnded Any person failing to obtain such a permit before doing any work on any highway for which a permit is required by this section shall for every such offense be sentenced upon conviction in a summary proceeding to pay a fine not exceeding one hundred dollars ($100) and costs together with the cost of restoring any highway which shall be paid into the State Treasury and credited to the Motor License Fund as hereinbefore provided The Secretary of Highways is empowered to make reasonable rules and regulations governing the use of all State highways and State-aid highways and any person violating such rules or regulations or who shall by the use of roughlocks dragchains upon wakon wheels or by any other method or device or in any manner wilfully or macliciously destroy injure or damage any such highway in this Commonwealth shall be guilty of a misdemeanor and upon arrest and conviction therefor shall pay a fine of not less than ten dollars ($10) nor more than twenty dollars ($20) for each and every offense together with the costs of prosecution which shall be recovered as in similar cases upon complaint of any person before a magistrate or justice of the peace and the fine or fines so recovered shall be paid into the State Treasury

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tahl,
Brownfield,	Hermansen,	Patterson, J. W.,	Terry,
Brumbaugh,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holstrom,	Phillips,	VanAllsburg,
Castor,	Hoopes,	Piole,	VanSickle,
Chervenak,	Horst,	Powers,	Walker,

Coakley,	Jackson,	Reising,	Wall,
Cochran,	Jones,	Reynolds,	Wasserman,
Cohen,	Kane,	Rhys,	Weidemann,
Coleman,	Kelder,	Rinn,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klinger,	Root,	White,
Davies,	Kobelak,	Ruffenbach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1428, as follows:

An Act making it unlawful to inquire or transmit information concerning the religion or religious affiliation race or color of persons seeking certain employment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person agency bureau corporation or association employed or maintained to obtain or aid in obtaining positions for teachers principals superintendents clerks or other employees in the public schools public libraries kindergartens academies colleges univercities professional schools extension courses or other educational facilities supported in whole or in part by public funds or by contributions solicited from the general public and no individual or individuals conducting or employed by or interested directly or indirectly in such an agency bureau corporation or association and no board of education trustees of a school district superintendent principal or teacher of a public school or other official or employe of a board of education shall directly or indirectly ask indicate or transmit oraly or in writing the religion or religious affiliation race or color of any person seeking employment or official position in the public schools of this Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Ferko,	McDermott,	Shepard,
Allen,	Finnerty,	McDevitt,	Shortz,
Altenburg,	Fitch,	McElroy,	Shreiner,
Andrews,	Flanagan,	McHenry,	Shugarts,
Atkins,	Flinchbaugh,	Melchiorre,	Siegel,
Aukerman,	Forrest,	Mentzer,	Simon,
Baine,	Furman,	Merrell,	Simpson,
Baker, J. J.,	Gerard,	Mooney,	Sinwell,
Baldi,	Gillette,	Moore,	Sloan,
Barber,	Green,	Moran,	Smith, J. A.,
Barnhardt,	Greenstein,	Moul,	Smith, W. G.,
Bernhard,	Habbyshaw,	Muir,	Snyder, J. L.,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Panton,	Tahl,
Cannon,	Hefferon,	Parks,	Terry,
Caputo,	Hermansen,	Patterson, C.,	Tronzo,
Carr,	Hindman,	Patterson, J. W.,	Trout,
Carson,	Hoffner,	Pearson,	Tumelty,
Castor,	Holstrom,	Perry,	Turner,
Chervenak,	Hoopes,	Peters,	VanSickle,
Coakley,	Horst,	Pfaff,	Walker,
Cochran,	Jackson,	Phillips,	Wall,
Cohen,	Jones,	Piole,	Wasserman,
Coleman,	Kane,	Powers,	Weidemann,
Condon,	Kelder,	Reising,	Weiss,
Conner,	Kilroy,	Reynolds,	Welliver,
Coolahan,	Kinney,	Rhys,	Welsh,
Cordier,	Klinger,	Rinn,	Westrick,
Davies,	Kobelak,	Roan,	Wickersham,
Denning,	LaRue,	Robinson,	Winner,
Dent,	Linderman,	Rooney,	Witkin,
Diehl,	Long,	Root,	Wood,
Dilley,	Longaker,	Ruffennach,	Woodside,
Downey, G. E.,	Lovett,	Ruth,	Yeakel,
Downey, J. J.,	Lynch,	Sarraf,	Yourishin,
Duffort,	Male,	Scanlon,	Zappala,
Eberharter,	Mallen,	Schrope,	Zimmerman,
Eroe,	Mason,	Schwartz,	Sarig,
Falkenstein,	McCreary,	Shaw,	

NAYS—21

Alexander,	Decker,	McKinney,	Spangler,
Arnold,	Gates,	Moomaw,	Sproul,
Baker, F. T.,	Hamilton, F. P.,	Schrock,	Stewart,
Brown, J. E.,	Hetrick,	Schwab,	VanAllsburg,
Brownfield,	Hirsch,	Snyder, F. E.,	White,
Brumbaugh,	Kelso,	Sowers,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 452, entitled:

An Act to amend part of section one of the act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred fifty-five) entitled "An act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution" by changing such districts in Lancaster County

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOOD. Mr. Speaker, this bill affects only the second legislative district of Lancaster County and it is so important to us that I wish to take a few minutes of your time to speak in opposition to it. Lawrence County is composed of two districts; the first, which comprises the city of Lancaster and is represented at this session by Mr. George Downey and the second district which comprises the rest of the county and is represented by Mr. Spangler, Mr. Trout and myself. This bill provides that the second district shall be divided into three separate districts. I am opposed to its passage because there is no demand for it.

The people are not asking for a change and we are well satisfied to leave it as it is now. In looking over the legislative directory, I find that there are some fifty legislative districts that have two or more members, so therefore, I don't see why our district should be singled out to be

changed and leave the other forty-nine alone. It seems to me that if there was any demand for a change that the members from the second district would have been consulted, but to date, I have not been interviewed by a single person, either a Republican or a Democrat, in favor of a change. This district has not been changed for at least twenty-five or thirty years and as I said before there is no demand for a change.

Therefore I ask you to vote "no" on this bill.

Mr. GEORGE E. DOWNEY. Mr. Speaker, I think if this district has not been changed for twenty-five years it is nearly time to change it. There are other counties that adjoin us, Berks County, York County, and a number of other counties, that are divided into legislative districts. Lancaster County is one of the thickly populated counties, and our idea in making four legislative districts is that the member would be really in his own territory to be a candidate. The gentleman from Lancaster, Mr. Wood, has said there is no demand for this legislation. I beg to disagree with him because the demand is the only reason that I put the bill into the House for its enactment. Since I have been a member of the House I have been asked a number of times to put in such a bill, and in the 1933 session I didn't do so, but the bill was prepared and sent to me without any say so on my part. I am sponsoring the bill at the request of some of the people that live in the district affected. The change of district would not affect the district that I represent at all, and I am asking the members of the House to vote "aye" on this bill.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—81

Achterman,	Dent,	Kobelak,	Rinn,
Alexander,	Dilley,	LaRue,	Robinson,
Allen,	Downey, G. E.,	Lovett,	Ruth,
Andrews,	Downey, J. J.,	McDermott,	Scanlon,
Arnold,	Eberharter,	McElroy,	Schwab,
Aukerman,	Eroe,	Melchiorre,	Shaw,
Baine,	Falkenstein,	Mentzer,	Shepard,
Baker, J J.,	Finnerty,	Moomaw,	Shugarts,
Barber,	Fitch,	Moul,	Siegel,
Brancato,	Furman,	Munley,	Smith, W. G.,
Brown, H. S.,	Haberlen,	Murrin,	Stank,
Brown, J. E.,	Hamilton, F. P.,	Nagel,	Stone,
Brownfield,	Harkins,	Ominsky,	Sumney,
Brumbaugh,	Harmuth,	O'Neill,	Tumelty,
Caputo,	Hindman,	Panton,	Walker,
Coakley,	Hirsch,	Patterson, C.,	Weiss,
Cochran,	Holstrom,	Patterson, J. W.,	Welliver,
Cohen,	Hoopes,	Pearson,	Welsh,
Coleman,	Kinney,	Pfaff,	Westrick,
Decker,	Klingler,	Reising,	Wilson,
			Sarig,

NAYS—76

Altenburg,	Gillette,	Merrell,	Sproul,
Baker, F. T.,	Greenstein,	Moore,	Stewart,
Baldi,	Habbyshaw,	Nothnagle,	Stockham,
Barnhardt,	Hamilton, R. S.,	O'Keefe,	Stott,
Bernhard,	Hefferon,	Parks,	Surface,
Blumberg,	Hermansen,	Perry,	Terry,
Boose,	Hoffner,	Peters,	Trout,
Boyd, R.,	Jackson,	Phillips,	Turner,
Boyer,	Jones,	Piole,	Van Allsburg,
Bradley,	Kane,	Roan,	Wall,
Carson,	Kelder,	Root,	Weidemann,
Castor,	Kilroy,	Schrock,	White,
Condon,	Longaker,	Schrope,	Wickersham,
Cordier,	Male,	Simpson,	Winner,
Davies,	Mallen,	Sloan,	Witkin,
Diehl,	Mason,	Snyder, F. E.,	Wood,
Duffort,	McCreary,	Snyder, J. L.,	Yeakel,
Ferko,	McDevitt,	Sowers,	Yourishin,
Forrest,	McKinney,	Spangler,	Zimmerman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2394, entitled:

An act to amend sections five hundred and sixteen, five hundred and thirty-one, five hundred and thirty-five, five hundred and forty, five hundred and forty-five, five hundred and forty-seven, clause one of section nine hundred and five, section one thousand one hundred and forty-one of, and to add section one thousand one hundred and forty-seven to the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," conferring on supervisors power over streams; changing the minimum compensation of the secretary-treasurer; further regulating depositories; imposing additional duties on the secretary; fixing the place of meeting of the auditors, and limiting the number of days for the completion of audits; providing that the road tax shall be used for general township purposes; decreasing the minimum widths of certain roads; and providing for records of dedicated roads and streets and for the opening thereof, and the acceptance of roads, streets, lanes and alleys heretofore dedicated.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. POWERS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 727, entitled:

An Act relating to the appointment of persons to the police departments in boroughs and townships of the first class providing and regulating examinations the manner of appointments and the manner and power of removal of employes of said departments and providing a method for fixing compensation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

Yeas—197

Achterman,	Eroe,	Mallen,	Shortz,
Alexander,	Falkenstein,	Mason,	Shreiner,
Allen,	Ferko,	McCreary,	Shugarts,
Altenburg,	Finnerty,	McDermott,	Siegel,
Andrews,	Fitch,	McDevitt,	Simon,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Forrest,	McKinney,	Sloan,
Baine,	Furman,	Melchiorre,	Smith, J. A.,
Baker, F. T.,	Gates,	Mentzer,	Smith, W. G.,
Baker, J J.,	Gerard,	Merrell,	Snyder, F. E.,
Baldi,	Gillette,	Moomaw,	Snyder, J. L.,
Barber,	Green,	Mooney,	Sowers,
Barnhardt,	Greenstein,	Moore,	Spangler,
Bernhard,	Habbyshaw,	Moran,	Sproul,
Blumberg,	Haberlen,	Moul,	Stank,
Boose,	Hagerty,	Munley,	Stevens,
Boyd, R.,	Haluska,	Murrin,	Stewart,

Boyer,	Hamilton, F. P.,	Nothnagle,	Stockham,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stone,
Brancato,	Harkins,	Ominsky,	Stott,
Brennan,	Harmuth,	O'Neill,	Sumney,
Brown, H. S.,	Hart,	Panton,	Surface,
Brown, J. E.,	Hartman,	Parks,	Tahl,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Sickle,
Castor,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Rinn,	Welliver,
Condon,	Kelder,	Roan,	Welsh,
Conner,	Kelso,	Robinson,	Westrick,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Winner,
Decker,	Kobelak,	Ruth,	Witkin,
Denning,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrope,	Yeakel,
Dilley,	Longaker,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Duffort,	Male,	Shepard,	Sarig,
Eberharter,			

Nays—5

Muir,	Reising,	Schrock,	Van Allsburg,
Nagel,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No 2338, entitled

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" exempting credit unions from the provisions of the act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.
Baker, J J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Green,	Morae,	Snyder, J. B.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sprout,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tahl,
Brownfield,	Hermansen,	Patterson, J. W.,	Terry,
Brumbaugh,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holstrom,	Phillips,	Van Allsburg,
Castor,	Hoopes,	Piole,	Van Sickle,
Chervenak,	Horst,	Powers,	Walker,
Coakley,	Jackson,	Reising,	Wall,
Cochran,	Jones,	Reynolds,	Wasserman,
Cohen,	Kane,	Rhys,	Weidemann,
Coleman,	Kelder,	Rinn,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klinger,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1973, entitled

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J J.,	Gillette,	Moore,	Snyder, F. E.,

Baldi,	Green,	Moran,	Snyder, J. L.,
Barber,	Greenstein,	Moul,	Sowers,
Barnhardt,	Habbyshaw,	Muir,	Spangler,
Bernhard,	Haberlen,	Munley,	Sproul,
Blumberg,	Hagerty,	Murrin,	Stank,
Boose,	Haluska,	Nagel,	Stevens,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tahl,
Brownfield,	Hermansen,	Patterson, J. W.,	Terry,
Brumbaugh,	Hetrick,	Pearson,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holstrom,	Phillips,	Van Allsburg,
Castor,	Hoopes,	Piole,	Van Sickle,
Chervenak,	Horst,	Powers,	Walker,
Coakley,	Jackson,	Reising,	Wall,
Cochran,	Jones,	Reynolds,	Wasserman,
Cohen,	Kane,	Rhys,	Weidemann,
Coleman,	Kelder,	Rinn,	Weiss,
Condon,	Kelso,	Roan,	Welliver,
Conner,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Cordier,	Klingler,	Root,	White,
Davies,	Kobelak,	Ruffennach,	Wickersham,
Decker,	LaRue,	Ruth,	Winner,
Denning,	Linderman,	Sarraf,	Witkin,
Dent,	Long,	Scanlon,	Wood,
Diehl,	Longaker,	Schrock,	Woodside,
Dilley,	Lovett,	Schrope,	Yeakel,
Downey, G. E.,	Lynch,	Schwab,	Yourishin,
Downey, J. J.,	Male,	Schwartz,	Zappala,
Duffort,	Mallen,	Shaw,	Zimmerman,
Eberharter,	Mason,	Shepard,	Sarig,
Eroe,	McCreary,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 2897, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

Mr. COHEN, from the Committee on Appropriations reported as committed, House Bill No. 2896, entitled:

An Act making an apropriation to the Department of Welfare for the maintenance of certain hospitals.

Mr. HAGERTY, from the Committee on Cities reported as committed, House Resolution No. 154.

BILLS ON FIRST READING

Mr. COHEN asked and obtained unanimous consent to have House Bills Nos. 2896 and 2897 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2897, entitled

An Act making an appropriation to the Department of of Welfare for the maintenance of certain homes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2896, entitled

An Act making an appropriation to the Department Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that all the chairmen of the legislative committees, of standing committees, are to meet in the House Caucus Room for a short but important session immediately at the close of this morning's session. The Chair requests that everyone of the Chairmen attend this meeting as it is a rather important meeting.

ANNOUNCEMENTS

COMMITTEE MEETINGS

There will be a public hearing on Resolution No. 103, the Anthracite Freight Rate Investigating Committee, in the House Caucus Room, Room No. 326, at 2:30 P. M. this afternoon. Persons who wish to testify are invited to be present.

There will be a meeting of the members from or representing third class cities in Room 521, one-half hour after adjournment this morning.

There will be a public hearing on House Bill No. 1911 before the Committee on Ways and Means at 2 p. m. today in the hall of the House.

The following committees will meet:

Committee on Education in Room 326 at 9:15 a. m. tomorrow.

Committee on Game in Room 326 at 9 a. m. tomorrow.

Committee on State Government in Room 323 at 9:30 a. m. tomorrow.

Committee on Insurance in Room 325 at 9 a. m. tomorrow.

Committee on Counties in Room 324 at 9 a. m. tomorrow.

Committee on Judiciary Local in Room 325 after the morning session.

Committee on Law and Order in Room 324 after the morning session.

Committee on Health and Sanitation in Room 325 after the morning session.

There will be no meetings of the following committees:

Committee on Military Affairs.

Committee on Boroughs and Townships.

Committee on Corporations.

Committee on Municipal Corporations.

The Chairman of the Public Health and Sanitation Committee requests the members of the Public Health and Sanitation committee to meet at the right of the hall of the House immediately after this session for a few minutes.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 p. m. Are there objections? The Chair hears none and declares a recess until 4:00 p. m.

AFTER RECESS

The House reconvened at 4:00 p. m.

The SPEAKER (Wilson G. Sarig) in the Chair.

BILL INTRODUCED AND REFERRED

By Mr. JOHN E. BROWN. HOUSE BILL NO. 2904.

An Act to provide revenue by imposing a State excise tax upon sales of cosmetics as herein defined, used or useful in beautifying, cleansing, preserving and improving the appearance of the skin, hair or teeth, and including perfumes and shaving preparations, by dealers as herein defined; requiring persons engaged in the sale of cosmetics at wholesale or retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue and persons as herein defined, engaged in the sale of cosmetics at retail or wholesale; providing penalties; and making an appropriation.

Referred to the Committee on Ways and Means.

RESOLUTION INTRODUCED AND REFERRED

By Mr. KOBELAK (Concurrent) Resolution No. 161.

In the House of Representatives, May 28, 1935.

Whereas, Relief from the burden of real taxation should be accorded owners of homesteads whose value is less than $5,000; and

Whereas, His Excellancy, the Governor has appointed a committee of eminent citizens to advise with the Constitutional, if one is called; and

Whereas, It is deemed advisable to draw the attention of said committee and the members of the Constitutional Convention Committee to the just demands of owners of small homes for relief of a portion of the burdensome taxation they are now suffering; therefore be it

Resolved (if the Senate concur), That the Constitutional Convention Committee appointed by the Governor and the members of the Constitutional Convention, if a convention be called, be earnestly requested to investigate the feasibility and advisability of incorporating into any new Constitution provisions designed to bring relief to owners of small homesteads.

Resolved, That a copy of this resolution be transmitted to the Chairman of the Constitutional Convention Committee appointed by the Governor, and another copy to the Constitutional Convention if called, by the Chief Clerk of this House.

Referred to the Committee on Constitutional Amendments.

SENATE MESSAGES

The Clerk of the Senate, being introduced presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1294. (HOUSE BILL No. 2898).

An Act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (Pamphlet Laws Ten) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other obligations issued by a municipal corporation secured alone upon assessments for public improvements and afterwards made valid debts of the municipal corporation by act of the Assembly may be funded by issuance of bonds pursuent to the provisions of this act.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 521. (HOUSE BILL No. 2899).

An Act to further amend clauses twenty and twenty-one of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by extending the benefits of State appropriations to teachers employed after the making of the annual certificates.

Referred to the Committe on Education.

SENATE BILL No. 1346. (HOUSE BILL No. 2900).

An Act to amend section one of the act approved the sixteenth day of of May one thousand nine hundred thirty-five (Act number seventy-five) (Pamphlet Laws) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence.

Referred to the Committee on Cities.

SENATE BILL No. 1382. (HOUSE BILL No. 2901).

An Act making an appropriation to the Trustees of the Pennsylvania State College for the use of the School of Mineral Industries.

Referred to the Committee on Appropriations.

SENATE BILL No. 1128. (HOUSE BILL No. 2902).

An Act to protect the owners of mortgaged property by restricting the right to proceed against certain property and persons and limiting the amount of deficiency judgments.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1230. (HOUSE BILL No. 2903).

An Act to amend Route Seventy-seven of section six of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight, entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county

roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

Referred to the Commitee on Highways.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 712

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the ctizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of corporate licenses to the registration of and the conducting of business by corporations not previously licensed registered and in active operation

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 10, by striking out after the word "of" the word "corporate"; also in line 13, by striking out after the word "registered" the words "and in active operation".

Amend Section 1, page 2, line 21, by inserting after the word "corporation" the words "nor shall any corporation be permitted to conduct the business or profession of undertaking"; also in line 22, by inserting after the word "license" the word "and"; also in line 22 by striking out after the word "registered" the words "and inactive operation and no corporation shall be permitted to conduct the business or profession of undertaking which has not already been so licensed and registered and in active operation."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 28, 1935.

Resolved (if the Senate concur), that House Bill No. 953, Printer's No. 1076, entitled "An act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled 'An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes' by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are refused withdrawn or not proceeded with", be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1865.

An Act to amend the title and section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and the maintenance of the children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphan Schools" extending the time for the discharge of children from said school

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representattives numbered and entitled as follows:

HOUSE BILL No. 933.

An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1271) entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny"

HOUSE BILL No. 955.

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

HOUSE BILL No. 1976.

An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name

HOUSE BILL No. 2129.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds.

HOUSE BILL NO. 2222.

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

HOUSE BILL No. 2315.

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weasels and imposing additional penalties

With the information that the Senate has passed the same without amendment.

REPORTS FROM COMMITTEES

Mr. FERKO, from the Committee on Cities, reported as committed, House Bill No. 2008, entitled:

An Act requring weighers of cargo of ships at ports in cities, and to be licensed; and providing penalties.

Mr. PIOLE, from the Committee on Printing reported as committed, House Bill No. 2865 (Senate Bill No. 657), entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

Mr. WINNER, from the Committee on Banking reported as committed, House Bill No. 2793 (Senate Bill No. 876), entitled:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2835, entitled:

An Act increasing the number of courts of common pleas in the county of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2145, entitled:

An Act to amend section six of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred three) entitled "An act relating to the form execution revocation and interpretation of wills to nuncupative wills to the appointment of testamentary guardians to spendthrift trusts to forfeiure of devise or legacy in case of murder of testator to elections to take under or against wills and to the recording and registering of such elections and of decrees relative thereto and to the fees therefor"

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the sponsor of the bill, the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. ACHTERMAN. Mr. Speaker, will the sponsor of the bill explain to the House what the amendment proposes doing to the testate laws of Pennsylvania?

Mr. RUTH. Mr. Speaker, the bill is very simple. It simply withdraws the two attesting witnesses in a will. That is all that the bill does.

Mr. ACHTERMAN. Mr. Speaker, I rise to oppose the passage of this act and I point out to the members of the House that the testate laws, the decedent laws of Pennsylvania are held as models in the entire United States, and as a matter of fact many of the laws of the various states of this union are copied after the laws of Pennsylvania. At the present time in Pennsylvania in charity bequests it is necessary that at least thirty days intervene between the signing of the will and the death of the testator. In addition thereto, it is necessary that such will be witnessed by two witnesses. This act would remove that particular provision. I point out to the members of the House that perhaps charitable bequests are more fruitful of litigation than other particular type of bequest in a will. With the retention of two witnesses you have the assurance that at least the thirty days provision is complied with; you have the additional assurance that the particular testamentary capacity of the teastor at the time of making his will is such that he does have and possess sufficient capacity to make a will. I say that with the removal of the two witnesses from a will containing a charitable bequest, you are going to again throw into the courts much litigation. You will find your Orphan's Courts once again clogged with that type of litigation which was an abhorrence to all of the people of the Commonwealth and which gave rise to the necessity of including in wills not only the thirty day provision but the necessity of placing two attesting witnesses on such wills.

I am therefore asking the members of this House to vote "no" on this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—108

Alexander,	Downey, G. E.,	Lovett,	Ruth,
Andrews,	Downey, J. J.,	Lynch,	Sarraf,
Baine,	Eberharter,	Mason,	Schrope,
Baker, F. T.,	Eroe,	McDermott,	Shaw,
Baker, J. J.,	Falkenstein,	McDevitt,	Shortz,
Baldi,	Ferko,	McElroy,	Shugarts,
Barber,	Finnerty,	McHenry,	Smith, J. A.,
Blumberg,	Flanagan,	Melchiorre,	Smith, W. G.,
Boyer,	Forrest,	Mentzer,	Snyder, J. L.,
Bradley,	Furman,	Moomaw,	Stank,
Brancato,	Gerard,	Mooney,	Stevens,
Brennan,	Haberlen,	Moore,	Sumney,
Brown, H. S.,	Hagerty,	Moran,	Tronzo,
Brownfield,	Haluska,	Munley,	Tumelty,
Caputo,	Hamilton, R. S.,	Nagel,	Walker,
Carr,	Harkins,	O'Keefe,	Wall,
Carson,	Harmuth,	Ominsky,	Weiss,
Chervenak,	Hartman,	O'Neill,	Welliver,
Coakley,	Heffernon,	Patterson, C.,	Welsh,
Cochran,	Hermansen,	Patterson, J. W.,	Westrick,
Cohen,	Hoffner,	Phillips,	Winner,
Coleman,	Holstrom,	Powers,	Witkin,
Condon,	Jackson,	Reising,	Wood,
Conner,	Kilroy,	Rhys,	Yourishin,
Coolahan,	Kinney,	Rinn,	Zappala,
Dent,	Kobelak,	Roan,	Zimmerman,
Diehl,	Longaker,	Ruffennach,	Sarig,

NAYS—52

Achterman,	Dilley,	McKinney,	Siegel,
Allen,	Duffort,	Merrell,	Simon,
Altenburg,	Gillette,	Muir,	Simpson,
Arnold,	Hamilton, F. P.,	Murrin,	Sinwell,
Atkins,	Hetrick,	Panton,	Sloan,
Bernhard,	Hoopes,	Pearson,	Snyder, F. E.,
Boose,	Jones,	Perry,	Sowers,
Boyd, R.,	Kane,	Peters,	Sproul,
Brown, J. E.,	Kelder,	Pfaff,	Surface,
Brumbaugh,	Kelso,	Piole,	Terry,
Cannon,	Klinger,	Schrock,	Trout,
Castor,	Male,	Schwab,	Turner,
Cordier,	McCreary,	Shreiner,	Wickersham,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2784 (Senate Bill No. 144), entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, I rise to oppose the passage of this bill. Some two three weeks ago we passed a measure putting teeth into the law and providing sufficient penalties for anyone who obtained relief by misrepresentation. This bill goes much further and says that any person who makes any misrepresentation or misstatement, no matter how small or trivial in any such application for the purpose of obtain-

ing relief, is, guilty of a misdemeanor and upon conviction shall be sentenced to a fine of not more than five hundred dollars nor less than one hundred dollars, and undergo imprisonment for a term of not less than three months.

This is a type of legislation that I have always opposed on any matter when it came before this House. It is a measure which fixes a minimum sentence and mandatorily requires it to be imposed. It takes away from courts all discretion in the matter. I realize that there is a great deal of feeling on this subject, but to put a law upon the books, which makes it mandatory to sentence a man to three months imprisonment or one hundred dollars fine, I think, is very bad legislation, regardless of what the subject may be. It is much better to leave the law in the form in which it is upon the passage of the Law bill which we put through here some two or three weeks ago, which provides an ample penalty and does not take away from the courts their discretion.

In section two it provides that "it shall be unlawful for any district or county relief board or other agency" to approve the application of any person for relief. It does not say "public relief" an any form, but for any relief in any form whatever, or "to conspire with another person" to secure relief in any form. It then goes on to make a mandatory sentence there also. I think it is very bad legislation, that it is not necessary in order to cure any evil which had been shown to exist, and in that connection, in view of the great deal of publicity which has been given concerning the alleged chiseling of relief in the State, it may be of interest to the members of the House to know that the investigating committee which is investigating relief in Berks County received testimoney on that question a week or so ago, and the director of relief in that county testified that the chiselers did not number more than one quarter of one per cent of the persons upon relief, which is a very infinitesimal amount.

To pass drastic legislation of this kind which will possibly hit a lot of people who unintentionally do something, because, after all, you might be convicted of doing it intentionally when you did not intend to do it at all, and under a broad bill such as we have here, making it mandatory to impose one hundred dollars fine, which in the case of an unemployed person, who could not pay, amounts to the same thing as a jail sentence, and if it is a jail sentence, it must be at least three months.

I ask you to vote against this measure as being absolutely unnecessary and being very bad legislation in any event.

Mr. LONG. Mr. Speaker and members of the Assembly, this bill is sponsored by a Senator from my county and in order to clarify the issue I would like to state to the members of the House that the Law bill which was passed by this House and which endorsed the principle of punishment in case of chiseling on relief, and in which case this House went upon record that something should be done in the matter, I am informed that the amendments which this House saw fit to make to that bill are not agreeable to the sponsor of that measure. Therefore, I ask in view of the fact that this House has already gone on record in favor of a bill of similar character, that in justice to the sponsor and to the House itself, and in order to obtain some legislation of this character, to curb these practices, I ask that this bill be placed on the postponed calendar, so that the Senator may have an opportunity to consult and amend this bill so that it may conform to the views of the House, and perhaps be of some use in curbing these abuses.

BILL POSTPONED

Mr. LONG. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 607 (Senate Bill No. 105), entitled:

An Act empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign- trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection herewith

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2591, entitled:

An Act requiring water gas and electric companies with exclusive franchises to serve all persons copartnerships associations and corporations within the municipality or township and providing for enforcement by the Public Service Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—114

Achterman,	Finnerty,	McElroy,	Schrock,
Alexander,	Fitch,	Melchiorre,	Schrope,
Andrews,	Flanagan,	Mentzer,	Schwab,
Arnold,	Furman,	Moomaw,	Shaw,
Aukerman,	Haberlen,	Mooney,	Shepard,
Baine,	Hagerty,	Moran,	Shortz,
Baker, J J.,	Haluska,	Moul,	Shugarts,
Barber,	Harkins,	Munley,	Siegel,
Bradley,	Harmuth,	Nagel,	Simon,
Brancato,	Hermansen,	O'Keefe,	Sinwell
Brown, H. S.,	Hetrick,	Ominsky,	Smith, J. A.,
Brown, J. E.,	Hindman,	O'Neill,	Smith, W. G.,
Brumbaugh,	Hirsch,	Panton,	Snyder, F. E.,
Cannon,	Holstrom,	Patterson, C.,	Stevens,
Caputo,	Hoopes,	Patterson, J. W.,	Stone,
Carson,	Jones,	Pearson,	Stott,
Chervenak,	Kelso,	Pfaff,	Sumney,
Coakley,	Kilroy,	Phillips,	Tronzo,
Cochran,	Kinney,	Piole,	Tumelty,
Cohen,	Klinger,	Powers,	Van Sickle,
Coleman,	Kobelak,	Reising,	Walker,
Cordier,	LaRue,	Rinn,	Weiss,
Davies,	Long,	Robinson,	Welliver,
Dent,	Lovett,	Ruffennach,	Welsh,
Downey, G. E.,	Lynch,	Ruth,	Yourishin,
Eberharter,	McCreary,	Sarraf,	Zappala,
Falkenstein,	McDermott,	Scanlon,	Sarig,
Ferko,			

NAYS—48

Allen,	Gillette,	Perry,	Trout,
Altenburg,	Hamilton, F. P.,	Peters,	Turner,
Baldi,	Hamilton, R. S.,	Reynolds,	Wall,
Bernhard,	Horst,	Rhys,	Weidemann,
Blumberg,	Jackson,	Roan,	White,
Boose,	Kane,	Root,	Wickersham,
Castor,	Kelder,	Shreiner,	Winner,
Conner,	Male,	Simpson,	Witkin,
Decker,	Mallen,	Sloan,	Wood,
Dilley,	Mason,	Sproul,	Woodside,
Downey, J. J.,	McDevitt,	Stank,	Yeakel,
Duffort,	Moore,	Terry,	Zimmerman
Gates,	Muir,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2679, entitled:

An Act to provide for the payment of the expenses of maintenance and instruction of children committed to Houses of Refuge which are not exclusively under the control of the Commonwealth jointly by the Commonwealth and by the counties from which they may be sent and providing a method for determining the amount due and collecting the same from the said counties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shreiner,
Altenburg,	Finnerty,	McElroy,	Shugarts,
Andrews,	Fitch,	McHenry,	Siegel,
Arnold,	Flanagan,	McKinney,	Simon,
Atkins,	Flinchbaugh,	Melchiorre,	Simpson,
Aukerman,	Forrest,	Mentzer,	Sinwell,
Baine,	Furman,	Merrell,	Sloan,
Baker, F. T.,	Gates,	Moomaw,	Smith, J. A.,
Baker, J J.,	Gerard,	Mooney,	Smith, W. G.,
Baldi,	Gillette,	Moore,	Snyder, F. E.,
Barber,	Greenstein,	Moran,	Snyder, J. L.,
Barnhardt,	Habbyshaw,	Moul,	Sowers,
Bernhard,	Haberlen,	Muir,	Spangler,
Blumberg,	Hagerty,	Munley,	Sproul,
Boose,	Haluska,	Murrin,	Stank,
Boyd, R.,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stewart,
Bradley,	Harkins,	Ominsky,	Stockham,
Brancato,	Harmuth,	O'Neill,	Stone,
Brennan,	Hartman,	Panton,	Stott,
Brown, H. S.,	Hefferon,	Parks,	Sumney,
Brown, J. E.,	Hermansen,	Patterson, C.,	Surface,
Brownfield,	Hetrick,	Patterson, J. W.,	Tahl,
Brumbaugh,	Hindman,	Pearson,	Terry,
Cannon,	Hirsch,	Perry,	Tronzo,
Caputo,	Hoffner,	Peters,	Tumelty,
Carr,	Holstrom,	Pfaff,	Turner,
Carson,	Hoopes,	Phillips,	Van Allsburg,
Castor,	Jackson,	Piole,	Van Sickle,
Chervenak,	Jones,	Powers,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Woodside,
Diehl,	Lovett,	Schrock,	Yeakel,
Dilley,	Lynch,	Schrope,	Yourishin,
Downey, G. E.,	Male,	Schwab,	Zappala,
Downey, J. J.,	Mallen,	Schwartz,	Zimmerman,
Duffort,	Mason,	Shaw,	Sarig,
Eberharter,			

NAYS—5

Horst,	Reising,	Trout,	Wood,
Nagel,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2002, entitled:

An Act Fixing a maximum rate telephone companies may charge for listings in telephone directories

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no telephone company shall charge any person firm or corporation more than twenty-

five cents per month for a listing of the individual or company name address and telephone number in the telephone directory published by or for such telephone company The provisions of this act shall include the listings in the classified directory contained in such publications except when the listings contained therein shall be of larger or blacker type than the ones for which the charge of twenty-five cents is made

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. TURNER. Mr. Speaker, in the absence of the sponsor I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2655, entitled:

An Act providing for the creation of public "Authorities" in boroughs; authorizing such "Authorities" to enter into agreements with the Government of the United States, particularly as they relate to the National Industrial Recovery Act and any amendment and supplements thereto, the Commonwealth of Pennsylvania and political subdivisions and municipalities thereof, and with others; defining and providing for the organization and dissolution of such "Authorities"; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions upon which such "Authorities" may exercise their powers; endowing such "Authorities" with the right of eminent domain, and with the power to finance projects by the issuance and sale of bonds; authorizing such "Authorities" to make and receive appropriations; repealing certain acts and parts of acts inconsistent herewith; and for other purposes.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. CAPUTO. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2469, entitled:

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenue thereof, secured solely by liens upon the respective properties and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

On the question,

Will the House agree to the bill on third reading?

MOTION TO POSTPONE

Mr. KANE. Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. ANDREWS. Mr Speaker, I would like to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean, Mr. Kane, permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. ANDREWS. I would like the gentleman from McKean to state the purpose of placing this bill on the postponed calendar.

Mr. KANE. Mr. Speaker, in reply to the gentleman from Cambria, Mr. Andrews, I would say that this bill embodies many of the same principles as the last bill of Mr. Caputo, which was placed on the postponed calendar. The preceding bill involves contracts and agreements with various agencies, set-ups in conjunction with the National Industrial Recovery Act, which has just been held unconstitutional, and most of us are not yet familiar with the provisions of the decision, so that I do not think a day's delay would hurt the bill any.

The second reason is, I would say to the gentleman from Cambria, that I intend to oppose the next bill of Mr. Aukerman, on page 25, which also embodies many of the same principles, and I think it would be a good plan if this bill could be considered after the decision on the constitutionality of the N. I. R. A. is understood, and after the question of the rural electrification authority has been disposed of.

Mr. ANDREWS. Mr. Speaker, the gentleman from McKean, Mr. Kane, is one hundred percent in error so far as the connection between this bill and other is concerned. I am perfectly willing that this bill be passed over in its order in order to give the gentleman from McKean an opportunity to read it by tomorrow, and I am sure that if he does read it, he will be anxious to support it.

Mr. KANE. Mr. Speaker, I will be very glad to examine the bill. I am very glad to admit that I am not familiar with this bill and that is one of the reasons I would like to have the bill go over in its order, for the purpose of examining it. After reading the bill it is quite possible I will support it.

Mr. ANDREWS. Mr. Speaker, I ask that the bill be passed over in its order.

The SPEAKER. The bill will be passed over in its order.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2410, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city

county officers, county commissioners and prothonotaries and providing for the payment of certain expenses by cities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrum,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1369, entitled:

An Act to amend section one thousand twenty-five of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" as amended, increasing the penalty for failure to stop and render assistance under certain circumstance.

On the question,

Will the House agree to the bill on third reading?

Mr. COLEMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Section 1025, paragraph B, page 4, line 14, by striking out the word "six" and the figure "6" and insert in lieu thereof the following: "four (4)" and at the end of line 15, same section, insert the following: "at the discretion of the court"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time?

Is there objection?

The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2413, entitled:

An Act creating the Pennsylvania Rural Electrification Authority for the purpose of promoting and encouraging the fullest possible use of electric energy in the Commonwealth by making electric energy available to certain inhabitants of the Commonwealth at the lowest cost consistent with sound economy and prudent management; authorizing the authority to sell and distribute electric energy and to construct or otherwise acquire a system or systems for the generation, transmission and distribution of electric energy to carry out the purposes of this act; providing for the rights, powers, and duties of the auhority; authorizing and regulating the issuance of bonds by the authority; and providing for the payment of such bonds and the rights of the holders thereof.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. AUKERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2023, as follows:

An Act to amend an act approved the twenty-sixth day of July one thousand nine hundred thirteen (P. L. 1374) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damages resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeal and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carries by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals' and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars' approved twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as amended by designating as public service companies persons partnerships associations and corporations engaged in selling liquid fuels and lubricating oils and also those engaged in leasing franchises rights powers immunities privileges or facilities to other public Service Commission to regulate the same and by requiring the approval of the Public Service Commission of transactions between public service companies and holding companies or affiliated interests involving loans of money to such public service companies and of contracts for the acquisition and construction of certain facilities and permanent improvements by requiring certain public service companies to publish tariffs and schedules of rates and charges and by abolishing advance minimum payments of deposits to secure future payments and penalties and prohibiting certain companies from requiring advance payments or imposing certain penalties or service charges

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article one of the act approved the twenty-sixth day of July one thousand nine hundred thirteen (P. L. 1374) entitled "An act defining public service companies and providing for their regulation by prescribing and defining their duties and liabilities prescribing defining and limiting their powers and regulating their incorporation and to a limited extent regulating municipal corporations engaged or about to engage in the business of public service companies creating and establishing a Public Service Commission for the regulation aforesaid prescribing and defining the powers and duties of such commission and its officers including the exclusive power to regulate the construction alteration relocation or abolition of the crossings of railroad corporations street railway corporations or other public service companies and of public highways by the tracks or other facilities of said companies providing for the ascertainment by the commission of the expense and damage resulting from such construction alteration relocation or abolition and for the payment of such expenses and damages severally or proportionately by the public service companies interested the State or municipal corporation concerned and giving persons whose property is thereby taken injured or destroyed authority to sue the Commonwealth for damages in such cases providing for the terms salaries and compensation of the members of the commission its officers counsel and employes prescribing and regulating the practice and procedure before such commission and upon appeals and judicial review of its orders and determinations by the courts of common pleas and giving the court of common pleas of Dauphin County exclusive jurisdiction of such appeals in certain cases and of all injunctions mandamus or other appropriate proceedings to enforce the provisions of this act and the orders of the commission and to restrain such orders subject to an appeal to the Supreme Court prescribing penalties fines and imprisonment for the violation of the provisions of this act and for the violation of the orders of said commission making it the duty of the Public Service Commission to enforce the provisions of the act approved the nineteenth day of June one thousand nine hundred and eleven entitled 'An act to promote the safety of travelers and employes on railroads by compelling common carriers by railroad to properly man their trains' by amending section nine thereof repealing the act approved the thirty-first day of May one thousand nine hundred and seven which provided for the appointment of the Pennsylvania State Railroad Commission and sections one and two of the act approved the fourth day of June one thousand eight hundred and eighty-three entitled 'An act to enforce the provisions of the seventeenth article of the Constitution relative to railroads and canals and an act entitled 'To provide the maximum car service charges including car storage charges that railroad companies and corporations or associations may charge and collect on each car loading and not unloaded within the free time for unloading cars and fixing the free time that shall be allowed for unloading cars approved the twenty-fourth day of May Anno Domini one thousand nine hundred and seven and the proviso of clause three and the provisos of clause seven of section thirty-four of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April one thousand eight hundred and seventy-four and all other legislation inconsistent with or supplied by this act" as last amended by the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1526) is hereby further amended to read as follows

Article I Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Public Service Company Law"

The term "Public Service Company" when used in this act includes all railroad corporations canal corporations street railway corporations stage line corporations express corporations baggage transfer corporations pipe line corporations ferry corporations common carriers Pullman car corporations dining car corporations tunnel corporations turnpike corporations bridge corporations wharf corporations incline plan corporations grain elevator corporations telegraph corporations telephone corporations natural gas corporations artificial gas corporations electric corporations water corporations water-power corporations heat corporations refrigerating corporations sewage corporations corporations engaged in selling liquid fuels as defined by law for taxation purposes or lubricating oils corporations renting leasing or in any manner assigning for a term franchises rights powers immunities privileges or facilities to other public service companies as herein defined doing business within this State and also all persons engaged for profit in the same kind of business within this Commonwealth Provided however Persons and corporations of any of the above classes which do not furnish service within this State but whose rates charges facilities or service of a public service company furnishing service within this State shall be considered as doing business within this State for the purpose of this act And provided further That the provisions of this act shall not be so construed as to extend to any matter or thing excluded under the Federal Constitution or act of Congress of the United States And provided further That none of the provisions of this act shall apply to the generation transmission or distribution of electricity to the manufacture or distribution of gas to the furnishing or distribution of water or to the production delivery or furnishing of steam or any other substance for heat or power by a producer who is not otherwise a public servcie company for the sole use of such producer or for the use of tenants of such producer and not for sale to others

The term "Corporation" as used in this act shall be construed to include all bodies corporate joint stock companies or associations domestic or foreign their lessees assignees trustees receivers or other successors in interest having any of the powers or privileges of corporations not possessed by individuals or partnerships and shall not include municipal corporations except as otherwise provided in this act

The term "Municipal Corporation" as used in this act shall include all cities boroughs towns townships or counties created or organized under any general or special law of this Commonwealth

The term "Person" as used in this act means all individuals partnerships or associations other than corporations

The term "Railroad Corporation" as used in this act includes every corporation owning leasing operating or managing or controlling any railroad for public use within this Commonwealth

The term "Railroad" as used in this act includes every railroad other than a street railway by whatsoever power operated for public use in the conveyance of passengers or property or both with all bridges ferries tunnels facilities plant and equipment thereof

The term "Street Railway Corporation" as used in this act includes every corporation owning leasing operating or managing or controlling any street railway within this Commonwealth

The term "Street Railway" as used in this act includes every railroad and railway by whatsoever power operated or any extension or extensions thereof for public use in the conveyance of passengers or property or both being mainly or in part located upon over above below across through or along any street avenue road highway bridge or public place including the facilities plant and equipment thereof

The term "Common Carrier" as used in this act includes any and all common carriers whether corporations or persons engaged for profit in the conveyance of passengers or property or both between points within this Commonwealth by through over above or under land or water or both

The term "Conveyance of passengers or property" as used in this act includes any and all service in connection with the receiving transportation elevation transfer in transit ventilation refrigeration icing storage handling and delivering of property baggage or freight as well as any and all service in connection with the transportation or carrying of passengers

The term "Service" is used in this act in its broadest and most inclusive sense and includes any and all acts done rendered or performed and any and all things furnished or supplied directly or indirectly and all and every the facilities used or furnished or supplied by public service companies in the performance of their duties to their tenants lessees assignees patrons employes and the public as well as the interchange of facilities between two or more public service companies

The term "Facilities" as used in this act includes all plant and equipment of a public service company which includes all tangible real and personal property buildings materials easements rights of way rights of trackage subways tunnels railroads street railways tracks canals and all animals locomotives apparatus appliances devices instruments appurtenances freight cars drawing-room cars baggage cars express cars passenger cars drawing-room cars parlor cars sleeping cars dining cars rolling-stock carriages cabs hansoms taxicabs vehicles boats ships vessels bridges barges cables conduits converters transformers condensers wires poles structures telegraph lines telephone lines crossbars engines machines dynamos boilers motors storage batteries switchboards waterfalls water-power stations power stations pumping stations reservoirs purifiers oil tanks gas tanks holders retorts ducts pipes pipe galleries pipe lines mains meters lamps scrubbers wharves piers docks ferries incline planes side tracks spurs turnouts switches systems stations depots terminals terminal facilities water or gas jet wells and any and all other means and instrumentalities in any manner owned operated leased licensed used controlled furnished or supplied for by or in connection with the business of any public service company Provided however That no property owned by the Commonwealth of Pennsylvania or municipality thereof at the date when this act becomes effective shall be subject to the Commission or to any of the terms of this act except as elsewhere provided herein

The term "Commission" when used in this act means the Public Service Commission created by this act

The term "Commissioner" when used in this act means one of the members of such commission

For the purposes of this act the terms "to issue" "issued" "issuing" and "issuance" when used herein in connection with securities mean and refer to securities executed by proper corporate action and duly authenticated irrespective of whether such securities are to be disposed of or held in the treasury of the public service company

Section 2 That paragraph (d) of section one of article two of the said act is hereby amended to read as follows

Article II Section 1 (d) Whenever and in the form required by the commission to file with the commission tariffs and schedules showing prices charges rates fares tolls or other compensation asked demanded or received for any service rendered or furnished by said company and if a common carrier showing the method of distribution of trains cars vehicles boats motive power or other facilities operated or owned by said common carrier It shall also be the duty of every public service company to post and publish such tariffs and schedules including if a common carrier schedules showing the method of distribution of trains cars vehicles boats motive power or other facilities in every office or station of said public service company open to the public where payments are made by shippers consumers users or patrons in such manner form and place in such office or station as to be readily accessible and so that the said tariffs and schedules may be conveniently inspected by the public and also if not a common carrier to publish such tariffs and schedules at least once in every calendar year in every locality in which any such office or station of such public service

company is maintained in at least one newspaper of general circulation published in such locality and similarly in such other places and at such other times as the commission may require In case of railroad or other common carriers telegraph and telephone corporations such tariffs and schedules shall conform to those required by the Interstate Commerce Commission Every public service company shall also file with and as a part of such tariffs and schedules and post as directed all rules and regulations that in any manner affect the said prices charges rates fares tolls or other compensations or the distribution of trains cars vehicles boats motive power or other facilities Upon application the commission may limit and restrict the number and character of such tariffs and schedules and the number of offices or stations at which the same are required to be posted as aforesaid

Section 3 That paragraph (c) of section one of article three of the said act is hereby amended to read as follows

Article III Section 1 (c) To have reasonable rules and regulations subject to existing law and the provisions of this act governing the conduct of its business and the conditions under which it shall be required to render service

[It may require the payment of charges in advance the making of reasonable minimum payments and deposits to secure future payments of such charges or it may allow discounts for prompt payments of the same or impose penalties for failure to pay promptly Provided That such advance charges minimum payments deposits discounts or penalties are reasonable and apply equally and without discrimination or preference to all shippers consumers and patrons under like conditions and under similar circumstances]

Section 4 That paragraph (b) of section eleven of article three of the said act which was added thereto by the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1526) is hereby amended to read as follows

Article III Section 11 (b) Upon the approval of the commission evidenced by its certificate of public convenience first had and obtained and not otherwise it shall be lawful for any public service company to enter into any transaction with a holding company or affiliated interest as hereinafter in this section defined if such transaction involves (1) the loan of money by or to the public service company (2) the assumption of any obligation or liability whether as guarantor endorser or otherwise by the public service company or (3) the loan sale purchase pledge or exchange of stocks bonds notes or other evidences of indebtedness by the public service company

Section 5 That article three of the said act is hereby amended by adding thereto the following sections

Article III Section 14 No contract or agreement between any public service company and any person partnership association or corporation for the acquisition or construction by or for such company of any facilities or permanent improvements which the commission in its discretion and by rule or regulation adopted and promulgated shall designate to be of a substantial or permanent nature shall be valid unless approved by the commission

Section 15 It shall be unlawful for any telephone corporation natural gas corporation manufactured gas corporation electric corporation water corporation or heat corporation

(a) To require the payment of charges in advance of rendition of service Provided That reasonable discounts may be made for the prompt payment of charges And provided further That reasonable deposits to secure future payments of such charges may be required

(b) To impose any penalty or penalties in excess of ten per centum per annum on the amount due for failure to pay charges promptly

(c) To make or impose any charge or fee for service of or for the installation of apparatus or the use of apparatus installed commonly referred to as "ready-to-serve" "Readiness-to-serve" "Service charge" or "rentals"

Section 6 That section one of article five of the said act as amended by the act approved the twenty-third day of March one thousand nine hundred twenty-one (P. L. 45) is hereby further amended to read as follows

Article V Section 1 The commission shall have general administrative power and authority as provided in this act to supervise and regulate all public service companies doing business within this Commonwealth

Said power and authority shall include the power to inquire into and regulate the service rates fares tolls or charges of any and all public service companies including individual and joint rates the charges for long and short transmission of messages and conversations by telegraph and telephone companies the terms including compensation of any agreement renting leasing or in any manner assigning for a term any franchises rights powers immunities privileges or facilities made between two or more public service companies the making or repairs alterations and improvements in and to such service as shall be reasonably necessary for the accommodation or safety of its patrons employes and the public the granting of transfers to or from one part of the system of the same common carrier to another part the routing of the lines of street railways under the provisions of the act entitled "An act authorizing traction or motor power companies and street passenger railway companies owning leasing controlling or operating different lines of street railways to operate all of said lines as a general system and to lay out such new routes or circuits over the whole or any part of any street or streets occupied by such different companies and to run cars thereon for such distances and in such directions as will in the opinion of the operating company best accommodate public travel" approved the fifteenth day of May Anno Domini one thousand eight hundred and ninety-five (P. L. 65) or otherwise the just and equitable distribution of trains cars vehicles and motive power or other facilities of all common carriers the granting construction operation or discontinuance of switches sidings and crossings the construction operation or discontinuance of switch or other connections with or between lines of railroad or street railway corporations the location or abolition of freight and passenger stations wharves docks or piers the use and compensation for cars owned or controlled by persons other than the carrier the safety adequacy and sufficiency of the facilities plant and equipment for the carrying on of their business by said public service companies the quantity or quality of water gas electricity or light heat power supplied and as specifically provided in this act the issuing of stocks trust certificates bonds notes or other securities by public service companies Provided That nothing in this section shall confer upon the Public Service Commission the power to establish through routes or joint rates for the transportation of passengers over street railways elevated railways or subways

Section 7 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. RUTH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2745 as follows:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the consent of the Board of Trustees of the Harrisburg State Hospital shall set apart and the Department of Forests and Waters shall develop for public park purposes eight acres more or less of the

real property in Susquehanna Township Dauphin County now owned by the Commonwealth of Pennsylvania being part of the premises occupied by the Harrisburg State Hospital Said eight acres shall be set apart from the eastern section of a tract of ninety-six acres north of the village of Edgemont on the street leading from Locust Lane to Smoky Hollow and south of the Heagy and Brightbill farms

Section 2 Upon setting apart said real property the Department of Forests and Waters shall have full conpartment of Property and Supplies shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for the improvement and maintenance of the park and to make and enforce rules and regulations for the use thereof by the public

Section 3 The provisions of this act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE GRANTED PERMISSION TO MEET DURING SESSION.

Mr. MELCHIORRE. Mr. Speaker, I move that the Committee on Law and Order be granted permission to meet during the session of the House in Room 323.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1338, entitled:

An Act relating to limited dividend housing companies defining and providing for the formation of such corporations for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold extending to such corporations certain existing laws relating generally to business corporations providing for the supervision and regulation of the activities of such corporations by the State Board of Housing in the Department of Health exempting from control by the State Board any such companies aided by the Federal Government or agencies thereof providing for the protection of such corporations and the parties dealing with them prescribing defining and limiting the powers and duties of such corporations authorizing them to borrow moneys from agencies of the United States government conferring upon certain of such corporations and limiting their use of the power of eminent domain exempting such corporations from the payment of the capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions and authorizing certain existing companies to accept the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,

Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2716, entitled:

An Act to amend clause two of section four hundred and two of the act approved the third day of July one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by limiting the number of directors who may be officers clerks employes or agents of the corporation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2411, entitled:

An Act providing for the creation of power districts prescribing powers and duties of such districts authorizing such districts to conduct and operate utilities for the production transmission or distribution of electric energy and to issue bonds and providing for the payment of such bonds and imposing duties and conferring powers on certain State officers and The Public Service Commission

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. WITKIN. Mr. Speaker, in view of the fact that the bill that I understand goes with this, House Bill No. 2413, was placed on the postponed calendar, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2779 (Senate Bill No. 547), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming

under the jurisdiction of the Department of Highways" providing a procedure for the vacation of such abandoned State highways without the necessity of a view

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SIMPSON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2807 (Senate Bill No. 804), entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases and imposing duties upon clerks of the courts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Horst,	Phillips,	Turner,
Carson,	Jackson,	Piole,	VanAllsburg,
Castor,	Jones,	Powers,	VanSickle,
Chervenak,	Kane,	Reising,	Walker,
Coakley,	Kelder,	Reynolds,	Wall,
Cochran,	Kelso,	Rhys,	Wasserman,
Cohen,	Kilroy,	Rinn,	Weidemann,
Coleman,	Kinney,	Roan,	Weiss,
Condon,	Klinger,	Robinson,	Welliver,
Conner,	Kobelak,	Rooney,	Welsh,
Coolahan,	LaRue,	Root,	White,
Cordier,	Linderman,	Ruffennach,	Wickersham,
Davies,	Long,	Ruth,	Winner,
Decker,	Longaker,	Sarraf,	Witkin,
Dent,	Lovett,	Scanlon,	Wood,
Diehl,	Lynch,	Schrock,	Woodside,
Dilley,	Male,	Schrope,	Yeakel,
Downey, G. E.,	Mallen,	Schwab,	Yourishin,
Downey, J. J.,	Mason,	Schwartz,	Zappala,
Duffort,	McCreary,	Shaw,	Zimmerman,
Eberharter,	McDermott,	Shepard,	Sarig,
Eroe,			

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2397, entitled

An Act to protect the public health defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses and regulating the inspection maintenance and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises defining and regulating the manufacture sale and offering for sale of confectionery products conferring powers on the Department of Agriculture and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,

Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2185, entitled

An Act authorizing discounts for prompt payment of county city borough town township school district and poor district taxes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2048, entitled

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; providing the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," as amended, by adding new routes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,

Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2100, as follows:

An Act to regulate and control the sale of baby chicks and started chicks at the site of auctions auction sale barns and community sales or sold by hucksters or peddlers and imposing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

(a) the word "department" as used in this act shall mean the Department of Agriculture of this Commonwealth

(b) The term "baby chicks" as used in this act shall mean any chicks that have not been given any food nor water

(c) The term "started chicks" as used in this act shall mean any chicks over seventy-two hours old that have been fed and are under six weeks of age

(d) The words "dealers" or "brokers" as used in this act shall mean any person copartnership association or corporation engaged in the business of buying receiving selling exchanging or the transferring of any baby chicks not hatched by the person copartnership association or corporation and started chicks at the site of auctions auction sale barns and community sales or engaged in marketing as peddlers and hucksters chicks and started chicks not hatched by the person copartnership association or corporation so peddling or huckstering The words dealers or brokers as herein defined shall not be construed to include persons copartnerships associations and corporations engaged in retail sales not made at public auctions auction sales barns or community sales

(e) The term "agent" as used in this act shall mean any person firm partnership or corporation buying or receiving or soliciting or negotiating the sale of baby chicks and started chicks for or on behalf of any producer dealer or broker

(f) The term "auction" "auction sales barns" or "community sales" shall mean a public sale of baby chicks or started chicks to the highest bidder as where successive bids are made

Section 2 (a) On and after the effective date of this act no dealer or broker shall engage in or carry on business as such unless duly licensed as hereinafter provided No agent shall act for any dealer or broker unless such dealer or broker is duly licensed and has designated such agent to act in his behalf and notified the department in his application for license or given official notice in writing of the appointment of such agent and requested the department to issue to such agent an agent's license Such dealer or broker shall be accountable and responsible for the contracts made by said agents

(b) An annual license fee of fifty dollars ($50) shall be paid and a permit for each location at which chicks are to be offered for sale at public auctions auction sale barns and community sales or sold by hucksters or peddlers shall be secured

Section 3 Each dealer or broker engaged in such business for the purposes aforesaid shall annually file an application with the department for a license to transact such business The application shall state the nature of the business as hereinabove set forth the breed classes or kinds of chicks which the applicant proposes to handle the name or names of the dealer or broker applying for the license the name of each member of any such association or partnership or the names of the officers of the corporation and the name of each agent of such dealer or broker and the city borough town or township and the post office adress at which the businessd is to be conducted

The applicant shall further satisfy the department of his their or its character and good faith in seeking to engage in such business The department shall thereupon issue to such applicant a license and a license card entitling the applicant to conduct the business of acting as a dealer or broker as in this act defined at the place named in the application until the thirty-fire day of December next following and to each of his their or its agents a license card to act as agent for such dealer or broker until the thirty-first day of December next following

Section 4 The department through its officers or employes shall have the power to investigate upon complaint or of its own motion the record of any applicant applying for or holding a license as a dealer or broker or his their or its agents and for such purpose may examine the ledgers books of accounts memoranda or other documents of any such applicant licensee or agent and may take testimony thereon under oath but information relating to the general business or any such applicant licensee or agents disclosed by such investigation and not relating to the immediate purpose thereof shall be deemed of a confidential nature by the department

Section 5 The department may refuse to grant or may revoke a license when it is satisfied that the applicant or licensee

(a) Has violated the laws of this Commonwealth or official regulations governing the inter-state or intra-state movement shipment or transportation of baby chicks and started chicks

(b) Has been guilty of misrepresentation as regards grade quality character nature origin size vigor condition weight breeds strains record of performance general production qualities blood testing and freedom from disease

(c) Has resorted to a continual course of dealings of such a nature as to satisfy the department of the inability or unwillingness of the applicant or licensee properly to conduct the business of a dealer or broker.

(d) Has engaged in or is engaging in buying or receiving baby chicks and started chicks or receiving selling exchanging soliciting or negotiating the sale resale or exchange of baby chicks and started chicks that are dismissed or expised to disease and likely to transmit disease to other baby chicks and started chicks

(e) Has failed to practice measures of a humane

character and sanitation as prescribed by the department of premises or vehicles used for the confining housing holding or transporting of baby chicks and started chicks

(f) Has offered for sale baby chicks and started chicks at auctions auction sale barns community sales or by hucksters or peddlers that do not show good vigor good condition and good weight according to breed

(g) Has continually and persistently failed to keep records required by the department or by law or has refused to produce books accounts or records of transactions in the carrying on of the business for which such license is granted

(h) Has sold chicks and started chicks other than by actual number no more or no less

Section 6 Before any such chicks are offered for sale or sold under the provisions of this act each box crate coop or other container shall be plainly labeled with appropriate statements designating the kind and number of chicks in each such container the date on which such chicks were hatched and by whom hatched and any other representations made at or prior to the time of sale relative to the purity of the breed

Section 7 Within three days after the sale shall have been held or made the person who conducted the sale shall send a statement to the department giving a complete list of the number and kind of baby chicks sold the name and address of each purchaser together with a copy of the representations and guarantees made in relation thereto if any were made by the person who conducted such sale and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representations and guarantees as is the person who set forth such representations and guarantees on the containers as provided in section six of this act

Section 8 Every dealer and broker licensed under the provisions of this act and carrying on or conducting business under such license shall post in a conspicuous place in or at the place of business of such licensee a copy of such license furnished by the department to be kept so posted and exposed for inspection by any duly authorized representative of the department The licensee and each of his agents shall at all times when buying or receiving baby chicks and started chicks or receiving exchanging soliciting or negotiating the sale resale or shipment of baby chicks or started chicks carry a license card or an agent's license card as the case may be which shall be exhibited to persons when negotiating with or soliciting business from them and such card shall also be exhibited to officers or employes of the department when requested by them

The department is authorized to formulate adopt promulgate and enforce standards rules and regulations for the purpose of carrying into effect the provisions of this act

Section 9 Any person association partnership corporation or agent violating failing or refusing to comply with any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not less than ten nor more than thirty days

Section 10 All license fees and fines imposed and collected under the provisions of this act shall be paid into the State Treasury through the department and credited to the General Fund

Section 11 All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 12 This act shall become effective on the first day of January one thousand nine hundred and thirty-six

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stone,
Brancato,	Hartman,	O'Neill,	Stott,
Brennan,	Hefferon,	Panton,	Sumney,
Brown, J. E.,	Hermansen,	Parks,	Surface,
Brown, H. S.,	Hetrick,	Patterson, C.,	Tahl,
Brownfield,	Hindman,	Patterson, J. W.,	Terry,
Brumbaugh,	Hirsch,	Pearson,	Tronzo,
Cannon,	Hoffner,	Perry,	Trout,
Caputo,	Holstiom	Peters,	Tumelty,
Carr,	Hoopes,	Pfaff,	Turner,
Carson,	Horst,	Phillips,	Van Allsburg,
Castor,	Jackson,	Piole,	Van Sickle,
Chervenak,	Jones,	Powers,	Walker,
Coakley,	Kane,	Reising,	Wall,
Cochran,	Kelder,	Reynolds,	Wasserman,
Cohen,	Kelso,	Rhys,	Weidemann,
Coleman,	Kilroy,	Rinn,	Weiss,
Condon,	Kinney,	Roan,	Welliver,
Conner,	Klingler,	Robinson,	Welsh,
Coolahan,	Kobelak,	Rooney,	White,
Cordier,	LaRue,	Root,	Wickersham,
Davies,	Linderman	Ruffennach	Winner,
Decker,	Long,	Ruth,	Witkin,
Dent,	Longaker,	Sarraf,	Wood,
Diehl,	Lovett,	Scanlon,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,			

NAYS—1

Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2648 as follows:

An Act prohibiting electric light companies from discriminating in minimum charges or base rates between houses apartments or buildings because of difference in number of rooms served

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no electric light company shall charge a minimum charge or a base rate on the basis of the number of rooms in any house apartment or building served but the minimum charge or base rate shall in all cases be the same as that now charged in the case of the least number of rooms used as the basis for a minimum charge or a base rate

Section 2 The Public Service Commission shall enforce the provisions of this act in the manner provided in the act approved the twenty-sixth day of July one thousand nine

hundred and thirteen (Pamphlet Laws one thousand three hundred seventy-four) known as "The Public Service Company Law"

Section 3 All acts and parts of acts inconsistent here with are hereby repealed

Section 4 The provisions of this act shall become effective January first one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JOHN E. BROWN. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. Mr. Speaker, I will.

Mr. JOHN E. BROWN. Mr. Speaker, why should not the utility company be allowed to charge a larger rate for a greater installation to furnish power to a greater installation?

Mr. MOOMAW. Mr. Speaker, will the gentleman please repeat that question? I did not hear the latter part of it.

Mr. JOHN E. BROWN. Mr. Speaker, why should not the power company be allowed to charge a greater rate for a larger installation?

Mr. MOOMAW. Mr. Speaker, will the gentleman go into more detail in explanation of just the meaning of larger installation?

Mr. JOHN E. BROWN. Mr. Speaker, now, as I understand this bill, the minimum charge would be the same for installation of half a dozen lights, it would be the same as for a thousand,—the minimum charge of the power company.

Mr. MOOMAW. Mr. Speaker, the purpose of this act, if I may be permitted to explain them, will probably answer the question of the gentleman from Washington, Mr. Brown, in detail. Years ago, when power companies first started to operate, they did not have meters. They used to charge so much per room. Then later on, when meters came into use, some power companies instead of establishing a rate schedule based upon kilowatt consumption through that meter, established it on the basis of the number of rooms in the particular installation.

To give you an example: In some cases where a six room house was metered, they would require you to use five kilowatts per room, or a total of thirty kilowatts, at the highest rate before they would give you the next lowest rate. In another house, scheduled as nine rooms, you would be required to use forty-five kilowatts of current before you would get the next lowest rate. Where that was in practice, they would have a minimum of six rooms and a maximum of twelve rooms. The practice of even doing it is passing out in the power companies very rapidly, and the provisions of ths act would make it mandatory that all power companies have it worked out of their schedule by January first, nineteen thirty-seven, so that they would charge the same amount to a house that used a given number of kilowatt hours per month, regardless of the size of that home.

Mr. JOHN E. BROWN. Mr. Speaker, that is all the questions I desire to ask. It seems to me that this bill is unfair to the power companies. Now I know,—I don't want to have this House consider me as being owned by utilities or anything of that sort but I believe that we are all in favor of fair legislation. Now, the minimum charge is based on the cost of the equipment necessary to furnish service to the consumer. In some cases it has run to thousands of dollars, and I cannot realize for my part why it is fair to the utilities to have to furnish a large installation with the minimum cost, which would be the same as for a small consumer who might only use only two or three kilowatt hours. I think I am speaking in the public interest because if the utilities are not permitted to make a larger minimum charge for a large installation, the small consumer will find that his minimum charge is increasing to take care of the larger installation. I thank you.

Mr. MOOMAW. Mr. Speaker, in answer to the gentleman from Washington, Mr. Brown, where he thinks that by the passage of this act that ultimately the small consumer's rate will be raised, you will note that the basis now to be esablished is on the amount charged for the minimum number of rooms used by that power company. For instance, if they now have a minimum of six and five kilowatts per room, their base rate will start from thirty for all units. So, it will not affect the small user.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—47

Achterman,	Hartman,	Patterson, C.,	Shaw,
Alexander,	Hoopes,	Patterson, J. W.,	Shepard,
Allen,	Kinney,	Pearson,	Smith, J. A.,
Andrews,	Lovett,	Pfaff,	Smith, W. G.,
Aukerman,	Male,	Piole,	Stevens,
Baine,	McCreary,	Reising,	Stone,
Baker, J J.,	McDermott,	Robinson,	Tronzo,
Cannon,	Moomaw,	Ruth,	Weiss,
Caputo,	Mooney,	Sarraf,	Welliver,
Carson,	Moran,	Scanlon,	Welsh,
Chervenak,	Nagel,	Schwab,	Sarig,
Coleman,	O'Keefe,		

NAYS—67

Altenburg,	Greenstein,	Nothnagle,	Stockham,
Baker, F. T.,	Habbyshaw,	Parks,	Stott,
Baldi,	Hamilton, R. S.,	Rhys,	Terry,
Barnhardt,	Hefferon,	Rinn,	Trout,
Bernhard,	Hermansen,	Roan,	Turner,
Blumberg,	Hetrick,	Schrock,	Van Allsburg,
Boose,	Holstrom,	Schrope,	Wall,
Boyd, R.,	Horst,	Shortz,	Wasserman,
Boyer,	Jackson,	Shreiner,	Weidemann,
Brennan,	Klingler,	Simon,	White,
Castor,	Longaker,	Simpson,	Winner,
Cochran,	Mallen,	Sloan,	Wood,
Davies,	Mason,	Snyder, F. E.,	Woodside,
Downey, J. J.,	McDevitt,	Snyder, J. L.,	Yeakel,
Duffort,	McKinney,	Spangler,	Yourishin,
Ferko,	Merrell,	Sproul,	Zappala,
Gates,	Moore,	Stewart,	Zimmerman,
Gillette,	Muir,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 174, as follows:

A Joint resolution proposing an amendment to article nine section fifteen of the Constitution of the Commonwealth of Pennsylvania and adding section sixteen to said article

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania by and the same is hereby proposed in accordance with the eighteenth article thereof

That section fifteen of article nine of the Constitution of the Commonwealth of Pennsylvania be amended to read as follows

Section 15 No obligations which have heretofore been issued or which may hereafter be issued for the purpose of providing funds for the construction acquisition extension enlargement and improvement of water works electric light and power works gas works heat works subways underground railways or street railways or the appurtenances thereof by any municipal or quasi-municipal corporation other than Philadelphia now or hereafter authorized by law to issue obligations for such purpose shall be considered a debt of such municipal or quasi-municipal corporation within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment

(a) To the extent to be determined in such manner as may be provided by law that the net revenue derived from said property or properties averaged over the period of five years immediately preceding the acquisition extension enlargement and improvement of said property or properties or for a period of five successive years subsequent to the construction acquisition extention enlargement and improvement of said property or properties shall have been sufficient to meet the interest and sinking fund charges on such obligations or

(b) To the extent that such obligations shall be secured solely by a lien or liens on the property or properties to be constructed acquired extended enlarged and improved without any further liability being imposed on such municipal or quasi-municipal corporation with respect thereto

No obligations which may hereafter be issued for the purpose of providing funds for the construction acquisition extension enlargement and improvement of sewers or sewage treatment works or both by any municipal or quasi-municipal corporation other than Philadelphia shall be considered o debt of such municipal or quasi-municipal corporation within the meaning of section eight article nine of the Constitution of Pennsylvania or of this amendment to the extent that such obligatios and the interest thereon rest alone for payment on sewer rentals or charges imposed upon users of the improvement without any further liability being imposed on such municipal or quasi-municipal corporation with respect thereto

Where any municipal or quasi-municipal corporation shall issue obligations to provide for any improvement as hereinbefore provided said municipal or quasi-municipal corporation may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said improvement shall have been completed and in operation for a period of one year and in the case of obligations issued in accordance with clause (a) of this section said municipal and quasi-municipal corporations shall not be required by law to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution of Pennsylvania until after said properties shall have been operated by said municipal or quasi-municipal corporations during said period of one year

Any such municipal or quasi-municipal corporation other than Philadelphia authorized by law to issue obligations may incur indebtedness for any of the purposes in this amendment set forth in excess of seven per centum and not exceeding ten per centum of the assessed valuation of taxable propert therein if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election in such manner as shall be provided by law

That article nine of the Constitution of the Commonwealth of Pennsylvania be amended by adding thereto section sixteen as follows

Section 16 Any municipal or quasi-municipal corporation may construct or operate any water works electric light works electric light and power works gas works or heat works in competition with similar works privately owned and operated A municipal or quasi-municipal corporation desiring to operate such works may acquire for just compensation the franchise and works of any private corporation operating therein or adjacent thereto in such manner as may be provided by law No municipal or quasi-municipal corporation operating water light power gas or heat works shall be required to pay to the Commonwealth any taxes on such works

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffenach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2253, as follows:

An Act requiring the Commonwealth political subdivisions persons firms and corporations to stipulate in specifications upon which contracts for the construction alteration or repairs of any work or improvement are entered into the minimum wages to be paid to laborers and mechanics and providing for the stipulation of penalties

in such contracts where such minimum wage stipulations are violated and for the recovery of such penalties and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the specifications upon which contracts are entered into by the Commonwealth any county city borough town township school district poor district person firm or corporation for the construction alteration or repairs of any work or improvement involving an expenditure of more than five thousand dollars shall contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such work or improvement and such laborers and mechanics shall be paid not less than such minimum wage or wages

Section 2 Every contract for the construction alteration or repair of any such work or improvement founded on specification containing any such stipulation for minimum wage or wages shall stipulate a penalty of an account equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications The contractor shall keep posted in a conspicuous place at such work or improvement the rate of wage paid to laborers and mechanics

Section 3 Every officer or person designated as an inspector architect or engineer having supervision over the work to be performed under any such contract and every agent of the Department of Labor and Industry in order to aid in enforcing the fulfillment thereof shall upon observation or investigation report to the authorities of the Commonwealth the political subdivision or agency thereof or to the person firm or corporation which let the contract and to the Department of Labor and Industry all violations of minimum wage stipulations together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation

Section 4 All such penalties imposed by the stipulations in the contract shall be withheld and deducted from any moneys due the contractor by the officer or person whose duty it shall be to pay or authorize the payment of moneys due such contractor whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors and shall be paid over to the laborer or mechanic entitled thereto

Section 5 Any officer person firm corporation contractor subcontractor inspector architect or engineer who shall fail or refuse to comply with the provisions of this act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or suffer imprisonment for a term of not more than one year or both in the discretion of the court

Section 6 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. CANNON. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2629, entitled:

An Act to amend section one thousand one hundred and one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety: regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue; the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended empowering the Secretary of Highways to direct the direction in which traffic shall proceed upon highways.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Falkenstein,	Mason,	Shepard,
Alexander,	Ferko,	McCreary,	Shortz,
Allen,	Finnerty,	McDermott,	Shreiner,
Altenburg,	Fitch,	McDevitt,	Shugarts,
Andrews,	Flanagan,	McElroy,	Siegel,
Arnold,	Flinchbaugh,	McHenry,	Simon,
Atkins,	Flynn,	McKinney,	Simpson,
Aukerman,	Forrest,	Melchiorre,	Sinwell,
Baine,	Furman,	Mentzer,	Sloan,
Baker, F. T.,	Gates,	Merrell,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moomaw,	Smith, W. G.,
Baldi,	Gillette,	Mooney,	Snyder, F. E.,
Barber,	Green,	Moore,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moran,	Sowers,
Bernhard,	Habbyshaw,	Moul,	Spangler,
Blumberg,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,
Boyd, R.,	Haluska,	Murrin,	Stevens,
Boyer,	Hamilton, F. P.,	Nagel,	Stewart,
Bradley,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brancato,	Harkins,	O'Keefe,	Stone,
Brennan,	Harmuth,	Ominsky,	Stott,
Brown, H. S.,	Hart,	O'Neill,	Sumney,
Brown, J. E.,	Hartman,	Panton,	Surface,
Brownfield,	Hefferon,	Parks,	Tahl,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Pearson,	Trout,
Caputo,	Hirsch,	Perry,	Tumelty,
Carr,	Hoffner,	Peters,	Turner,
Carson,	Holland,	Pfaff,	Van Allsburg,
Castor,	Holstrom,	Phillips,	Van Sickle,
Chervenak,	Hoopes,	Piole,	Walker,
Coakley,	Horst,	Powers,	Wall,
Cochran,	Jackson,	Reising,	Wasserman,
Cohen,	Jones,	Reynolds,	Weidemann,
Coleman,	Kane,	Rhys,	Weiss,
Condon,	Kelder,	Rinn,	Welliver,
Conner,	Kelso,	Roan,	Welsh,
Coolahan,	Kilroy,	Robinson,	Westrick,
Cordier,	Kinney	Rooney,	White,
Davies,	Klingler,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Longaker,	Schrock,	Yeakel,
Downey, G. E.,	Lovett,	Schrope,	Yourishin,
Downey, J. J.,	Lynch,	Schwab,	Zappala,
Duffort,	Male,	Schwartz,	Zimmerman,
Eberharter,	Mallen,	Shaw,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1056, entitled:

An Act to further amend section three of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (Pamphlet Laws three hundred sixty) entitled "An act conferring on the Department of Highways power to enter upon private property and open constructed at the expense of the Department of Highways and maintain drainage channels along roads or highways or under its supervision and providing penalty for inference with such drains or ditches and providing for the payment of damages"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2325, entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 812, entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Siegel,
Altenburg,	Fitch,	McKinney,	Simon,
Andrews,	Flanagan,	Melchiorre,	Simpson,
Arnold,	Flinchbaugh,	Mentzer,	Sinwell,
Atkins,	Forrest,	Merrell,	Sloan,
Aukerman,	Furman,	Moomaw,	Smith, J. A.,
Baine,	Gates,	Mooney,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moore,	Snyder, F. E.,
Baker, J. J.,	Gillette,	Moran,	Snyder, J. L.,
Baldi,	Greenstein,	Moul,	Sowers,
Barber,	Habbyshaw,	Muir,	Spangler,
Barnhardt,	Haberlen,	Munley,	Sproul,
Bernhard,	Hagerty,	Murrin,	Stank,
Blumberg,	Haluska,	Nothnagle,	Stevens,
Boose,	Hamilton, F. P.,	O'Keefe,	Stewart,
Boyd, R.,	Hamilton, R. S.,	Ominsky,	Stockham,
Boyer,	Harkins,	O'Neill,	Stone,
Bradley,	Harmuth,	Panton,	Stott,
Brancato,	Hartman,	Parks,	Sumney,
Brennan,	Hefferon,	Patterson, C.,	Surface,
Brown, H. S.,	Hermansen,	Patterson, J. W.,	Tahl,
Brownfield,	Hetrick,	Pearson,	Terry,
Brumbaugh,	Hindman,	Perry,	Tronzo,
Cannon,	Hirsch,	Peters,	Trout,
Caputo,	Hoffner,	Pfaff,	Tumelty,
Carr,	Holstrom,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	Westrick,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,	Shortz,	

NAYS—3

Brown, J. E.,	Hoopes,	Nagel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2731, entitled:

An Act placing a burden of proof upon the owners of motor vehicles when sued for damages for the death or injury of persons or injury to property caused by the operation of such motor vehicles while being operated by others

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Eroe,	Mason,	Shepard,
Alexander,	Falkenstein,	McCreary,	Shortz,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Siegel,
Andrews,	Fitch,	McHenry,	Simon,
Arnold,	Flanagan,	Melchiorre,	Simpson,
Atkins,	Flinchbaugh,	Mentzer,	Sinwell,
Aukerman,	Forrest,	Merrell,	Sloan,
Baine,	Furman,	Moomaw,	Smith, J. A.,
Baker, J. J.,	Gates,	Mooney,	Smith, W. G.,
Baker, F. T.,	Gerard,	Moore,	Snyder, F. E.,
Baldi,	Gillette,	Moran,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moul,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Hagerty,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stewart,
Bradley,	Hamilton, R. S.,	Ominsky,	Stockham,
Brancato,	Harkins,	O'Neill,	Stone,
Brennan,	Harmuth,	Panton,	Stott,
Brown, H. S.,	Hartman,	Parks,	Sumney,
Brown, J. E.,	Hefferon,	Patterson, C.,	Surface,
Brownfield,	Hermansen,	Patterson, J. W.,	Tahl,
Brumbaugh,	Hetrick,	Pearson,	Terry,
Cannon,	Hindman,	Perry,	Tronzo,
Caputo,	Hirsch,	Peters,	Tumelty,
Carr,	Hoffner,	Pfaff,	Turner,
Carson,	Holstrom,	Phillips,	Van Allsburg,
Castor,	Hoopes,	Piole,	VanSickle,
Chervenak,	Jackson,	Powers,	Walker,
Coakley,	Jones,	Reising,	Wasserman,
Cochran,	Kane,	Reynolds,	Weidemann,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welliver,
Condon,	Kilroy,	Roan,	Welsh,
Conner,	Kinney,	Robinson,	White,
Coolahan,	Klinger,	Rooney,	Wickersham,
Cordier,	Kobelak,	Root,	Winner,
Davies,	LaRue,	Ruffennach,	Witkin,
Decker,	Linderman,	Ruth,	Wood,
Dent,	Long,	Sarraf,	Woodside,
Diehl,	Longaker,	Scanlon,	Yeakel,
Dilley,	Lovett,	Schrope,	Yourishin,
Downey, G. E.,	Lynch,	Schwab,	Zappala,
Downey, J. J.,	Male,	Schwartz,	Zimmerman,
Duffort,	Mallen,	Shaw,	Sarig,
Eberharter,			

NAYS—9

Barber,	McKinney,	Schrock,	Trout,
Horst,	Nothnagle,	Shreiner,	Wall,
McDevitt,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2245, entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Eberharter,	McDermott,	Shortz,
Alexander,	Eroe,	McDevitt,	Shreiner,
Allen,	Falkenstein,	McElroy,	Shugarts,
Altenburg,	Ferko,	McHenry,	Siegel,
Andrews,	Finnerty,	McKinney,	Simon,
Arnold,	Fitch,	Melchiorre,	Simpson,
Atkins,	Flanagan,	Mentzer,	Sinwell,
Aukerman,	Flinchbaugh,	Merrell,	Sloan,
Baine,	Forrest,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Furman,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gates,	Moore,	Snyder, F. E.,
Baldi,	Gerard,	Moran,	Snyder, J. L.,
Barber,	Gillette,	Moul,	Sowers,
Barnhardt,	Greenstein,	Muir,	Spangler,
Bernhard,	Habbyshaw,	Munley,	Stank,
Blumberg,	Haberlen,	Murrin,	Stevens,
Boose,	Hagerty,	Nagel,	Stewart,
Boyd, R.,	Haluska,	Nothnagle,	Stockham,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stone,
Bradley,	Hamilton, R. S.,	Ominsky,	Stott,
Brancato,	Harkins,	O'Neill,	Sumney,
Brennan,	Harmuth,	Panton,	Surface,
Brown, H. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brownfield,	Hetrick,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holstrom,	Pfaff,	VanAllsburg,
Carson,	Hoopes,	Phillips,	VanSickle,
Castor,	Horst,	Piole,	Walker,
Chervenak,	Jackson,	Powers,	Wall,
Coakley,	Kane,	Reising,	Wasserman,
Cochran,	Kelder,	Reynolds,	Weidemann,
Cohen,	Kelso,	Rinn,	Weiss,
Coleman,	Kilroy,	Robinson,	Welliver,
Condon,	Kinney,	Rooney,	Welsh,
Conner,	Klinger,	Root,	White,
Coolahan,	Kobelak,	Ruffennach,	Wickersham,
Cordier,	LaRue,	Ruth,	Winner,
Davies,	Linderman,	Sarraf,	Witkin,
Decker,	Long,	Scanlon,	Wood,
Dent,	Longaker,	Schrock,	Woodside,
Diehl,	Lovett,	Schrope,	Yeakel,
Dilley,	Lynch,	Schwab,	Yourishin,
Duffort,	Male,	Schwartz,	Zappala,
Downey, G. E.,	Mallen,	Shaw,	Zimmerman,
Downey, J. J.,	McCreary,	Shepard,	Sarig,

NAYS—6

Hefferon,	Mason,	Roan,	Sproul,
Jones,	Rhys,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1943, entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries and for the purchase and transportation of books

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2173, entitled

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McElroy,	Shugarts,
Altenburg,	Fitch,	McHenry,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,

Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,			

NAYS—1

Nagel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2529, as follows

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and twenty-one of the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" are hereby amended to read as follows

Section 4 The Secretary of Agriculture or any of his duly authorized inspectors or deputies in carrying out the provisions of this act shall have free access within reasonable hours to any land premises building vehicle vessel car or other place which it may be necessary or desirable for him to enter and shall have the power to open any bundle package or other container of plants or plant products It shall be unlawful to deny such access to the inspector or deputy or to hinder thwart or defeat such inspection by misrepresentation or concealment of facts or conditions or otherwise

The Secretary of Agriculture or any of his authorized inspectors deputies the State Police or any other officer whose duty it is to preserve the peace of the Commonwealth may arrest without a warrant any person caught in the act of violating the provisions of this act or caught having in his possession or under his control in violation of the provisions of this act any plant plants plant products or nursery stock without a valid permit or certificate and may seize such plant plants plant products or nursery stock in possession or under control of said person and if there be reason to believe that the same may be infested or infected with any plant pest shall proceed as hereinafter provided

Section 21 Any person copartnership association or corporation violating neglecting or failing to comply with any provision or requirement of this act or any quarantine rule or regulation made or of any notice given pursuant thereto or who shall forge alter counterfeit deface destroy or wrongfully use any permit or certificate or copy thereof offered or used in lieu of any original valid permit or certificate provided for in this act or in any order rule or regulation made pursuant thereto [shall be deemed guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall be subject to a fine or penalty of not more than one hundred dollars for each offense [to be collected by summary conviction before any mayor burgess magistrate alderman or justice of the peace as like fines and penalties are now by law collected] and in case of nonpayment of said fine to undergo an imprisonment in the county jail [for a period not exceeding five days] of the county in which such conviction takes place for a period of one day for each dollar of fine imposed Provided That any person so convicted shall have the right of appeal as in other cases of summary conviction The fines collected under this act shall be paid to the Secretary of Agriculture or his agent and by him shall be paid into the State Treasury

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. NAGLE. Mr. Speaker, I move that this bill be recommitted to the Committee on Agriculture for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2754, entitled:

An Act providing that there shall be no liability on the owner of real estate to a mortgage for taxes assessed thereon after such mortgagee takes possession of the rents issues and profits of such real estate

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,

Baker, F. T.,	Gerard,	Moore,	Smith, W. G.
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2627, entitled:

An Act to amend section two of the act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans', municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," providing that retired judges may preside in the trial of cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Eberharter,	Mason,	Shepard,
Alexander,	Eroe,	McDermott,	Shortz,
Allen,	Falkenstein,	McDevitt,	Shreiner,
Altenburg,	Ferko,	McElroy,	Shugarts,
Andrews,	Finnerty,	McHenry,	Siegel,
Arnold,	Fitch,	McKinney,	Simon,
Atkins,	Flanagan,	Melchiorre,	Simpson,
Aukerman,	Flinchbaugh,	Mentzer,	Sinwell,
Baine,	Forrest,	Merrell,	Sloan,
Baker, F. T.,	Furman,	Moomaw,	Smith, J. A.,
Baker, J. J.,	Gates,	Mooney,	Smith, W. G.,
Baldi,	Gerard,	Moore,	Snyder, F. E.,
Barber,	Gillette,	Moran,	Snyder, J. L.,
Barnhardt,	Greenstein,	Moul,	Sowers,
Bernhard,	Habbyshaw,	Muir,	Spangler,
Blumberg,	Haberlen,	Munley,	Sproul,
Boose,	Hagerty,	Murrin,	Stank,
Boyd, R.,	Haluska,	Nagel,	Stevens,
Boyer,	Hamilton, F. P.,	O'Keefe,	Stewart,
Bradley,	Hamilton, R. S.,	Ominsky,	Stockham,
Brancato,	Harkins,	O'Neill,	Stone,
Brennan,	Harmuth,	Panton,	Stott,
Brown, H. S.,	Hartman,	Parks,	Sumney,
Brown, J. E.,	Hefferon,	Patterson, C.,	Surface,
Brownfield,	Hermansen,	Patterson, J. W.,	Tahl,
Brumbaugh,	Hetrick,	Pearson,	Terry,
Cannon,	Hindman,	Perry,	Tronzo,
Caputo,	Hirsch,	Peters,	Trout,
Carr,	Hoffner,	Pfaff,	Tumelty,
Carson,	Holstrom,	Phillips,	Van Allsburg,
Castor,	Horst,	Piole,	Van Sickle,
Chervenak,	Jackson,	Powers,	Walker,
Coakley,	Jones,	Reising,	Wall,
Cochran,	Kane,	Reynolds,	Wasserman,
Cohen,	Kelder,	Rhys,	Weiss,
Coleman,	Kelso,	Rinn,	Welliver,
Condon,	Kilroy,	Roan,	Welsh,
Conner,	Kinney,	Robinson,	White,
Coolahan,	Klingler,	Rooney,	Wickersham,
Cordier,	Kobelak,	Root,	Winner,
Davies,	LaRue,	Ruffennach,	Witkin,
Decker,	Linderman,	Ruth,	Wood,
Dent,	Long,	Sarraf,	Yeakel,
Diehl,	Longaker,	Scanlon,	Yourishin,
Dilley,	Lovett,	Schrope,	Zappala,
Downey, G. E.,	Lynch,	Schwab,	Zimmerman,
Downey, J. J.,	Male,	Schwartz,	Sarig,
Duffort,	Mallen,	Shaw,	

NAYS—7

Hoopes,	Nothnagle,	Turner,	Woodside,
McCreary,	Schrock,	Weidemann,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1505 (Senate Bill No. 453), entitled:

An Act to repeal the act approved the fifth day of April one thousand eight hundred and sixty-two (Pamphlet Laws two hundred seventy) entitled "An act relating to the commencement of actions in Chester County"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,

Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2830 (Senate Bill No. 1039), entitled:

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Sheiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moore,	Smith, W. G.,
Baker, F. T.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Trout,
Cannon,	Hoffner,	Peters,	Tronzo,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2569, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by further modifying the procedure for the settlement, collection and payment of the State tax on the stock of title insurance and trust companies; and by changing the manner of determining the value of the shares of stock of title insurance and trust companies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	VanAllsburg,
Castor,	Jackson,	Powers,	VanSickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klinger,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott.		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 370, as follows:

An Act to amend section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" making the real estate of public service companies subject to taxation and providing certain exceptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the Same That section two hundred and one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby amended to read as follows

Section 201 Subjects of Taxation Enumerated The following subjects and property shall as hereinafter provided be valued and assessed and subject to taxation for all county city borough town township school and poor purposes at the annual rate

(a) All real estate to wit Houses lands lots of ground and ground rents mills and manufactories of all kinds furnaces forges bloomeries distilleries sugar houses malt houses breweries tan yards fisheries and ferries wharves and all real estate owned or possessed by any public service companies except the superstructure of the roads of railroads and street railway companies and the lands upon which same are located and except the lines and pipes of companies used for the transmission of electric power messages oil natural and artificial gas and the lands upon which the same are located and except the producing wells and natural gas producing lands and leaseholds of natural gas companies engaged in public service and all other real estate not exempt by law from taxation

(b) All salaries and emoluments of office all offices and posts of profit professions trades and occupations except and occupation of farmer and all persons over the age of twenty-one years who do not follow any occupation or calling as well of unnaturalized foreign-born persons who shall have resided within this Commonwealth for one whole year as of citizens of this Commonwealth Provided That whenever a person other than a Federal employe not taxable under the provision of this clause is disfranchised from voting because he cannot be lawfully assessed for a county or State tax it shall be lawful for the county commissioners to assess the occupation of such persons for county taxation purposes in the manner provided by this act for such assessments The provisions of this clause shall not apply to counties of the second and third class or to cities of the second and second A class or to school districts

(c) All other things and persons now taxable by the laws of this Commonwealth for county city and school purposes

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. EROE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of further study and amendment.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2491.

An Act to variously amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 4, by striking out at the beginning of said line the words "Sections five hundred three five hundred five and seventeen hundred two" and inserting in lieu thereof the words "section three hundrd one"; also on page 3, line 21 by striking out after the word "the" the words "first of June one thousand nine hundred and thirty-one (P. L. 318) are" and inserting in lieu thereof the words "third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seventy-four) is hereby"; also in line 24, by inserting after the word "follows" the words:

Section 301 Deposit of Moneys The Treasury Department shall deposit all moneys of the Commonwealth received by it including moneys not belonging to the Commonwealth but of which the treasury Department or the State Treasurer is custodian in State depositories approved by the Board of Finance and Revenue

The Treasury Department shall not at any time have in all active depositories more than an aggregate of such total sum as the Board of Finance and Revenue shall by resolution have prescribed and shall not deposit in any one inactive depository an amount in excess of twenty-five per centum of its paid-in capital and surplus nor in excess of five hundred thousand dollars Provided however That in the case of any particular depository these limitations may be waived by the Board of Finance and Revenue so as to permit the State Treasurer to deposit State moneys not in excess of one million dollars in any bank banking institution or trust company designated as an inactive depository

All departments boards or commissions having in their possession any moneys belonging to the Commonwealth shall deposit them in State depositories approved by the Board of Finance and Revenue In all such cases the depositing department board or commission shall forthwith upon opening the account notify the Department of the Auditor General and the Treasury Department of the name of the depository and the nature of the funds to be deposited in the account

Section 2 That sections five hundred three five hundred five and seventeen hundred two of said act as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 318) are hereby further amended to read as follows: also on page 4, line 1, by striking out after the word "moneys" the words "alleged to have been paid"; also in line 12, by striking out after the word "made" the word "for" and inserting in lieu thereof the word "of"; also in line 20, by striking out after the word "payment" the word "for" and inserting in lieu thereof the word "of"; also on page 5, line 20, by inserting after the word "requested" the words: "But the limitation of five years herein prescribed shall not be deemed to apply in the case of applications for refunds of taxes paid on liquid fuels by political subdivisions prior to the effective date of this amendment where by court decision it has been held that the collection of such tax was erroneous and without authority of law if application for such refunds shall be made within two years after the effective date of this amendment"; also on page 6, line 11, by striking out at the beginning of said line the light-faced bracket and the word "if" and inserting in lieu thereof the word "If"; also in line 14 by striking out after the word "bonus" the word "exclusively" and inserting in lieu thereof the word "exclusive"; on page 7, line 15, by striking out after the word "moneys" the word "furnished" and inserting in lieu thereof the word "furnish"; an page 8, line 9, by striking out at the beginning of line 9, the word "Bonds" and inserting in lieu thereof the word "bonds"; also by inserting after the words "United States" the words "bonds of".

Amend bill, page 11, line 18, by striking out after the word "Section" the figure "2" and inserting in lieu thereof the figure "3".

Amend bill, page 11, line 25, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "4".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, J. J.,	Gerard,	Moore,	Smith, W. G.,
Baker, F. T.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hetmansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1615.

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing lays" by providing for the assessment of seated lands divided by the boundary line between two townships.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 2, page 3, line 2, by adding after the word "enactment" the words "but nothing herein contained shall authorize a change in any existing assessment previous to the next triennial assessment.

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Falkenstein,	McDermott,	Shortz,
Alexander,	Ferko,	McDevitt,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McKinney,	Simon,
Arnold,	Flinchbaugh,	Melchiorre,	Simpson,
Atkins,	Forrest,	Mentzer,	Sinwell,
Aukerman,	Furman,	Merrell,	Sloan,
Baine,	Gates,	Moomaw,	Smith, J. A.,
Baker, F. T.,	Gerard,	Mooney,	Smith, W. G.,
Baker, J J.,	Gillette,	Moore,	Snyder, F. E.,
Baldi,	Greenstein,	Moran,	Snyder, J. L.,
Barber,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Spangler,
Bernhard,	Hagerty,	Munley,	Sproul,
Blumberg,	Haluska,	Murrin,	Stank,
Boose,	Hamilton, F. P.,	Nagel,	Stevens,
Boyd, R.,	Hamilton, R. S.,	Nothnagle,	Stewart,
Boyer,	Harkins,	O'Keefe,	Stockham,
Bradley,	Harmuth,	Ominsky,	Stone,
Brancato,	Hartman,	O'Neill,	Stott,
Brennan,	Hefferon,	Panton,	Sumney,
Brown, H. S.,	Hermansen,	Parks,	Surface,
Brown, J. E.,	Hetrick,	Patterson, C.,	Tahl,
Brownfield,	Hindman,	Patterson, J. W.,	Terry,
Brumbaugh,	Hirsch,	Pearson,	Tronzo,
Cannon,	Hoffner,	Perry,	Trout,
Caputo,	Holstrum,	Peters,	Tumelty,
Carr,	Hoopes,	Pfaff,	Turner,
Carson,	Horst,	Phillips,	Van Allsburg,
Castor,	Jackson,	Piole,	Van Sickle,
Chervenak,	Jones,	Powers,	Walker,
Coakley,	Kane,	Reising,	Wall,
Cochran,	Kelder,	Reynolds,	Wasserman,
Cohen,	Kelso,	Rhys,	Weidemann,
Coleman,	Kilroy,	Rinn,	Weiss,
Condon,	Kinney,	Roan,	Welliver,
Conner,	Klingler,	Robinson,	Welsh,
Coolahan,	Kobelak,	Rooney,	White,
Cordier,	LaRue,	Root,	Wickersham,
Davies,	Linderman,	Ruffennach,	Winner,
Deeker,	Long,	Ruth,	Witkin,
Dent,	Longaker,	Sarraf,	Wood,
Diehl,	Lovett,	Scanlon,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,			

NAYS—1

Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1962.

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1:1, 1:2, 1:3, 1:4, 1:5, 2:1, 2:2, 2:4, 2:5, 70:1, 70:2, 70:3 and, 73 to the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested,

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 4, line 22, by inserting after the word "thereto" the words "except gas or electric water heaters;"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,

Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2117.

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

With the information that the Cenate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 3, line 4, by inserting after the word "item" the following: "nothing in this act contained shall authorize the Board of Fish Commissioners to close any stream or part thereof which is owned or held by any individual association or corporation and which has not been stocked with fish furnished by the Commonwealth or the Board"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Falkenstein,	McDevitt,	Shortz,
Alexander,	Ferko,	McElroy,	Shreiner,
Allen,	Finnerty,	McHenry,	Shugarts,
Altenburg,	Fitch,	McKinney,	Siegel,
Andrews,	Flanagan,	Melchiorre,	Simon,
Arnold,	Flinchbaugh,	Mentzer,	Simpson,
Atkins,	Forrest,	Merrell,	Sinwell,
Aukerman,	Furman,	Moomaw,	Sloan,
Baine,	Gates,	Mooney,	Smith, J. A.,
Baker, F. T.,	Gerard,	Moore,	Smith, W. G.,
Baker, J. J.,	Gillette,	Moran,	Snyder, F. E.,
Baldi,	Greenstein,	Moul,	Snyder, J. L.,
Barber,	Habbyshaw,	Muir,	Sowers,
Barnhardt,	Haberlen,	Munley,	Spangler,
Bernhard,	Hagerty,	Murrin,	Sproul,
Blumberg,	Haluska,	Nagel,	Stank,
Boose,	Hamilton, F. P.,	Nothnagle,	Stevens,
Boyd, R.,	Hamilton, R. S.,	O'Keefe,	Stewart,
Boyer,	Harkins,	Ominsky,	Stockham,
Bradley,	Harmuth,	O'Neill,	Stone,
Brancato,	Hartman,	Panton,	Stott,
Brennan,	Hefferon,	Parks,	Sumney,
Brown, H. S.,	Hermansen,	Patterson, C.,	Surface,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tahl,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Cannon,	Hoffner,	Peters,	Trout,
Caputo,	Holstrom,	Pfaff,	Tumelty,
Carr,	Hoopes,	Phillips,	Turner,
Carson,	Horst,	Piole,	Van Allsburg,
Castor,	Jackson,	Powers,	Van Sickle,
Chervenak,	Jones,	Reising,	Walker,
Coakley,	Kane,	Reynolds,	Wall,
Cochran,	Kelder,	Rhys,	Wasserman,
Cohen,	Kelso,	Rinn,	Weidemann,
Coleman,	Kilroy,	Roan,	Weiss,
Condon,	Kinney,	Robinson,	Welliver,
Conner,	Klingler,	Rooney,	Welsh,
Coolahan,	Kobelak,	Root,	White,
Cordier,	LaRue,	Ruffennach,	Wickersham,
Davies,	Linderman,	Ruth,	Winner,
Decker,	Long,	Sarraf,	Witkin,
Dent,	Longaker,	Scanlon,	Wood,
Diehl,	Lovett,	Schrock,	Woodside,
Dilley,	Lynch,	Schrope,	Yeakel,
Downey, G. E.,	Male,	Schwab,	Yourishin,
Downey, J. J.,	Mallen,	Schwartz,	Zappala,
Duffort,	Mason,	Shaw,	Zimmerman,
Eberharter,	McCreary,	Shepard,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1865.

An Act to amend the title and section eight of the act approved the twenty-seventh day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred seventy-one) entitled "An act providing for the erection of the Pennsylvania Soldiers Orphans' Industrial School the purchase of land and the erection and equipment of the building and buildings necessary therefor making appropriations for such purposes erection and equipment and the maintenance of children admitted therein placing the care of the same in the commission now known as the Commission of Soldiers' Orphan Schools of the State of Pennsylvania and regulating the admissions to the said Pennsylvania Soldiers Orphans' Industrial School and the said Soldiers' Orphans School" extending the time for the discharge of children from said school

HOUSE BILL No. 933.

An Act to repeal the act approved the second day of May one thousand nine hundred and twenty-nine ((Pamphlet Laws one thousand two hundred seventy-one) entitled "An act providing for the payment to the prothonotary of a jury fee at the time of demanding a jury trial in the county court for the county of Allegheny"

HOUSE BILL No. 955.

An Act giving consent of the Commonwealth to the dissolution of corporations holding public funds in trust for public school purposes and to the payment over of such funds to school districts for general school purposes

HOUSE BILL No. 1976.

An Act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name

HOUSE BILL No. 2129.

An Act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by exempting in certain cases the security required of depositories for school funds

HOUSE BILL No. 2222.

An Act providing for the observance of Free School Day in commemoration of the founding and development of free public schools in the Commonwealth

HOUSE BILL No. 2315.

An Act to amend sections four hundred two and four hundred four as amended sections four hundred nine and four hundred twelve and sections five hundred twelve and seven hundred four as amended of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" prohibiting the breeding selling possessing and using of fitches or weasels for hunting purposes providing for the licensure of persons breeding selling possessing and using fitches or weaseels and imposing additional penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. BLUMBERG from the Committee on Banking reported as amended, House Bill No. 1603, entitled:

An Act to amend section two hundred and four of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations; of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended; further regulating the establishment and maintenance of branch banks, offices and agencies.

Mr. WELSH from the Committee on Printing reported as committed, House Bill No. 2864 (Senate Bill No. 656), entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

Mr. BARBER from the Committee on Public Health and Sanitation re-reported as amended, House Bill No. 2412, entitled:

An Act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of low income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to provide that the bonds of the authority shall be legal investments to provide that housing authorities their property and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards and for other purposes.

Mr. MELCHIORRE from the Committee on Law and Order, re-reported as amended House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties, and repealing existing acts," as amended, by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board; eliminating existing retailer's licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses; providing for the licensing of manufacturers of malt and brewed beverages, and for the issue of public service licenses and special permits relating to entertainment by said board; changing license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties and repealing inconsistent acts.

Mr. MELCHIORRE from the Committee on Law and Order re-reported as amended, House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell for consumption off premises providing for the revocation and suspension of licenses by the board further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

Mr. FORREST from the Committee on Banking reported as committed, House Resolution No. 146.

BILL ON FINAL PASSAGE

Mr. MOOMAW. Mr. Speaker, I desire to call up at this time House Bill No. 2356, Printer's No. 946, on page 19 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MOOMAW.

The House resumed the consideration on final passage of House Bill No. 2356, entitled:

An Act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to purchase articles produced manufactured made milled or mined in this Commonwealth regulating bids for contracts and prescribing penalties.

RECONSIDERATION OF VOTE

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 7 of title, by inserting after the word "Commonwealth" the following: "in certain instances"

Amend Sec. 1, page 1, line 8, by inserting after the word "contract" the following: "for the construction alteration or repair of buildings"

Amend Sec. 1, page 2, line 1, by inserting after the word "articles" the following: "materials or supplies"

Amend Sec. 1, page 2, line 5, by inserting after the word "purchased" the following: "And providing further, That this act shall not apply to any such item of such purchase the cost of which is less than one hundred dollars"

Amend Sec. 2, page 2, line 6, by inserting after the word "any" the following: "such"

Amend Sec. 2, page 2, line 7, by inserting after the word "for" the following: "such"

Amend Sec. 4, page 2, line 18, by inserting after the word "person" the following: "knowingly"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 73.

An Act to amend section fourteen of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred nineteen) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such poliical parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" as amended by providing for the delivery of the ballot box to the proper custodian immediately upon the completion by the election officers of the count and canvass of the vote and the sealing of the ballot box.

SENATE BILL No. 712.

An Act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination lincensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered.

Whereupon,

The SPEAKER, in the presence of the House, signed the

RESOLUTION

Mr. GATES offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, May 28, 1935.

Resolved, That the Members of the House of Representatives extend their sincere felicitations to that genial salesman and stalwart Republican, the Honorable Harry L. Duffort, on the occasion of his 49th birthday, which happy event takes place on May 29th, 1935, and wish him many happy natal days in the future.

BILL ON THIRD READING

Mr. HARKINS. Mr. Speaker, I desire to call up at this time House Bill No. 1786, Printer's No. 1254, on page 34, of today's calendar, bill on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1786, as follows:

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An Act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by defining and prohibiting certain acts related to the practice of the law by persons partnerships associations and corporations not duly and regularly admitted to practice law and defining the practice of law and defining those who may engage in the practice of law and providing for penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-three (P. L. 66) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this Act it shall not be lawful for any person partnership association [or] corporation or foreign corporation in any county in the State of Pennsylvania to practice law or to hold himself herself or itself out to the public as being entitled to practice law or use or advertise the title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that he she or it is a practitioner of the law of this or any other State nation country or land or in any manner to advertise that he she or it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of the law of this or any other State nation country or land without having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth or the Supreme Court in accordance with the regularly established rules governing such admission Provided however That nothing herein contained shall be construed as prohibiting corporations of the first class acting in good faith and in pursuance of the purposes of their charters from rendering through attorneys-at-law legal service to the [members] officers and employes of such corporations about the business of such corporation

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 1, page 3, line 14, by striking out after the word "the" the rest of the line and inserting in lieu thereof the word "members".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RESOLUTION

Mr. HOMER S. BROWN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted:

In the House of Representatives, May 28, 1935.

Whereas, On last November 6th, 1934, there was elected to the legislature from the second legislative district of the City of Pittsburgh, one George J. Sarraf, a member of this House, and

Whereas, The said George J. Sarraf is a practicing and lawfully licensed physician of said City, and

Whereas, Many of his patients have come to his office consistently since the 1st of January 1935 and have observed the absence of said Dr. George J. Sarraf, and have just been informed that said Dr. George J. Sarraf has been elected a member of the Legislature and have arranged to sponsor a banquet in honor of the doctor at the Fort Pitt Hotel on Saturday, June 1st, 1935, at 6:30 P. M., now be it

Resolved, That said committee sponsoring said banquet although a little delinquent, due to their financial inability to purchase newspapers, hereby extend an open invitation to all members of the House, including the lady from Philadelphia, Miss Ann Brancato and all administrative officials to attend the banquet in honor of Dr. George J. Sarraf, Saturday, June 1st, 1935 at 6:30 P. M. at the Fort Pitt Hotel—All refreshments including Bromo Sentzer and Coco Cola to be furnished by the honor guest, the Honorable George J. Sarraf.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for five minutes. Are there objections? The Chair hears none and declares a recess for five minutes.

AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The time of recess having expired the House was called to order.

REPORTS FROM COMMITTEES

Miss BRANCATO from the Committee on Law and Order re-reported as amended, House Bill No. 1703, entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during certain hours; and also during other hours, unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

Mr. ROAN from the Committee on Judiciary Special reported as committed, House Resolution No. 157.

HOUSE BILL NO. 1703 MADE SPECIAL ORDER OF BUSINESS.

Mr. SCHWARTZ. Mr. Speaker, I move that House Bill No. 1703, be made a special order of business on third reading and final passage on Tuesday, June 4, 1935, at 12:00 noon.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL NON-CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 147, entitled:

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention with limited powers conferring jurisdiction on the Court of Common Pleas of Dauphin County and making an appropriation.

BILL LAID ON TABLE

Mr. RUTH. Mr. Speaker, I move that the message together with the bill be laid upon the table.

The motion was agreed to.

RESOLUTION

REPORT FROM COMMITTEE ON RULES.

Mr. RUTH offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 28, 1935.

Resolved, (if the Senate concur), That this session of the General Assembly adjourn sine die, Friday, June 21st, 1935, at twelve o'clock noon.

WILSON G. SARIG.
FRANK W. RUTH.
H. G. ANDREWS.
WILLIAM SINWELL.
HERBERT B. COHEN.
ROY E. FURMAN.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be a meeting of the Committee on Interstate Cooperation in the Speaker's office immediately after adjournment of this afernoon's session. The following are the members of this Committee:

Messrs Simon, Flinchbaugh, Ruth and Turner.

ADJOURNMENT

Mr. McDEVITT. Mr. Speaker, I move that this House do now adjourn until Monday, June 3, 1935, at 9:00 p. m.

The motion was agreed to, and (at 7:15 p. m.) the House adjourned until Monday, June 3, 1935, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, MAY 29, 1935 No. 69

SENATE

WEDNESDAY, May 29, 1935

The Senate met at 10:00 o'clock, A. M.

The PRESIDENT (Pro Tempore John G. Homsher) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Help us, O God, to make the approaching Memorial Day in deed and in fact an occasion of true and solemn memories. May this day mean to us not merely feasting, athletic activity and perhaps gayety. May we approach its observance, led and inspired by the deeds of bravery and self-sacrifice performed by the men who sleep in soldiers' graves throughout our Commonwealth, our nation and across the sea.

Some of these soldiers fought to attain American independence; some for preservation of territory against red men and their allies; some cemented with their blood a rift in our federal unity; some battled to lift the yoke of oppression from the necks of men long benighted; and some to make the world safe for democracy.

Today we would consecrate our lives to the making of democracy safe for the world. May war never again prevail within our borders. By sane and God-guided legislation may all differences dividing us from each other and from the nations of the world be amicably adjusted.

May the Stars and Stripes peacefully wave over our territory until the end of the age, so that our dead heroes may not have fought in vain, Amen.

JOURNAL APPROVED

The President. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceeding session, when, on motion of Mr. HOWELL, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from a number of churches and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

FAVORING ABSENTEE VOTING FOR COLLEGE STUDENTS

The Chair also presented petitions from the Pennsylvania Association of College Students favoring absentee voting for college students.

Which were referred to the Committee on Education.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House of Representatives as follows:

House Bill No. 174 (Senate Bill No. 1485), entitled:

A Joint Resolution proposing an amendment to article nine, section fifteen, of the Constitution of the Commonwealth of Pennsylvania, and adding thereto section sixteen to said article.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 812 (Senate Bill No. 1486), entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands, the payment of labor, and the purchase of supplies, materials and equipment, to enlarge and improve the Military Reservation at Indiantown Gap, and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

Which was committed to the Committee on Appropriations.

House Bill No. 1056 (Senate Bill No. 1487), entitled:

An Act to further amend section three of the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (P. L. 360), entitled "An act conferring on the Department of Highways power to enter upon private property, and open and maintain drainage channels along roads or highways constructed at the expense of the Department of Highways or under its supervision; and providing penalty for interference with such drains or ditches; and roviding for the payment of damages."

Which was committed to the Committee on Highways.

House Bill No. 1338 (Senate Bill No. 1488), entitled:

An Act relating to limited dividend housing companies; defining and providing for the formation of such corporations for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; extending to such corporations certain existing laws relating generally to business

corporations; providing for the supervision and regulation of the activities of such corporations by the State Board of Housing in the Department of Health; exempting from control by the State Board any such companies aided by the Federal Government or agencies thereof; providing for the protection of such corporations and the parties dealing with them; prescribing, defining and limiting the powers and duties of such corporations; authorizing them to borrow moneys from agencies of the United States government; conferring upon certain of such corporations and limiting their use of the power of eminent domain; exempting such corporations from the payment of the capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; and authorizing certain existing companies to accept the provisions of this act.

Which was committed to the Committee on Law and Order.

House Bill No. 1943 (Senate Bill No. 1489), entitled:

An Act making an appropriation for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Which was committed to the Committee on Appropriations.

House Bill No. 2048 (Senate Bill No. 1490), entitled:

An Act to amend section two of the Act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "City State Highway Law," as amended, by adding certain new rules.

Which was committed to the Committee on Highways.

House Bill No. 2100 (Senate Bill No. 1491), entitled:

An Act to regulate and control the same of baby chicks and started chicks by producers, dealers and brokers at auctions, auction sale barns, community sales, whether sold privately or over the counter, or sold by hucksters or peddlers and imposing a penalty .

Which was committed to the Committee on Agriculture.

House Bill No. 2145 (Senate Bill No. 1492), entitled:

An Act to repeal section six of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403), entitled "Wills Act of 1917."

Which was committed to the Committee on Judiciary Special.

House Bill No. 2173 (Senate Bill No. 1493), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 2185 (Senate Bill No. 1494), entitled:

An Act fixing a uniform system of discounts, penalties and interests for county, city, borough, town, township, school district and poor district taxes.

Which was committed to the Committee on County Government.

House Bill No. 2245 (Senate Bill No. 1495), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge shall inquire into the facts of the case including an examination into the record, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury and making such records, proceedings and evidence available for inspection by the petitioner, or his counsel.

Which was committed to the Committee on Judiciary General.

House Bill No. 2325 (Senate Bill No. 1496), entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to preside in the courts of common pleas and quarter sessions of such county.

Which was committed to the Committee on County Government.

House Bill No. 2397 (Senate Bill No. 1497), entitled:

An Act to protect the public health; defining and providing for the licensing of confectionery factories and wholesale confectioners' warehouses, and regulating the inspection, maintenance, and operation of confectionery factories and premises and wholesale confectioners' warehouses and premises; defining and regulating the manufacture, sale, and offering for sale of confectionery products; conferring powers on the Department of Agriculture; and providing penalties.

Which was committed to the Committee on Public Health.

House Bill No. 2410 (Senate Bill No. 1498), entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county commissioners and prothonotaries and providing for the payment of certain expenses by cities.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 2569 (Senate Bill No. 1499), entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations, approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies." by further modifying the procedure for the settlement, collection and payment of the State tax on the stock of title insuance and trust companies: and by changing the manner of determining the value of the shares of stock of title insurance and trust companies.

Which was committed to the Committee on Finance.

House Bill No. 2591 (Senate Bill No. 1500), entitled:

An Act requiring water, gas and electric companies with exclusive franchise to serve all persons, copartnerships, associations and corporations within the municipality or township; and providing for enforcement by the Public Service Commission.

Which was committed to the Committee on Public Utilities.

House Bill No. 2627 (Senate Bill No. 1501), entitled:

An Act to amend section two of the act, approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 461), entitled "An act to provide for the removal or retirement of judges of the Supreme, Superior, common pleas, orphans,' municipal, and county court, permanently disqualified by reason of physical or mental disability to perform their regular judicial functions or duties, and providing for the payment of compensation to them during the balance of the term for which they may have been elected, and, in certain cases, for the remainder of their lives after resignation or retirement, and for filling the vacancies caused thereby; providing for judges who have been retired or who may have retired or resigned under provisions of previous acts or otherwise; and repealing certain acts," providing that retired judges may preside in the trial of cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 2629 (Senate Bill No. 1502), entitled:

An Act to amend section one thousand one hundred and one of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," as amended empowering the Secretary of Highways to direct the direction in which traffic shall proceed upon highways.

Which was committed to the Committee on Highways.

House Bill No. 2679 (Senate Bill No. 1503), entitled:

An Act to provide for the payment of the expenses of maintenance and instruction of children, committed to Houses of Refuge which are not exclusively under the control of the Commonwealth, jointly by the Commonwealth and by the counties from which they may be sent; and providing a method for determining the amount due and collecting the same from the said counties.

Which was committed to the Committee on Judiciary General.

House Bill No. 2716 (Senate Bill No. 1504), entitled:

An Act to amend clause two of section four hundred and two of the act, approved the third day of July, one thousand nine hundred and thirty-three (P. L. 364), entitled "Business Corporation Law," by limiting the number of directors who may be officers, clerks, employes or agents of the corporation.

Which was committed to the Committee on Corporations.

House Bill No. 2731 (Senate Bill No. 1505), entitled:

An Act placing certain burden of proof upon the owners of motor vehicles when sued for damages for the death or injury of persons or injury to property caused by the operation of such motor vehicles while being operated by others.

Which was committed to the Committee on Judiciary General.

House Bill No. 2745 (Senate Bill No. 1506), entitled:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township, Dauphin County, occupied by the Harrisburg State Hospital.

Which was committed to the Committee on State Government.

House Bill No. 2754 (Senate Bill No. 1507), entitled:

An Act providing that there shall be no liability on the owner of real estate to a mortgagee for taxes assessed thereon after such mortgagee takes possession of the rents, issues and profits of such real estate.

Which was committed to the Committee on Judiciary General.

HOUSE CONCURS IN SENATE BILL NO. 105

He also returned to the Senate, Senate Bill No. 105, entitled:

An Act empowering private corporations hereafter formed and municipalities to establish, operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States; and prescribing the powers and duties of such corporations and municipalities in connection therewith.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 453

He also returned to the Senate, Senate Bill No. 453, entitled:

An Act to repeal the act approved the fifth day of April, one thousand eight hundred and sixty-two (P. L. 270), entitled "An act relating to the commencement of actions in Chester county."

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 1039

He also returned to the Senate, Senate Bill No. 1039, entitled:

An Act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones and flags; and for the compilation of war records.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1615

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1615, entitled:

An Act to amend section four hundred and twelve of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," by providing for the assessment of seated lands divided by the boundary line between two townships.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2491

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2491, entitled:

An Act to variously amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code" as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1962

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 70.1, 70.2, and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein, and giving them certain powers and duties relative thereto.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2117

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2117, entitled:

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

BILLS SIGNED

The PRESIDENT (Pro Tempore John G. Homsher) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 105, entitled:

An Act empowering private corporations hereafter formed and municipalities to establish, operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States; and prescribing the powers and duties of such corporations and municipalities in connection therewith.

Senate Bill No. 453, entitled:

An Act to repeal the act approved the fifth day of April, one thousand eight hundred and sixty-two (P. L. 270), entitled "An act relating to the commencement of actions in Chester county."

Senate Bill No. 1039, entitled:

An Act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones and flags; and for the compliation of war records.

Whereupon,

The PRESIDENT (Pro Tempore John G. Homsher) in the presence of the Senate signed the same.

HOUSE MESSAGE

The Clerk of the House of Reperesentatives being introduced returned to the Senate, Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duies upon the Department of Revenue, and the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases; and imposing duties upon clerks of the courts.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

RESOLUTION RELATIVE TO ADJOURNMENT SINE DIE

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, May 28, 1935.

Resolved (if the Senate concur), That this session of the General Assembly adjourn sine die, Friday, June 21, 1935, at twelve o'clock noon.

Mr. REED (Dauphin) Mr. President, I move the immediate consideration of the resolution.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

SUPERINTENDENT OF PUBLIC INSTRUCTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the appointment of Doctor Lester Kelly Ade, of Williamsport, Lycoming County, as Superintendent of Public Instruction, vice Doctor James N. Rule, whose term expired, for the term of four years to compute from the date of confirmation.

GEORGE H. EARLE.

MEMBER OF BOARD OF FISH COMMISSIONERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

Harry E. Weber, of Philipsburg, Centre County, as a member of the Board of Fish Commissioners, vice Roy Smull, resigned, for the term of six years.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ERIE COUNTY

Miss Clara A. Roudebush, Erie.

LEHIGH COUNTY

August S. Hohl, Catasauqua.

PHILADELPHIA COUNTY

R. Jos. Sommer, 1126 Hamilton St., Philadelphia.

YORK COUNTY

John T. Logan, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Margaret E. Fink, Farmers Bank Bldg., Pittsburgh.
A. J. Justus, Gulf Bldg., Pittsburgh.
Miss Selma V. McNally 1101 Grant Bldg., Pittsburgh.

BLAIR COUNTY

M. A. Wolfberg, Altoona.

DAUPHIN COUNTY

Miss Margaret E. Hepford, Harrisburg.

FAYETTE COUNTY

Mrs. Edna F. Roseberry, Uniontown.

LACKAWANNA COUNTY

Howard A. Wiley, Scranton.

LUZERNE COUNTY

Anthony J. Beeunas, Wanamie.

Richard Horton, Nanticoke.

PHILADELPHIA COUNTY

Louis Grallnick, 330 Market St., Phila.
Joseph Green, 6018 N. Camac St., Phila.
Miss Jane M. Hill, Commercial Trust Bldg., Phila.
Miss Pauline W. Scharf Lincoln-Liberty Bldg., Phila.
Miss Carlotta G. Taylor, 2126 Land Title Bldg., Phila.

SCHUYLKILL COUNTY

Edward L. Burmeister, Ashland.

GEORGE H. EARLE

REPORTS FROM COMMITTEES

Mr. ROBERTS from the Committee on Municipal Government, reported as committed, Senate Bill No. 1285 (House Bill No. 2576), entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

Also from the Committee on Public Health, reported as amended, Senate Bill No. 854 (House Bill No. 1069), entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs towns and townships of one thousand population or more extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 1352, entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools.

Mr. GELDER from the Committee on Highways, reported as committed, Senate Bill No. 1084 (House Bill No. 2047), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highways routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

Also from the Committee on Highways, reported as committed, Senate Bill No. 1088 (House Bill No. 2053), entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

Mr. MALLERY from the Committee on Law and Order, reported as committed, Senate Bill No. 1320, entitled:

An Act to further amend section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" by permitting manufactures to import alcohol or alcoholic liquids for certain purposes

Also from the Committee on Law and Order, reported as committed, Senate Bill No. 1321, entitled:

A Supplement to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase bottling and sale of wine and authorizing the sale of wine by holders of licenses to sell malt liquor and the sale of wine by manufacturers to special wine permittees.

Also from the Committee on Highways reported as amended, Senate Bill No. 1063 (House Bill No. 1237), entitled:

An Act to further amend article eight of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds;" regulating the carrying of liquid or motor fuel.

Mr. HOWELL from the Committee on Highways, reported as committed, Senate Bill No. 1092 (House Bill No. 2058), entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as State highways and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

Mr. SONES from the Committee on Banking reported as committed, Senate Bill No. 1392, entitled:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government; providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth audiitng the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department board commission and officer of the State government every political subdivivision of the State, and certain officers of such divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; qualifying additional securities as acceptable for the securing of State deposits.

Also from the Committee on Highways, reported as committed, Senate Bill No. 1089 (House Bill No. 2054), entitled:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (P. L. 27), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways.

Mr. HUFFMAN from the Committee on Banking reported as committed, or as amended, Senate Bill No. 1191 (House Bill No. 2128), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Also from the Committee on Highways reported as committed, Senate Bill No. 1075 (House Bill No. 1823), entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

BILLS INTRODUCED

Mr. THOMPSON (Centre) read in his place and presented to the Chair, Senate Bill No. 1508, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by private corporations; providing for the ascertainment of the validity and the recording of certain condemnations and appropriations of water by private corporations, and appeals therefrom; conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by private corporations and compensation therefor; and conferring powers and imposing duties upon the Water and Power Resources Board.

Which was committed to the Committee on Forests and Waters.

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 1509, entitled:

An Act creating a Highway Accident Prevention Commission in the Department of Revenue; and defining its powers and duties.

Which was committed to the Committee on Highways.

Mr. CLARK read in his place and presented to the Chair, Senate Bill No. 1510, entitled:

An Act to safeguard human health and life by providing for the issuance of permits to, and regulation of, persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board, and otherwise providing for the administration of the act; and imposing penalties.

Which was committed to the Committee on Agriculture.

BILL ON THIRD READING

Mr. REED (Dauphin). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 759 (House Bill No. 371), on third reading, entitled:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (P. L. 1024), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the bill on third reading?

It was agreed to.

Agreably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 759 (House Bill No. 371), as follows:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to [work] registered pharmacists assistant

pharmacists and apprentice pharmacists employed in a registered pharmacy or hospital dispensary employes in hotels restaurants dining rooms nurses and nurses' helpers employes in hospitals and farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

Section 2 That section three of the said act as amended by the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred nine) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided in this section no female shall be employed or permitted to work in or in connection with any establishment for more than six days in any one week or more than [fifty-four] forty-eight hours in any one week or more than [ten] eight hours in any one day Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such an establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during any one of such three days nor more than the maximum hours per week specified in this act

(b) Females employed in establishments othen than manufacturing establishments and in employments other than those hereinafter specifically provided for shall not be employed or permitted to work in or in connection with any such establishments for more than six days in any one week or more than forty-eight hours in any one week or more than ten hours in any one day including any overtime as specified in subsection (a) Provided That for a period not to exceed two weeks during the first six months of the calendar year and for a period not to exceed three weeks during the second six months of the calendar year female workers whose basic work week is forty-eight hours as herein provided may work six hours per week more than their normal basic work week if the employer has notified the Department of Labor and Industry at least one day in advance of the beginning of such periods and if such periods of overtime shall be identical for all employes in an establishment but no female shall be permitted to work more than the maximum hours per day and the maximum days per week specified in this Act for such establishments And provided further That the maximum hours fixed in this section shall not apply to telephone and telegraph exchanges or offices where the service does not require more than three operators

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the [Commissioner] Secretary of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act [Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding-houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section]

[(b)] (d) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such [establishment] establishments shall not exceed the number of hours prescribed in this section for such females in any one week or any one day

(e) The provisions of this section shall not apply [to the work of nurses in hospitals] to the work of females over twenty-one years of age earning at least twenty-five dollars a week if engaged in employment in cities under 25,000 population twenty-seven dollars and fifty cents a week if engaged in employment in cities of 25,000 to 100,000 population thirty dollars a week if engaged in employment in cities of 100,000 to 500,000 population and thirty-five dollars a week if engaged in employment in cities of over 500,000 population in any of the following occupations (1) bona fide executive positions (2) learned professions or (3) court stenographers

Section 3 That section six of the said act is hereby amended to read as follows

Section 6 Not less than [forty-five] thirty minutes shall be allowed to every female employed or permitted to work in or in connection with any establishment for the mid day meal which period shall not be considered a part of the hours of labor [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the time allowed for the mid-day meal may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the [work-rooms] workrooms during the time allowed for meals

Section 4 That section seven of the said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work more than six hours continuously in or connection with any establishment without an interval of at least [forty-five] thirty minutes and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment [for less than eight] on a shift of not more than six hours in any one day the interval between work periods may be reduced to not less than [thirty] fifteen minutes

Employees shall not be required to remain in the workrooms during the rest periods required by this section

Section 5 That section seventeen of the said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred seventeen) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend Section 7, page 8, line 17 by striking out the word "six" and inserting in lieu thereof the word "five"

Mr. REED (Dauphin). Mr. President, I desire to state that by direction of the Committee on Labor and Industry certain amendments were prepared, but one mistake was made in the re-printing; and this amendment is simply for the purpose of correcting that mistake.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. GRAFF. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 19, on third reading postponed for the present, entitled:

An Act to amend sections two four five eight eleven twelve section fourteen as amended sections twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. GRAFF. Mr. President, I ask unanimous consent to amend Section 4, page 5, line 2 by striking out the word "eight" and inserting in lieu thereof the following: "nine;" also page 5, line 11 by striking out the word "eight" and inserting in lieu thereof the following: "nine"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING

Mr. CLARK. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 963 on third reading, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 963, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CLARK. Mr. President, I ask unanimous consent to amend Section 1, page 1, lines 4 and 5, by striking out the words "one million four hundred eighty-five thousand dollars ($1,485,000)" and insert in lieu thereof the following: "one million six hundred thirty-three thousand dollars ($1,633,000)"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. NORTON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 938 on third reading, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance caried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

Mr. COYNE. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 938, entitled:

An Act to amend section three hundred one, article three of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business.

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

Mr. NORTON. Mr. President, I ask unanimous consent to amend Section 1, page 3, line 2, by inserting after the word "transact" the following "[That it has, if a stock company, the requisite amount of capital fully paid up and unimpaired]"; also page 4, line 6, by striking out the word "amount" and inserting in lieu thereof "account"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. REED (Washington). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1027 on third reading, entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulations supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insured against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1027, entitled:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled, "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," by excepting from that section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act, which insures against perils arising from the ownership or maintenance, or from the use of aircraft, automobiles or other motor vehicles.

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

Mr. REED (Washington). Mr. President, I ask unanimous consent to amend Sec. 1, page 3, line 3, by striking out the word "names" and insert in lieu thereof "name"; also page 3, line 4, by inserting after the word "policy" the following: "and"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. REED (Washington). Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1028 on third reading, entitled:

An Act to amend Section 629 of the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from subdivision (b) of Article 6 of the Act, double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1028, entitled:

An Act to amend section 629 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to further except from subdivision (b) of Article 6 of that act, double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability, issued in conjunction with life insurance and annuity contracts.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Amend Section 1, page 2, line 16, by inserting after the word "laws" the following: "as amended by the Act of June twenty-three, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred four)"; also page 2, line 17, by striking out the following: "(as amended by Act of June twenty-three"; also page 2, line 18, by striking out the entire said line; also page 2, line 19, by striking out the words "hundred four"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. PYTKO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1278 (House Bill No. 2393), on third reading, entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one entitled "An act providing for the protection of public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1278 (House Bill No. 2393), entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one entitled "An act providing for the protection of public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. PYTKO. Mr. President, I ask unanimous consent to amend section 4, page 5, line 10 by striking out after the word "proper" and before the word "record" the words: "[and permanent]"; amend section 4, page 5, line 11, by inserting after the word "kept" and before the word "by" the following: "for a period of two years"; amend section 5, page 8, line 10, by striking out after the word "stir" and before the word "mix" the word "[and]", and inserting in lieu thereof the word "or"; amend section 5, page 8, line 11, by inserting at the beginning of the line before the word "each" the words: "the contents of"; amend section 8, page 10, line 2, by inserting after the word "approved" and before the word "weight" the words: "method of ascertaining."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bill No. 1278 (House Bill No. 2393), be recommitted to the Committee on Agriculture.

Mr. PYTKO. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF BILLS ON THIRD READING DEFERRED

Mr. BUCKMAN. Mr. President, I move that further consideration of bills on third reading be deferred until next Monday evening.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. COYNE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. Coyne read in place and presented to the Chair Senate Bill No. 1511, entitled:

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

REPORT FROM COMMITTEE

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations reported with a favorable recommendation the following nominations by His Excellency, the Governor of the Commonwealth:

MEMBER OF BOARD OF FISH COMMISSIONERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Harry E. Weber, of Philipsburg, Centre County as a member of the Board of Fish Commissioners, vice Roy Smull resigned, for the term of six years.

GEORGE H. EARLE.

SUPERINTENDENT OF PUBLIC INSTRUCTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Dr. Lester Kelly Ade of Williamsport, Lycoming County, Pennsylvania, as Superintendent of Public Instruction, vice Dr. James N. Rule, whose term expired, for the term of four years to be computed from date of confirmation.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Margaret E. Fink, Farmers Bank Bldg., Pittsburgh.
A. J. Justus, Gulf Bldg., Pittsburgh.
Miss Selma V. McNally, 1101 Grant Bldg., Pittsburgh.

BLAIR COUNTY

M. A. Wolfberg, Altoona.

DAUPHIN COUNTY

Miss Margaret E. Hepford, Harrisburg.

FAYETTE COUNTY

Mrs. Edna F. Roseberry, Uniontown.

LACKAWANNA COUNTY

Howard A. Wiley, Scranton.

LUZERNE COUNTY

Anthony J. Beeunas, Wanamie.
Richard Horton, Nanticoke.

PHILADELPHIA COUNTY

Louis Grallnick. 330 Market St.. Philadelphia.
Joseph Green, 6018 N. Camac St., Philadelphia.
Miss Jane M. Hill, Commercial Trust Bldg., Philadelphia.
Miss Pauline W. Scharf, Lincoln-Liberty Bldg., Philadelphia.
Miss Carlotta G. Taylor, 2126 Land Title Bldg., Philadelphia.

SCHUYLKILL COUNTY

Edward L. Burmeister, Ashland.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ERIE COUNTY

Miss Clara A. Roudebush, Erie.

LEHIGH COUNTY

August S. Hohl, Catasauqua.

PHILADELPHIA COUNTY

R. Jos. Sommer, 1126 Hamilton St., Philadelphia.

YORK COUNTY

John T. Logan, York.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Harvey,	Owlett,	Salus,
Batchelor,	Howell,	Pierson,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Buckman,	Lanius,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Law,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Mallery,	Rice,	Trainer,
Clark,	McClure,	Roberts,	Ziesenheim,
Coyne,	McCreesh,	Rodgers,	Homsher, Pres. Pro. Tem.
Frey,	McGinnis,	Rupp,	
Gelder,	Miller,		
Graff,	Norton,		
Harris,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF BILLS ON SECOND READING

Mr. BUCKMAN. Mr. President, I move that the Senate do now proceed to the consideration of bills on second reading on today's calendar.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 34, as follows:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing for a State annuity for principals supervising principals and superintendents who separated from school service prior to the establishment of the retirement system

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the fifteenth day of May one thousand nine hundred and twenty-nine (P. L. 1759) is hereby further amended to read as follows

SUPERANNUATION RETIREMENT

Section 14 Retirement for superannuation shall be as follows

1 Any contributor who is an employe sixty-two years of age or older may retire for superannuation by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the execution of said application he or she desires to be retired Said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

2 Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of seventy years is attained

ALLOWANCE ON SUPERANNUATION RETIREMENT

3 On retirement for superannuation a contributor who is an employe shall receive a retirement allowance which shall consist of

(a) An employe's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service and

(c) In addition thereto if a present employe a further State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section eleven of this act

4 Any person sixty-two years of age or older who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen or any person who was a class-room teacher prinmipal supervising principal or superintendent in the public schools of Pennsylvania for at least fifteen years and who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eightieth of his or her final salary for each of school service but not less than twenty dollars ($20) per month if such former teacher shall agree in writing and hold himself or herself ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupils' homes in the interests of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interests The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection Provided That any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers' retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 213, as follows:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title to any real estate situate in this Commonwealth which may have been held prior to July third one thousand nine hundred thirty-three by any foreign corporation not authorized under the laws of Pennsylvania to hold the same the title to which real estate has been heretofore conveyed by such foreign corporation to a citizen of the United States or to any corporation incorporated under the laws of this Commonwealth or of any other State or Commonwealth in the United States and authorized to hold such real estate is hereby declared to be good and valid and free and clear of any right of escheat by the Commonwealth and such citizen or corporation grantee as aforesaid and his or its respective heirs successors and assigns shall hold and may convey such title and estate indefeasibly as to any right of escheat which the Commonwealth might otherwise have by reason of said unauthorized holding and conveyance by such foreign corporation and all such conveyances heretofore made are hereby ratified and confirmed

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 214 (House Bill No. 89), entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 646 (House Bill No. 666), as follows:

An Act appropriating the moneys in the State Forests and Waters Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That the moneys in the State Forests and Waters Fund from time to time are hereby specifically appropriated to the Department of Forests and Waters for the development of the State forest and park lands and other lands and waters under the jurisdiction of the Department of Forests and Waters and for payment to the Government of the United Etates of such proportion of direct profits derived from the sale of land or its products resulting from Emergency Conservation Work projects and for the payment of net profits accruing from the administration of lands acquired from the Federal Government and its agencies as may be required by Federal law or order or as may be agreed upon from time to time by the Secretary of the Pennsylvania Department of Forests and Waters and the head of any Federal Department or agency

Section 2 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 718, as follows:

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedneess of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

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ARTICLE I

GENERAL PROVISIONS

Section 101 Be it enacted by the Senate and House of Reperesentatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That pursuant to the provisions of Article XV Section 4 of the Constitution of the State the County of Allegheny the offices and poor districts thereof and as hereinafter provided the cities boroughs and townships situated therein are hereby c[illegible] into a consolidated city and county with the constitutional and legal capacity of a municipal corporation to be known as city of "Metropolitan Pittsburgh" and hereinafter referred to as the consolidated city

Section 102 The said consolidated city shall be at the same time a city and a county and shall have at the same time all the powers rights and obligations appropriate to a city and to a county except as hereinafter expressly provided The said consolidated city shall be governed in accordance with the provisions of this charter All the laws of the state whether general special or local relating to or applicable to the County of Allegheny and to county officers of the County of Allegheny as the same may be on the date of the adoption of this charter shall continue to be in full force and effect except as the same may be inconsistent with the terms hereof and shall be and become a part of this charter as if incorporated herein and shall so remain until amended modified supplemented or repealed by appropriate amendment of this charter in accordance with the provisions hereinafter provided in article XIX

Section 103 The cities boroughs and townships within the County of Allegheny as the same shall be on the date of adoption of this charter shall continue to exist as municipal divisions thereof with their then names and boundaries The powers rights capacities and duties of said cities boroughs and townshps as municipal divisions of the consolidated city and the forms of government thereof shall except as otherwise provided in this charter continue to be determined by the laws of the state relating to cities boroughs and townships of their respective classifications as said laws now are or may hereafter be Any two or more municipal divisions or portions thereof may in accordance with the procedure hereinafter provided in Article XVIII be united of their own violation to form a single municipal diviston

Section 104 This charter shall become effective for all purposes except as hereinafter expressly otherwise provided upon the first day of January one thousand nine hundred thirty-six but if said charter has not been adopted prior to said date then upon the first day of the year which follows the adoption of this charter Whenever in any section of this charter the term "effective date" appears the same shall be taken and construed to refer to the effective date of this charter as defined in this section

Section 105 This charter does not include any provisions and shall not be construed to repeal or modify any acts relating to juries the duties of jury commissioners the administration of public schools public libraries law libraries or state highways applicable to the County of Allegheny or any part thereof but the same shall continue to be in full force and effect in the consolidated city and in the cities boroughs and townships situated therein in like manner as if this charter had not been adopted

Section 106 The consolidated city shall be a body corporate and politic under the name of city of "Metropolitan Pittsburgh" It shall have the capacity as a body corporate to

(a) Make such contracts as may be necessary for carrying out its corporate purposes and powers

(b) To acquire by purchase lease or otherwise and hold real estate within and without the limits of the consolidated city and personal property and to lease pledge mortgage sell convey or otherwise dispose of the same

(c) To sue and be sued

(d) To enjoy perpetual existence and succession

(e) To have a corporate seal

Section 107 There shall be transferred to the consolidated city upon the effective date of this charter all the property rights moneys interests claims and causes of action now possessed by or visited in the County of Allegheny and the directors of the poor of the County of Allegheny and all the works buildings and properties of the several cities boroughs and townships of the County of Allegheny now devoted to the care of the poor indigent feebleminded and insane The property rights of the several municipal divisions of the said consolidated city in such streets and bridges as may be designated by the Board of Commissioners as through traffic streets pursuant to Section 108 of this Article shall upon such designation pass to the consodilated city In the same manner the property rights of any municipal division in all works buildings and property used in connection with any function of said municipal division hereafter surrendered by such municipal division and accepted by the consolidated city shall pass to the consolidated city

Section 108 There shall be transferred to the consolidated city upon the effective date of this charter the following bonded and other indebtedness as the same may be on said date

(a) The bonded and other indebtedness and liabilities of the County of Allegheny

(b) The bonded and other indebtedness and liabilities of the directors of the poor of the County of Allegheny

(c) The bonded and other indebtedness and liabilities of the present City of Pittsburgh incurred for and on account of the care of the poor indigent feebleminded and insane and being the indebtedness of the present City of Pittsburgh incurred in connection with the activities and institutions now administered by its Department of Welfare

The consolidated city shall be liable for the payment of the foregoing indebtedness and liabilities to the same extent as if originally incurred by the consolidated city In the case of the bonded and other indebtedness and liabilities of the County of Allegheny and of the directors of the poor of the County of Allegheny the consolidated city shall pay the same in accordance with the terms on which such bonded indebtedness was created or such other liabilities incurred

The said bonded and other indebtedness and liabilities of the present City of Pittsburgh hereby transferred to and assumed by the consolidated city shall be treated and regarded as a new indebtedness of the consolidated city and the adoption of this charter as hereinafter provided shall be taken to constitute the consent of the electors thereof authorizing the creation of the said new indebtedness and the increase of the indebtedness of the consolidated city as provided in Article IX Section 8 of the Constitution of the State The consolidated city may issue bonds pursuant to the said authorization upon such terms as may be permitted by Law and the consolidated city may for the purpose of discharging the said indebtedness of the present City of Pittsburgh so transferred to and assumed by it either exchange the said bonds for the said outstanding obligations or sell the said consolidated city bonds or any portion thereof from time to time to provide funds to pay the said outstanding obligations of the present City of Pittsburgh as they mature or both as the board of commissioners may deem advisable

In the case of works buildings property and improvements including through traffic streets which may from time to time be transferred to and acquired by the Consolidated city pursuant to the provisions of the preceding section the then outstanding indebtedness incurred in connection therewith shall be assumed and paid by the consolidated city For this purpose the consolidated city shall have such additional rights and powers in connection with the payment and liquidation of the assumed indebtedness as may be possessed by the municipal division or district from which such works buildings property and improvements including through traffic streets shall have been so acquired

Whenever only a portion of the works buildings or property including through traffic streets may be taken by acquired by and transferred to the consolidated city from any municipal division thereof on account of which there is outstanding bonded or other indebtedness of the said municipal division the amount or proportion of such indebtedness to be transferred to the consolidated city shall be determined by agreement if possible between the Board of Commissioners of the consolidated city and the corporate authorities of the municipal division If such agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the fair and equitable adjustment of the said bonded or other indebtedness The said board shall consist of three members One member shall be selected by the Board of Commissioners of the Consolidated city Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom

Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Section 109 The consolidated city shall succeed to the rights and obligations of the several cities boroughs and townships of the County of Allegheny under all franchises consent ordinances or other agreements with public untilties to the extent to which the same relate to the portion of the facilities of any public utility company located in

any through traffic streets as designated by the Board of Commissioners

Where the conditions of any such franchise consent ordinance or agreement entitle the city borough or township to use any portion of the authorized facilities for its own purposes then said city borough or township shall continue as a municipal division of the consolidated city to enjoy the same privilege during the life of said franchise or consent ordinance

The consolidated city shall be entitled to receive a share of the payments due to any such city borough or township under any such franchise consent ordinance or agreement equal to the proportion which the facilities located in the through traffic streets bear to the total facilities authorized by such franchise or consent ordinance or covered by such agreement

If in any case an agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the sum to which the Consolidated City is entitled The said board shall consist of three members one member to be selected by the Board of Commissioners of the Consolidated City Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of the said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbritation shall be final and conclusive and without right of appeal therefrom Upon the rendering of a decision by the board of arbritration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Section 110 This act shall be known as submitted to the electors as and may be cited as "The Metropolitan Charter for the County of Allegheny"

ARTICLE II

POWERS

Section 201 The consolidated city in its corporate capacity as distinguished from the municipal divisions thereof shall have in addition to the powers and duties conferred or imposed thereon as provided in Article I of this charter the following powers and duties

Section 202 The power to regulate and provide for the care of the poor the indigent sick the defective the delinquent the feeble-minded and the insane and for the care of neglected and dependent children and for these purposes to acquire provide and maintain grounds buildings and equipment needed therefor For such purposes the consolidated city shall have all the powers and duties now possessed by the directors of the poor of the County of Allegheny and the Department of Welfare of the present City of Pittsburgh

Section 203 . The power and duty to provide institutions for the care custody and education to juvenile and adult offenders and to maintain direct and administer the same It is the intent and purpose of this charter that the maintenance direction and administration of the Allegheny County prison and the Allegheny County workhouse and inebriate asylum shall continue to be in the form and manner at present provided by law and so remain until a majority of the judges of the Court of Common Pleas of Allegheny County recommend that the consolidated city through an appropriate new or existing department take over all or a portion of said matters and said recommendations are approved by appropriate resolution of the board of commissioners And provided further that nothing in this article shall be taken to affect or modify the powers and duties of the juvenile court of the county of Allegheny as the same are now or may be hereafter provided by law

Section 204 The power to make and enforce regulations in relation to public health in addition to and not in conflict with the laws of the state and the regulations of the adisory board of the state department of health and to construct maintain and manage hospitals clinics sanitaria laboratories and other institutions for the promotion of the same Municipal divisions may adopt regulations in relation to public health in addition to and not in conflict with those of the consolidated city

Section 205 The power to acquire lease improve maintain and manage within or without the corporate limits of the consolidated city parks athletic fields playgrounds swimming pools community centers and other recreational athletic or cultural facilities and to construct acquire lease and maintain buildings and works appurtenant thereto It shall have the power to make and enforce regulations for the use of said parks playgrounds and other recreational facilities and to lease concessions and to charge or allow to be charged reasonable prices for goods sold or fees for the use of property or services

Section 206 The power to designate from among streets and highways other than state highways or state aid highways or township roads receiving state reward at any time existing in any part of the consolidated city and in addition to county roads hitherto established by the County of Allegheny or hereafter established by the consolidated city through-traffic streets which shall thereafter be maintained by the consolidated city the power to lay out and open new through-traffic streets the power to name re-name locate relocate improve straighten widen grade re-grade pave repave and establish street lines and grades for all through-traffic streets and to number buildings thereon the power to construct and maintain sidewalks curbs gutters catch basins drains culverts signs lighting fixtures and all other appurtenances incident to such through-traffic streets No street shall be designated or laid out as a through-traffic street unless the proposal so to do originates with the planning commission of the consolidated city or until the proposal has been laid before the planning commission and it has had not less than sixty days in which to express its opinion thereon If the planning commission of the consolidated city advises against the designation or laying out of any street as a through-traffic street the board of commissioners shall reconsider the proposal but the decision of the board of commissioners by a two-thirds vote upon reconsideration shall be final Whenever a change of grade of such a through-traffc street results in or requires a change of grade of any connecting street or highway the said change of grade on the said connecting street or highway shall be regarded and treated in all respects as a part of the improvement of the through-traffic street and the consolidated city shall have the power to fix the grade of said connecting street or highway and do all other things necessary to fully carry out and complete the necessary improvement and acquire all right and assume all burdens arising therefrom

Section 207 The power to make regulations with regard to the erection of fences signs billboards buildings and structures within three hundred feet of any through-traffic street or county road provided that in any municipal division which has in effect an ordinance inconsistent with such regulations the ordinance of the municipal division shall control

Section 208 The power to construct operate and maintain bridges viaducts and tunnels connecting streets or portions of streets designated as through-traffic streets as provided in this charter

Section 209 The power to determine subject to existing rights and obligations when and under what conditions through-traffic streets or any portion thereof so designated by the board of commissioners may be occupied by poles wires conduits pipes subways tracks or other property or facilities of public utility companies Municipal divisions shall have the right to use such through-traffic streets for their facilities subject to such reasonable regulations as the board of commissioners shall adopt

Section 210 The power to create districts for the purpose of regulating the location height area bulk and use of buildings and premises and to exercise planning powers but in any municipal division which has an ordinance inconsistent with such regulations the ordinance of the municipal division shall control

Section 211 The power to create and provide for the management of special districts for the purpose of acquiring constructing maintaining and operating or contracting for any public property work improvement utility or service not for the exclusive benefit of any one municipal division and when the same are not self-sustaining to provide for the payment of the cost and/or operation and maintenance of such property work improvement utility or service by a special tax levied through such special district receiving such special service No such district shall be created unless and until the board of commissioners has held a public hearing upon the creation thereof Notice of such hearnig shall be served upon the governing body of each municipal division any part of which is included in the said proposed district and shall be published two times at intervals of one week in a newspaper of general circulation in the consolidated city and similarly in a newspaper published in each of the said municipal divisions and of general circulaton therein if there be such a newspaper The hearing shall be held not less than ten days after the last publication of the notice and not less than thirty days after the service of notice upon the governing bodies of the said municipal divisions

Section 212 The power and duty to establish recruit train and maintain a police and detective force together with the power to create and maintain agencies institutions and facilities for the apprehension of criminals and the prevention and detection of crime

Section 213 The power to regulate by ordinance the production or emission of smoke from any chimney smokestack or other source and the construction of all hereafter constructed or rebuilt chimneys stacks flues smokepipes and ventilators Smoke is hereby defined as the product of combustion whether gases or solids

Section 214 The power to make uniform regulations not inconsistent with the laws of the State for the control of traffic on all through-traffic streets and all bridges and tunnels incident thereto which regulations it shall be the duty of all peace officers of the several municipal divisions as well as the police and traffic patrol of the consolidated city to enforce The power to acquire provide install and maintain traffic signal lights and other physical devises for the control of traffic on such through-traffic streets and the power to prescribe the type and manner of installation and operation of signs signal lights and other physical devices for the control of traffic thereon established and maintained by any municipal division The term "through-traffic street" as used in this section shall be taken to mean the streets designated as such in accordance with the provisions of section 206 (two hundred six) of this article and shall have no reference to the term "through-traffic street" as used in any other law

Section 215 The exclusive power to assess property offices professions and persons for taxation within the consolidated city and to establish such methods and procedure therefor not inconsistent with the provisions of this charter as the board of commissioners may by ordinance determine

Section 216 The power to levy and collect such taxes as may be necessary for the purpose of paying the debts and defraying the expenses of the consolidated city on all property and persons within the limits of said city taxable according to the laws of the state for county purposes except machinery of all kinds and to levy and collect all other taxes fees and licenses permitted to counties or county officers under the laws of the state

Section 217 The power to incur indebtedness for the purpose of carrying out any of the powers conferred by this charter subject always to the limitations of the constitution of the state and wherever practicable serial bonds shall be issued in preference to bonds of any other nature In no case however shall any bonds of any other securities of the consolidated city be issued for a term which shall exceed thirty years or the estimated life of the work or improvement for the payment of which they are issued whichever period of time is shorter Said estimated life shall be determined by the head of the department under the direction of which such work or improvment is carried on and he shall make affidavit thereto to the board of commissioners which affidavit shall be supported and substantiated by the additional affidavits of two disinterested registered engineers not being in the employ of the consolidated city who shall be members in good standing of the American Society of Civil Engineers or its successors to be appointed by the public administrator of the consolidated city stating that each of them is familiar with the work or project in question and that the estimated life of the work is not less than the estimated life certified by the head of such department

Section 218 The power to exercise for the purpose of carrying out any of the powers conferred by this charter including the acquisition of property on behalf of the special districts provided for in section two hundred eleven of this article the right of eminent domain in the form and manner provided for by the laws of the state for municipal corporations and in connection with the exercise of the right and power of eminent domain for the acquisition of real property the title thereto so acquired shall be in fee simple provided that nothing herein contained shall be deemed to give the consolidated city power to condemn property or facilities of public utilities the power to condemn which is not possessed by Allegheny County or the municipal divisions thereof on December thirty-first one thousand nine hundred and twenty-nine

Section 219 The power in connection with the construction and operation of any public building or improvement to include therein or attach thereto storerooms parking garages or other space or facilities and to charge for the use thereof

Section 220 The power to enact ordinances for the purpose of carrying out the powers conferred by this charter and to make reasonable rules and regulations pertaining thereto and to provide for the punishment of violation thereof by imposing a fine of not more than one thousand dollars or imprisonment in the jail or workhouse for a period not exceeding six (6) months either or both for each violation thereof

Section 221 The power to create and define by ordinance the powers and duties of all offices and employments not established by the constitution of the state or by this charter necessary for the purpose of carrying out the provisions of this charter and executing the powers and duties of the consolidated city to modify consolidate or abolish the same and to fix the compensation of all officers and employees of the consolidated city not fixed by this charter Except as specifically provided in this charter the officers and employees of Allegheny County of the directors of the poor of Allegheny County and of the department of welfare of the present city of Pittsburgh as the said officers and employes shall be on the effective date of this Charter are continued in their then offices and employments at their then rate of compensaion until removed or transferred or until their successors are duly elected or appointed as the case may be or until their said offices and employments be modified consolidated or abolished or the compensation therefor altered as authorized in this charter It is the purpose and intent of this section that no interruption in the performance of any of said offices or employmens shall be caused by the adoption of this charter

Section 222 The power to provide a system of retirement annuities or pensions for old age and/or disability and/or death benefits to dependants applicable to regular officers and employes of the consolidated city based upon

equal contributions by the consolidated city and by the officers and employes thereof to an extent of not less than thirty per cent nor more than fifty per cent of their annual compensation and to provide for the insurance of any and all of its officers and employes and dependents against the consequences of injuries received by such officers and employes in performance of their duty

Section 223 The power to accept devises bequests legacies donations or services to or for the use of the consolidated city or of its departments and to administer the same in accordance with the conditions thereof or to reject and devise bequest legacy or donation accompanied by conditions unacceptable to the consolidated city

Section 224 The power to employ such measures as may be necessary or proper for the carrying out of the powers conferred by this charter upon the consolidated city and the departments and officers and employes thereof and all rights and powers incidental thereto and as may be necessary or convenient to enable it to carry on its metropolitan powers and functions without interruption

Section 225 The power to receive accept and administer grants of money from the United States the State or any sub-division or bureau thereof upon such terms and conditions as the board of commissioners may deem advisable provided however that nothing in this section shall be construed to permit the consolidated city to incur any indebtedness except in strict accordance with the provisions of the constitution In the event that indebtedness of the consolidated city is created in connection with the receiving of such grants said indebtedness shall provide for the payment and liquidation thereof over a period of not more than thirty years preferably by serial bonds and shall make such appropriations of general funds or levy such appropriate taxes as may be necessary to provide for the payment and liquidation of said indebtedness

ARTICLE III

BOARD OF COMMISSIONERS

Section 301 There shall be a board of seven commissioners in which shall be vested except as otherwise providd in this charter all the powers of the consolidated city In addition to such powers the said board of commissioners shall have all the powers of the commissioners of the County of Allegheny the directors of the poor of the County of Allegheny as the same shall be on the date of adoption of this charter and shall have powers similar to those exercised by the departments of welfare and of health of the present city of Pittsburgh as the same shall be on the date of the adoption of this charter.

Section 302 The members of the board of commissioners shall be qualified electors of the consolidated city and must at the time of their election have been citizens of the United States for a period of not less than ten years and shall have resided in the district of which each must be a resident as hereinafter provided for not less than five years The chairman of the board of commissioners shall at the time of his election have resided in the consolidated city for a period of not less than ten years and shall have been a citizen of the United States for not less than twenty years and shall be elected at large and the other six commissioners shall be residents of and elected by the electors of districts numbers one two three four five and six respectively as hereinafter provided The chairman of the board of commissioners shall receive an annual compensation of six thousand dollars and the remaining members shall receive an annual compensation of five thousand dollars

Section 303 In the event that this charter is adopted at the special election hereinafter provided to take place during the year one thousand nine hundred and thirty-five the election of the first board of commissioners of the consolidated city shall be held at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-five and the commissioners thereupon elected shall take office on the first day of January one thousand nine hundred and thirty-six At said election there shall be elected at large a chairman of the board of commissioners and six other members of the said board to serve for terms of four years each from the first Monday of January one thousand nine hundred and thirty-six In the event that this charter is not adopted at the special election during the year one thousand nine hundred and thirty-five hereinafter provided then the following provisions shall govern the taking of office of the first board of commissioners of the consolidated city If the charter is adopted during the year one thousand nine hundred and thirty-seven prior to the municipal election for that year the three county commissioners of the County of Allegheny in office on the thirty-first day of December one thousand nine hundred and thirty-seven shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-seven there shall be elected at large four members of the board of commissioners to serve for terms of two years from the first Monday of January one thousand nine hundred and thirty-eight and the person receiving the highest number of votes for the office of commissioner at the said municipal election in the year one thousand nine hundred and thirty-seven shall be and become chairman of the board of commissioners At the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the tneir board of commissioners shall be elected in the manner and by and from the districts herein provided In the event that the charter is adopted during the year one thousand nine hundred and thirty-eight or the year one thousand and thirty-nine the three county commissioners of the County of Allegheny in office on the thirty-first day of December of the year during which the charter is adopted as aforesaid shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board of commissioners shall be elected as above provided

Section 304 The board of commissioners of the consolidated city as first constituted shall meet on the third Monday of November following their election or as soon thereafter as the returns of the election are officially certified appoint a secretary prepare ordinances and resolutions affecting the organization of the consolidated city government so that the same may be adopted promptly upon the commencement of their term of office consider a budget for the ensuing year and transact any other appropriate business

Section 305 The board of commissioners shall meet at ten o'clock in the morning of the first Monday of January of the year in which their terms of office become effective and shall hold a regular meeting at least three times a week on Mondays Wednesdays and Fridays Special meetings may be called only by written notice signed by the chairman or by four members of the board of commissioners delivered at the residence or place of business of each member of the board at least twenty-four hours before the time of such meeting The presence of four members which may include the chairman shall constitute a quorum Every ordinance resolution or vote of the board of commissioners except votes upon merely procedural motions shall require at least four affirmative votes

Section 306 At the said meeting on the first Monday of January of the year during which the terms of office of said commissioners become effective the board of commissioners shall elect from its own members a vice-chairman who shall preside at meetings in the absence of the chairman In the event of the death removal or resignation from office or permanent disability of the chairman the board of commissioners shall fili the vacancy forthwith by the election for the unexpired balance of the term of a person qualified to be elected to such office who shall be of the same known political affiliation as the said chairman In the event of the death resignation or removal from office or pormanent disability of any other member of the said board of commissioners the remaining members of the board including the chairman shall forthwith cause said vacancy to be filled by the appointment

for the unexpired balance of the term of a person qualified to be elected to such office and who shall be of the same known political affiliation as the said commissioner

Section 307 The board of commissioners shall have power to adopt such rules of procedure as are not inconsistent with the provisions of this charter

Section 308 All ordinances and resolutions shall be introduced in written form and except in the case of an emergency ordinance no procedings other than reference to a committee or other authority to which ordinances and resolutions must or may be referred as provided in this charter shall be had thereon until the same have been printed and placed on the desks of the members for at least twenty-four hours All ordinances other than emergency ordinances shall be read once at length and considered on three separate days The yeas and nays shall be taken upon the passage of all ordinances and resolutions and shall be entered upon the journal of the board of commissioners The enacting clause of all ordinances shall be Be it ordained by the Board of Commissioners of the city of Metropolitan Pittsburgh

Section 309 All ordinances except the annual appropriation ordinance and ordinances codifying or arranging existing ordinances shall be confined to one subject and the subject of each ordinance shall be clearly expressed in its title Ordinances making appropriations shall be confined to the subject of appropriations

Section 310 An emergency ordinance is an ordinance to provide for the immediate preservation of the public peace property health or safety in which the emergency claimed is set forth as part of the ordinance and which is passed by not less than five affirmative votes No ordinance granting renewing or amending a franchise or other special privilege shall be passed as an emergency ordinance except that an ordinance granting renewing or amending a franchise or other special privilege for a public utility already possessing a franchise or consent to operate within the limits of the consolidated city may be passed as an emergency ordinance if the director of the department of public works shall first certify in writing to the board of commissioners that the immediate passage of said ordinance is essential to the public welfare

Section 311 All ordinances and resolutions shall be authenticated by the signature of the chairman or vice-chairman in the absence of the chairman and the secretary of the board of commissioners under the seal of the city of Metropolitan Pittsburgh The board of commissioners shall keep a journal in which shall be recorded all official actions of the board This journal shall be a public record and open to inspection between the hours of nine in the forenoon and five in the afternoon of any business day

Section 312 All acts of the board of commissioners affecting the public generally in the consolidated city or any substantial portion thereof and all authorizations of the board of commissioners to a settlement or compromise of claims of every character and description against the consolidated city exceeding five hundred dollars shall be enacted by an ordinance of the consolidated city and all other acts of the board of commissioners shall be by resolution In the case of resolutions it shall not be necessary to publish notice thereof except as otherwise provided in this charter but in the case of ordinances notice thereof shall be published as follows within three days after the introduction of said ordinance in brief abstract of the important provisions thereof shall be published once in a daily newspaper published in the consolidated city and of general circulation therein and in addition if the said ordinance relates to less than the whole consolidated city and relates to or specifically affects anyone or more of the municipal divisions thereof in a daily newspaper if any published therein and if there is no daily newspaper published therein then as soon thereafter as possible in a weekly newspaper if any published in the said municipal division or divisions No ordinance other than an emergency ordinance shall be finally passed until such publication has been completed and affidavit of publication thereof filed with the secretary of the board of commissioners Within ten days after the final passage of any ordinance involving the imposition of fines and penalties the portion of the ordinances setting forth the offense and the amount of the fine and penalty shall be published in full once in a daily newspaper published in the consolidated city and of general circulation therein

The board of commissioners shall provide by rules and regulations that a reasonable number of copies of ordinances shall be printed as the circumstances may require and as the demand therefor may exist by the public generally or by persons specifically interested therein In case ordinances are passed at the request of and for a private interest the person firm or corporation one or more so interested in the said ordinance shall pay in advance all costs of printing and publication involved in the enactment of the said ordinance

Section 313 The board of commissioners shall have the power to fix the amounts of the bonds to be given by the elective and appointive officers and employes of the consolidated city provided that they shall be approved in the case of the controller by the board of commissioners and in the case of all other officers and employes by the controller and premiums thereon shall be paid by the consolidated city The said bonds shall be bonds of individual sureties or of a Surety Company or Companies acceptable to the board of commissioners and duly qualified and authorized to do business in this state

Section 314 The fiscal year shall begin on the first day of January and end on the thirty-first day of December next following

Section 315 On or before the first Monday of November in each year the public administrator shall submit to the board of commissioners an estimate of the revenues and expenditures of the consolidated city for the ensuing calendar year This estimate shall be compiled by said public administrator from detailed information supplied by the Directors of the several departments and other officers boards and courts of the consolidated city upon uniform blanks furnished by the director of finance and it shall be the duty of every department head officer court and board to fill out the said blanks with all the information demanded thereon and return the same to the director of finance on or before the date set by him for such return The classification of the estimate of expenditures shall be uniform for the main functional divisions of each department office court and board and whenever the system of accounts referred to in Article VII shall have been put into effect shall correspond with the classification employed therein For the purpose of this and the succeeding sections of this Article the offices of the several county officers as provided in Article IV of this charter shall be deemed to be departments of the consolidated city

Section 316 The estimate of expenditures submitted to the board of commissioners shall contain in parallel columns a detailed estimate of the expense of conducting each department and each other office court or service of the consolidated city as submitted by the head of such department or the officer court or board as the case may be and the recommendation of the public administrator as to the amounts to be appropriated with his reasons for his recommendation together with such other information as may be prescribed from time to time by the board of commissioners The estimate of expenditures shall likewise contain a statement of the total debt of the consolidated city the debt less sinking fund the debt less assets legally deductible in determining debt incurring capacity and a schedule of the maturities of all securities outstanding of the consolidated city together with an estimate of the sums to be expended in the ensuing calendar year for (1) interest on the debt (2) paying off securities maturing during the year and (3) sinking fund requirements

Section 317 The estimate of revenues which must be submitted with the estimate of expenditures shall contain in parallel columns a detailed statement of the receipts for the last fiscal year the receipts for the current fiscal year plus an estimate of the receipts for the balance of the current fiscal year and the estimated receipts for the ensuing fiscal year from each source of revenue other than from taxes and such other information as the board of commissioners may prescribe The said estimate shall contain a statement of the revenue from taxation for the

last five completed fiscal years and the current fiscal year together with an estimate of the millage necessary to meet the expenditures proposed in the estimate of expenditures

Section 318 On the same day as the foregoing estimate of revenues and expenditures is presented to the commissioners of the consolidated city the said public administrator shall file in the office of tne director of finance five copies thereof which shall be open to inspection of the public thereafter between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of every business day An abstract of the estimate of revenues and expenditures shall also be forthwith made available in pamphlet form to the public without charge

Section 319 With the estimate of revenues and expenditures the public administrator shall present to the board of commissioners a draft of an appropriation ordinance which shall thereupon be deemed to have been regularly introduced therein The board of commissioners shall give notice by advertisement in two successive issues of two daily newspapers published in the consolidated city and of general circulation therein of a public hearing or hearings which shall not commence sooner than five days after the last publication Following the public hearing or hearings the appropriation ordinance may be amended and shall thereafter take the same course as other ordinances

Section 320 Not later than one week after the final passage of the appropriation ordinance the director of finance shall certify to the board of commissioners the tax levy in dollars per hundred of assessed valuation necessary with other sources of revenue as estimated to produce the income necessary to provide for the total sum appropriated in the appropriation ordinances The board of commissioners shall thereupon proceed to adopt a tax levy ordinance of an amount sufficient to meet fully the estimated expenditures

Section 321 The board of commissioners may transfer any portion of the unencumbered balance of an appropriation to any other purpose upon the written recommendation of the director of finance certifying the existence of such unencumbered balance and setting forth the reason for such transfer and may at any time appropriate any moneys in the treasury not otherwise appropriated

Section 322 Together with the annual estimate of revenues and expenditures as heretofore provided the public administrator shall submit an estimate of the revenues and expenditures for the ensuing calendar year for each special tax district Said estimate shall be presented as near as may be in the same manner and form as the general estimate of revenues and expenditures and like proceedings with regard to hearing or hearings appropriation ordinance and tax levies shall be had thereon except that notice of hearing shall be published in the manner provided for the publication of notice of ordinance as provided in Section three hundred twelve of this Article

Section 323 Except as otherwise expressly provided in this charter the board of commissioners shall have the power and duty of classifying all persons in the service of the consolidated city and the bureaus board departments and divisions thereof and to fix the compensation of all such persons and likewise to fix and determine the number thereof and the minimum requirements and qualifications for each class of position The powers and duties imposed by this section shall be exercsied by ordinance but only after there has been filed by the public administrator in the office of the board of commissioners the recommendations thereto of the department of personnel made pursuant to the provisions of section 1405 (fourteen hundred five) of Article XIV together with his report thereon and the report thereon of any officer or head of department interested Changes in the classifications salaries number of employes or in the minimum requirements and qualifications for each class of position as aforesaid shall be made by ordinance as aforesaid and only after the recommendations thereto from the Department of personnel have been made to the public administrator as provided in section 1405 (fourteen hundred five) of Article XIV and only after the public administrator has filed in the office of the board of commissioners the said recommendations together with his comments thereon and the reports thereon of any officer or head of department interested have been likewise filed in the office of the board of commissioners Provided however that the public administrator shall in every case within ten days after the recommendations of the department of personnel as aforesaid shall have been filed in his office transmit the same together with his report thereon to the office of the board of commissioners and providing further that the recommendations of the board of personnel shall be deemed to have been approved by any officer or head of department interested unless he shall within the period of ten days as aforesaid file his report thereon in the said office of the board of commissioners

Section 324 The board of Commissioners may create by ordinance the office of public defender in and for the court of oyer and terminer and quarter sessions of the county of Allegheny and prescribe the duties of said office and may likewise provide for appointment of such employes of said office as may be advisable subject always to the provisions of Article XIV The annual compensation of said public defender shall be provided for by said ordinance and shall not exeeed the sum of six thousand dollars

ARTICLE IV

COUNTY OFFICERS

Section 401 In the case of fees charges penalties or costs paid by the state or any department division or bureau thereof to any county officer by reason of his holding of any office the same shall hereafter be paid over by him to the treasurer of the consolidated city and be and become the property of the consolidated city as a part of the general fund

Section 402 The district attorney sheriff controller and coroner shall continue to be elected pursuant to the general laws of the state applicable to the County of Allegheny as the same may be on the effective date of this charter and shall continue to have the powers rights and duties prescribed by said general laws Any vacancy occurring in the office of district attorney sheriff controller and coroner by reason of death resignation or otherwise shall be filled forthwith by appointment by a majority of the judges of the court of common pleas for the unexpired balance of the term of a person qualified to be elected to such office and who shall be of the same known political affiliation as his predecessor

Section 403 The prothonotary of the court of common pleas the clerk of the court of quarter sessions the clerk of the court of oyer and terminer the recorder of deeds and two jury commissioners shall be appointed by a majority of the judges of the court of common pleas of Allegheny County The office of the clerk of the court of quarter sessions and of the court of oyer and terminer shall be held by the same person No person shall be eligible for appointment as prothonotary clerk of the court of oyer and terminer or of quarter sessions or recorder of deeds or for the office of jury commissioner unless he has been a citizen of the United States for a period of at least ten years and a qualified elector and resident of the consolidated city for a period of at least five years The said appointment shall be made in accordance with the provisions of section four hundred eight of this article

The said prothonotary clerk of the court of quarter sessions clerk of the court of oyer and terminer recorder of deeds and two jury commissioners shall have except as otherwise provided in this charter the right powers and duties of their respective offices as the same shall be on the effective date of this charter under the laws of the State applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 404 The offices of register of wills and clerk of the orphans' court of Allegheny County shall be held by the same person The said register of wills and clerk of orphans' court shall be appointed by a majority of the judges of the orphans' court of Allegheny County No person shall be eligible for said appointment unless he shall have been a citizen of the United States for at least ten years and a qualified elector and resident of the consolidated city for at least five years at the time of his ap-

pointment Said appointment shall be made in accordance with the provisions of section 408 of this article

The said register of wills and clerk of the orphans' court shall have except as otherwise provided in this charter the rights powers and duties of the register of wills and clerk of the orphans' court of Allegheny County as the same shall be on the effective date of this charter under the laws of the state applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 405 The treasurers shall be appointed by the public administrator with the approval of the board of commissioners Such appointment shall be made in the manner provided in section 408 of this article The term of said officers shall be for a period of four years beginning on January first of the calendar year following their appointment

The recorder of deeds and treasurer shall except as otherwise provided in this charter have the rights powers and duties provided by the laws of the state for their respective offices All information which the recorder of deeds is under the duty to prepare and furnish to any board or officials charged with the assessment of real estate under present laws shall hereafter be furnished to the appropriate officers and employes of the division of assessment of the consolidated city and the failure to certify the same at reasonable intervals as requested by the said division of assessment shall be deemed to be a misdemeanor in office and on conviction thereof shall be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding one year or both at the discretion of the court

No person shall be eligible for appointment to the office of treasurer unless at the time of said appointment he shall have been a citizen of the United States for at least ten years and a resident and a qualified elector of the consolidated city for at least five years

Section 406 The board of viewers in the number now provided by law shall be appointed by the judges of the court of common pleas and shall have such powers as now are or may hereafter be provided by law

Section 407 The offices of county surveyor and county engineer are hereby combined with that of the director of the department of public works of the consolidated city as hereinafter provided in Article X

Section 408 In the event that the charter is adopted at the special election for the year one thousand nine hundred thirty-five hereinafter provided the following officers shall thereupon be appointed by the aforesaid appointive powers all of said appointments to be made as soon as practicable and in no case later than the first day of December one thousand nine hundred thirty-five as follows the prothonotary of the court of common pleas the clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer In the event that this charter is not adopted at the special election aforesaid the prothonotary clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer in office on the effective date of the charter shall continue in office for the term for which they have been elected and thereafter these offices shall be filled by appointment as aforesaid Provided however that if the said charter is adopted at an election prior to the general election on the first Tuesday after the first Monday of November one thousand nine hundred thirty-seven then the two jury commissioners aforesaid shall be appointed by the court of common pleas as aforesaid and the office of surveyor shall be combined with that of county engineer and director of public works as aforesaid

Section 409 The annual compensation of county officers referred to in this article shall be as follows

The Sheriff	$9600.00
The Prothonotary	7200.00
The Clerk of Court of Quarter Sessions and Oyer and Terminer	7200.00
The Recorder of Deeds	7200.00
The Register of Wills and Clerk of the Orphans' Court	7200.00
The Treasurer	7200.00
The Controller	9600.00
The Coroner	7200.00
The District Attorney	9600.00
The two jury commissioners appointed pursuant to this article each	4200.00
Each member of the Board of Viewers	6000.00

Nothing in this section shall be construed to diminish the salary of any county officer in office on the effective date of this charter during the term for which he was elected or appointed

Section 410 The controller shall make and file reports with the board of commissioners from time to time relating to the efficiency and effectiveness of the service in any office department bureau or board of the consolidated city and the necessity therefor and shall include in said report such suggestions and recommendations relating to betterment thereof as he may deem best for the public service

Section 411 For the purposes of his office the controller may administer oaths summon witnesses and order the production of relevant books and papers from any office bureau department board division or employe of the consolidated city If any person refuses or neglects to obey such summons or order or neglects or refuses to answer a proper question addressed to him by the controller in the course of any hearing the controller may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books and papers demanded and to answer any proper question or questions If the said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall issue the same forthwith

Section 412 The controller shall have except as otherwise provided in this charter the powers and duties of the controller of the County of Allegheny as the same shall be on the date of adoption of this charter No money shall be drawn from the treasury of the consolidated city except by warrant countersigned by the controller and he shall countersign no warrant until he has satisfied himself that the claim to pay which the warrant is drawn represents a legal obligation of the consolidated city He shall keep in his office such records and accounts of the financial transactions of the consalidated city as will enable him promptly and accurately to perform this duty He shall have access at all times for himself or for any person designated by him to books records and cash in the offices of the director of finance treasurer and all other officers keeping accounts or handling money on behalf of the consolidated city He shall have power to inquire into all contracts including the performance thereof and all other proceedings involving the expenditure of public funds to which the consolidated city is a party and the official financial transactions of all officers and employes of the consolidated city He shall have the power to employ such expert accountants and other agents as he may deem necessary to carry out his powers of investigation and for this purpose the board of commissioners shall annually appropriate a sum of not less than fifty thousand dollars for the expenses of his office The controller may appoint a person learned in the law to act as his solicitor and as such to advise him upon all such legal matters as may be submitted to him and to conduct such litigation as may from time to time be desired by the controller He shall hold office at the pleasure of the controller and shall receive such compensation as shall be fixed by the controller provided however that the same shall not exceed the sum of six thousand dollars per annum

ARTICLE V

ELECTIONS

Section 501 The board of commissioners of the consolidated city shall have all the powers and duties relative to elections now or hereafter conferred or imposed by law upon boards of county commissioners of counties of the second class

Section 502 A regular municipal election shall be held on the first Tuesday after the first Monday in November of every odd numbered year At such election there

shall be chosen such elective officers of the consolidated city as are provided in this charter and the elective officers of the cities boroughs and townships being municipal divisions thereof in accordance with the laws of the state applicable to the same respectively Nominations for all officers for the consolidated city to be elected under the provisions of this charter and the municipal divisions thereof shall be made as provided by the general laws of the state and all primary elections and other elections including special elections shall be conducted in all respects as provided in said laws unless otherwise expressly provided in this charter

Section 503 Special elections called by the board of commissioners shall be held in such cases as are provided by this charter or by the laws of the state Special elections in municipal divisions shall be held when and as provided by the laws of the state applicable to each of them respectively and as provided herein

Section 504 It is the legislative intent and the intent of the electors expressed by their approval of this charter when and if the same is hereafter adopted that the benefits of changes and improvements in the laws governing elections made from time to time by virtue of constitutional amendment or revision or otherwise shall be forthwith made available to the electors of the consolidated city and to this end it is hereby provided that in the event that a proper system of elections by proportional representation or any other substantial change or modification in the conduct of elections is hereafter provided for by constitutional amendment revision or otherwise that the board of commissioners of the consolidated city shall as soon as practicable thereafter submit to the electors of the consolidated city a practicable and equitable plan for the application of said principles to the election of elective officers of the consolidated city the question to be submitted and voted upon at a general or special election as may be determined by the board of commissioners

Section 505 The districts of which the several members of the boards of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as follows

District number one shall consist of that portion of the present city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number two shall consist of that portion of the present city of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number three shall consist of that portion of the pressnt city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River This district shall not include any municipality wholly surrounded by the city of Pittsburgh but any such municipality shall be considered a portion of district number six as hereinafter provided

District number four shall consist of all that portion of the present County of Allegheny exclusive of any portion of the city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number five shall consist of all that portion of the County of Allegheny exclusive of any portion of the present City of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number six shall consist of all that portion of the County of Allegheny exclusive of any portion of the present city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River and shall include any borough which is now or may hereafter be wholly surrounded by the present city of Pittsburgh

ARTICLE VI

PUBLIC ADMINISTRATOR AND ADMINISTRATIVE SERVICE

Section 601 The executive direction and management of the administration of the consolidated city shall be except as otherwise provided in this charter in the sole control of the public administrator It shall be his duty to see that the laws of the United States of the state and the ordinances and resolutions of the consolidated city are faithfully executed He shall present to the board of commissioners annually as provided in Article III hereof a budget of the estimated revenues and expenditures for the ensuing year and in every way promote business efficiency and economy in the administration of the consolidated city and in the departmeits thereof

Section 602 As soon as practicable after the organization of any board of commissioners pursuant to the provisions of Article III hereof the said board of commissioners shall appoint a competent qualified person to the office of public administrator of the consolidated city No person shall be eligible for appointment to this office unless at the time of his appointment he shall have been a citizen of the United States for a period of not less than ten years and having had at least ten years actual business experience in the fields of engineering and/or accounting and/or finance The term of office of said public administrator shall be for the period of four years commencing on the first day of January following his appointment The annual compensation of the public administrator shall be as provided from time to time by the board of commissioners by ordinance Provided however that the rate or compensation of the upblic administrator shall not be diminished during the term of office for which he has been appointed

Section 603 The public administrator may be removed from office for assigned cause in the following manner the president of the board of commissioners shall notify him in writing of the proposal to remove him from office stating the specific grounds for such removal which shall include gross and wilful negligence incompetency or inefficiency in office or the wilful and corrupt demanding taking or receiving of any fee or reward for the performance of any such official duties other than the annual compensation provided for his office The proposal for removal shall be final unless the public administrator within a period of five days after notice of the proposal to remove him from office shall file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which must be granted him He shall have the right at such hearing to be represented by counsel After such hearing the board of commissioners shall vote upon the question of removal provided however that no order of removal shall be effective unless the same receives the affirmative votes of two-thirds of the board of commissioners

Section 604 The public administrator shall have the power to appoint and remove from office the employes of his own office and by and with the consent of the board of commissioners he shall appoint the heads of all departments of the administrative service of the consolidated city and such other officers employes and boards as this charter may provide Any officer or member of a board appointed by the public administrator as aforesaid may be removed for assigned cause in the following manner the public administrator shall first notify in writing the person to be removed of the proposal to remove him stating the specific grounds for such removal Notice by registered mail to his last known address of the person to be removed shall be sufficient for the purposes of this section The order of removal shall thereupon become final unless the person so notified shall within five days file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which request shall be granted He shall have the right at such hearing to be represented by counsel After such hearing the proposal of removal shall become effective and he shall be deemed to have been removed from office unless the board of commissioners by a two-thirds vote shall otherwise determine

Section 605 The public administrator shall have the power of direction and control acting through the directors of the several departments over all officers and employes of the administrative service of the consolidated city He may at any time inquire into the conduct of any department board office or service of any officer member or employe thereof

Section 606 The administrative service of the consolidated city shall include the following departments finance health safety public works welfare parks and recreation planning personnel law personal property and supplies

and such other departments divisions and bureaus as the board of commissioners may by ordinance from time to time provide The Board of commissioners may by ordinance assign and reassign among the departments divisions bureaus offices functions and services of the consolidated city except as the same are specifically assigned by this charter

Section 607 Except as otherwise specifically provided in this charter the directors of departments shall have the power to appoint the other officers and employes thereof subject to the provisions of Article XIV In all cases the appointing officer shall have power to remove from office or to discipline by fine suspension or demotion any officer or employe appointed by him upon furnishing the said officers or employe with a statement in writing of the grounds of the removal or disciplinary action Notice by registered mail to the last known address of the persons to be removed or disciplined shall be sufficient for the purpose of this section The order of removal or discipline thereupon shall become final unless within five days the officer or employe requests the opportunity to be heard by the director of the department or other officer making the order of removal or disciplinary action The hearing shall be private as the person to be removed or disciplined may request He shall have the right at such hearing to be represented by counsel After such hearing the officer making the order of removal or disclipinary action shall confirm the said order or revoke or modify the same in his discretion

At any hearing held upon a proposed removal or disclipinary action a stenographic record of the proceedings shall be taken at the cost of the department involved Within five days after an order of removal or discipline as decided by the head of the department becomes final the person so removed or disciplined may file an appeal in writing in the office of the public administrator setting forth any errors complained of in the decision of the department head in connection with his removal or discipline whereupon the office of the public administrator shall notify the department head of the taking of the appeal and the department head shall forthwith cause to be transcribed and filed with the public administrator the stenographic record of the proceedings so held by him for the removal or discipline of the appealing party The public administrator shall then as soon as practicable review the record and order such further hearings thereon as he deems advisable and the order of the public administrator confirming modifying or rvoking the proceedings shall be final without appeal by either party

Section 608 All persons who in accordance with the terms of this charter are appointed for fixed terms shall continue to exercise the functions of their several offices until their successors are appointed and qualified and all persons appointed to fill vacancies in such offices shall be appointed for the unexpired period or term unless otherwise expressly provided in this charter

Section 609 It is the purpose and intent of this charter that no person shall be removed from office or disciplined by fine suspension demotion or otherwise by reason of his affiliation with any political party or organization nor shall any officer department head or employe of the consolidated city hold any office in any political party organization or engage in political activity during the term of his office or employment in the consolidated city

Section 610 It shall be the duty of each department of the consolidated city to keep and maintain a continual and perpetual inventory of all property real and personal within its supervision or control The forms for such inventories shall be prescribed from time to time by the director of finance subject to approval of the controller The inventory shall be so kept and maintained that it shall at all times show the cost rate of depreciation and present depreciated value of all lands buildings equipment facilities and property within the department together with a description of the same and the location of the same In case of supplies and equipment the inventory forms shall show the name of the manufacturer factory serial numbers the name of the person firm or corporation from whom purchased the model type size estimated life and installation cost of the same the amount of insurance carried thereon and rate of insurance the date ordered the quantities received unit prices quantities issued requisition serial numbers and quantity on hand together with such other pertinent information regarding the same as may be prescribed from time to time by the director of finance In the case of buildings and structures the nature and composition of the same shall be set forth together with classification for heavy or light use as the case may be

In event of a difference of opinion between the director of finance and the controller as to forms the decision of the chairman of the board of commissioners shall be final

ARTICLE VII

DEPARTMENT OF FINANCE

Section 701 There shall be a director of finance who shall be head of the department of finance He shall have administrative charge of the financial affairs of the consolidated city including the keeping or supervision of all accounts except those of the controller Except as otherwise provided in this charter he shall appoint the officers and employes of the department subject to the provisions of Article XIV

Section 702 The director of finance shall have power to prescribe the nature and forms of all accounts to be kept in the department of finance and by all officers and employes of the consolidated city subject to the approval of the controller and the times when and the manner in which all officers and employes receiving money for the use of the consolidated city shall pay the same into the treasury

Section 703 In the department of finance there shall be a division of accounts under the immediate charge of the director of finance in which shall be kept the general accounts of the consolidated city These accounts shall be adequate to record in detail the value and custodianship of all property of the consolidated city and all transactions relating thereto and the financial transactions of the consolidated city in such manner as to show in addition to the receipts and disbursements the accruals of revenue and the incurring of obligations in relationship to each fund and appropriation There shall be an appropriation ledger in which each appropriation shall be set up as in the appropriation ordinance and it shall be the duty of the director of finance to encumber each such appropriation with the amount of each order contract or other obligation before the order is placed or obligation incurred Separate accounts shall be kept of all financial transactions relating to current operations including outlays from bond issues condemnation proceedings financing of works in special districts and the principal and interest on the bonded indebtedness of the consolidated city

Section 704 The director of finance shall prepare and submit to the board of commissioners not later than the twentieth day of each month a summary statement of revenues and expenses of the previous month detailed as to appropriations and funds in such manner as to show the exact financial condition of the consolidated city and of each appropriation and fund as of the last day of the previous month This statement shall be made available in pamphlet form for distribution to the public upon request without charge

Section 705 No money shall be drawn from the treasury of the consolidated city nor shall any obligation for the expenditure of money be incurred except in accordance with an appropriation by the board of commissioners At the close of the fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall forthwith be available for reappropriation by the board of commissioners

Section 706 No contract agreement or other obligation involving the expenditure of money out of appropriations made by the board of commissioners shall be entered into nor shall any order for such expenditure be valid unless the director of finance shall first certify that there is an unencumbered balance in the appropriation account to be thus charged therewith sufficient to meet the obligation thus created Nothing in this section or in the preceding sections shall be taken to prevent the consolidated city from entering into obligations for more than one year

and not exceeding ten years and for the payment thereof from current revenues from year to year

Section 707 At the close of each fiscal year the public administrator shall appoint one or more certified public accountants approved by the board of commissioners to audit the accounts of the consolidated city and all officers and employes thereof Such accountant or accountants shall have access to all books records and accounts of the consolidated city Upon the completion of said audit an abstract of the same shall forthwith be made available in pamphlet form for distribution to the public upon request without charge

Section 708 No claim against the treasurer of the consolidated city shall be paid except by means of a warrant issued by the director of finance and signed by the director of finance or his authorized deputy and countersigned by the controller or his authorized deputy No such warrant shall be issued to pay a claim for goods delivered unless the receipt of the goods for which the claim is made is certified by the purchasing agent and the officer and employe accepting delivery of the same on behalf of the consolidated city No warrant shall be issued for the payment of any wages or salary other than the compensation of elective officers except upon the basis of a payroll or pay voucher certified by the department for which the service has been rendered and by the director of the department of personnel No warrant shall be issued for the payment of the whole or part of the obligation of any contract for public work or for contractual services until the performance of such part of the contract as entitled the claimant to receive the same has been certified by the head of the department under the direction of which the work or service is performed The director of finance may require such additional evidence of the validity of any claim and conduct such investigation with regard thereto as he may deem necessary For this purpose he shall have access at all reasonable times for himself or for any person designated by him to books records and cash in the offices of the treasurer and of all other offices keeping accounts or handling money on behalf of the consolidated city pertinent to said investigation In connection therewith he may summon witnesses administer oaths and order the production of relevant books records and papers If any person fails to observe such summons or order or refuses to answer a proper question addressed to him by the director of finance in the course of any hearing the said director of finance may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books records and papers demanded and to answer any question or questions If said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall thereupon issue the same

Section 709 In the department of finance there shall be a division of the treasury at the head of which there shall be the treasurer of the consolidated city The treasurer shall appoint all officers and employes of this division subject to the provisions of Article XIV section fourteen hundred ten (1410) It shall be the duty of the treasurer to collect all assessments and taxes due the consolidated city including delinquent taxes and the office of the delinquent tax collector for Allegheny County is hereby abolished as of the effective date of this Charter Annually and prior to the date when taxes are payable in advance the treasurer shall mail to each taxpayer a tax bill setting forth in detail such data relating thereto as may be prescribed from time to time by the board of commissioners This provision is directory only and not mandatory and the failure to mail any such bill shall not invalidate the levy of any tax or any proceedings based upon such levy The treasurer shall for the convenience of the public arrange with banking or other institutions located throughout the consolidated city for the receiving and turning over to the said treasurer of tax payments No such arrangement shall be valid or effective until the same has been approved by the board of commissioners and an ordinance adopted authorizing the treasurer to make such arrangements

Section 710 Upon the effective date of this Charter all taxes of the consolidated city shall be payable in advance during the months of April May and June of each year Each taxpayer shall have the option to elect to pay said taxes quarterly or monthly A taxpayer electing to pay his taxes quarterly or monthly shall so advise the treasurer in writing on or before the thirtieth day of April of any year at the same time paying the first quarterly or monthly payment as the case may be With respect to quarterly payments the second payment shall be made during the month of July the third during the month of October and the fourth during the month of January and each of said quarterly payments shall become delinquent on the first day of each succeeding month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes With the exception of the first monthly payment for the month of April above mentioned all monthly payments of taxes shall be made on or before the tenth day of each month and each of the same shall become delinquent on the eleventh day of each respective month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes

A discount of five precent shall be allowed on all yearly taxes paid in full during the months of April May and June and during the month of July all taxes shall be payable at face No discount shall be allowed on taxes paid under the quarterly or monthly option Taxes and installments thereof not paid at the times fixed for the payment of the same shall be deemed delinquent and two percent of the total amount of said taxes or installment shall forthwith be added thereto as a penalty for the non-payment thereof at the times prescribed and in addition to said penalty said delinquent taxes shall bear interest at the rate of one-half of one percent per month on the face amount of said delinquent taxes or installments thereof for each and every month that the same shall remain delinquent or unpaid

Section 711 It shall be the duty of the treasurer to keep safely the moneys of the consolidated city and to pay out the same only on warrants issued and countersigned as hereinbefore provided The treasurer shall keep the public funds in such banks or banking institutions as the board of commissioners may from time to time by resolution prescribe and approve and under such terms conditions restrictions and safeguards as the said board of commissioners shall from time to time provide No treasurer complying with the provisions of this section and of any ordinance of the consolidated city pursuant thereto nor his surety or sureties shall be chargeable with losses of funds of the consolidated city caused by the insolvency or negligence of any such depositary The deposit of funds in an approved bank or banking institution shall be at the best rate of interest obtainable by seeking competitive bids therefor and all interest earned thereon from time to time shall accrue to the benefit of the consolidated city No security for the deposit of such moneys shall be approved by the board of commissioners unless it shall be to the full extent of the moneys deposited or to be deposited and unless the surety be a corporation authorized to transact business in the state of Pennsylvania provided however that securities of the United States of the state of Pennsylvania and/or municipal divisions thereof in kind and amount approved by the board of commissioners may be deposited with the treasurer in lieu of a corporate surety bond

Section 712 There shall be a division of assessment the head of which shall be the assessor of the consolidated city He shall be appointed by the public administration subject to the approval of the board of commissioners as provided in Article VI and shall assess as hereinafter provided all property offices professions and persons within the consolidated city for taxation by the consolidated city and all the municipal divisions and school districts thereof The division of assessment of the consolidated city shall have all the powers and duties of the board for the assessment and the revision of taxes of Allegheny County and of subordinate assessors as the same shall be at the time of the adoption of this charter and except as the same are inconsistent with the terms of this charter and/or any ordinance of the board of commissioners adopted in accordance therewith The assessor shall appoint all assistant assessors and employes of this division subject to the provisions of Article XIV and in addition to the assessment of property offices professions and persons for taxation shall perform such duties as

are provided by this charter or by any ordinance not inconsistent therewith

Section 713 The said assessor shall be assisted in the performance of his duties by the said assistant assessors who shall be assigned to assess property offices professions and persons for taxation within the several municipal divisions of the consolidated city In municipal divisions in which on the effective date of this charter there shall be assessors or boards of assessment whose terms of office shall not have expired then the duties of the said assistant assessors shall be performed within the limits of said municipal divisions by the said assessors or boards of assessment of each respective municipal division until the expiration of their respective terms of office and upon the expiration of the term of office of any assessor or board of assessment in any of said municipal divisions the office of said assessors and of the said boards of assessment shall be abolished and be no longer in effect and from and after such date the assessment of property offices professions and persons for taxation therein shall be performed by the assessor of the consolidated city and the assistant assessors thereof as aforesaid

It shall be the duty of the assistant assessors to value all property offices professions and persons for such taxation therein by the respective municipal divisions and by the consolidated city as is in accordance with the general laws of the state in the manner and within the time prescribed by the assessor of the consolidated city The instructions of the assessor of the consolidated city to the assistant assessors shall provide amoung other things for (a) the valuation of land buildings and machinery each item being stated separately (b) the recognition of each separate factor of value and unit of quantity (c) uniform rules for the calculation of the value of lots of irregular shape or corner lots and of lots of abnormal depth or shallowness (d) the use of current statistics of sales and the prices of labor and commodities (e) rules for estimating the effect of appreciation depreciation and obsolescence (f) rules in aid of sound judgment in estimating the effect of irregularity of topography lack of economic utility and other unusual influences including use access and availability (g) rules for estimating the value of various types and sizes of buildings

Upon the basis of the valuations furnished by the assistant assessors the assessor of the consolidated city shall in the exercise of his sound judgment and in accordance with the principles of valuation hereinabove set forth triennially assess for appropriate taxation all property offices professions and persons within the consolidated city and record the same upon the assessment roll and upon the tax maps and land value maps hereinafter referred to which roll and maps shall be open to public inspection at the office of said assessor between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any business day provided that between triennial assessments the assessor may revise any assessments or revaluation in the manner now provided by law applicable to the present board of assessment and revision of taxes of the County of Allegheny The assessment roll for each year shall be compiled and turned over to the board of assessment appeal on or before the first Monday of October of each respective year

Section 714 The assessor shall maintain a system of tax maps and land value maps and shall record separately each parcel of land the value of any building or other improvement thereon The tax maps shall show the dimensions of each separately assessed parcel of land and the land value maps shall show the value per front foot according to a standard unit of depth of all land abutting on any street public way or place within the consolidated city but as to farm land and other lands not sub-divided into lots less than one acre in size the land value maps shall show the value per acre All such maps and other records of the assessor shall be open to public inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon

Section 715 There is hereby established a board of assessment appeal consisting of three members Said board shall be appointed by a majority of the judges of the court of common pleas for a term of six years commencing the first Monday of January following the year in which this charter shall be adopted No person shall be eligible to such appointment who at the time thereof shall not have been a citizen of the United States for a period of ten years a resident of the consolidated city for a period of five years and a person experienced in the valuation of land and buildings and the cost of construction in the consolidated city The said board of assessment appeals shall hear in accordance with such reasonable rules as it may prescribe from time to time all persons aggrieved by any assessment and shall have full power to confirm and correct adjust and equalize assessments as between individual parcels of property and as between municipal divisions Appeals may be taken from thme board of assessment appeal to the court of common pleas of Allegheny County in the manner and form now provided by law for appeals from tax assessments of the board of assessment and revision of taxes of the County of Allegheny

Section 716 On the first Monday of January of each year or at any other time as may be necessary for the purpose of levying taxes the board of assessment appeal shall certify to the appropriate officer of each municipal division and school district a copy of the assessment roll for that municipal division or district as corrected adjusted and equalized Such assessment roll shall furnish the valuation of all properties subject to taxation in such municipal division and school district in appropriate form and detail Nothing in this charter shall in any way be taken to repeal affect or modify any law of the state now in force providing for a separate and different rate of taxation in any municipal division or district upon land improvements or machinery or any exemption or reduction pertaining thereto

Section 717 Except as otherwise provided in this charter the laws of the state relative to the assessment and collection of taxes shall remain in full force and effect in the consolidated city and each municipal division thereof

Section 718 Whenever the electors of the consolidated city shall have consented to an increase of indebtedness exceeding two percent upon the last preceding assessed valuation of the taxable property therein the board of commissioners may for the purpose of financing any work or improvement for which such increase of indebtedness has been authorized issue short-term notes which shall be chargeable to the said increase of indebtedness and paid for from the sale of securities issued in pursuance of such authorization provided however that the said short-term notes shall not be issued for a term longer than three years shall be sold to the highest bidder at not less than par and accrued interest and the terms of maturity of said notes and securities shall not in the aggregate exceed thirty years

Section 719 It shall be the duty of all persons copartnerships and corporations furnishing materials supplies or services to the consolidated city or any department division or office thereof to keep and preserve all records pertaining thereto for a period of not less than six years from the date of the furnishing thereof except records of services rendered by public service companies where they are permitted by any state or federal law or by any proper state or federal commission or similar body to destroy such records within a shorter period Any person copartnership or corporation violating the provisions of this section shall be guilty of misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one thousand dollars or imprisonment for not exceeding one year or both in the discretion of the court

Section 720 Any officer department head or employe of the consolidated city having in his possession custody or control any books documents or records of the consolidated city or having the responsibility therefor who shall neglect or fail to keep or cause to be kept the same in good condition and available for public inspection at all reasonable times during any business day shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine not exceeding one thousand dollars or imprisonment for a period not exceeding one year or both in the discretion of the court

ARTICLE VIII

DEPARTMENT OF HEALTH

Section 801 There shall be a department of health which shall have all the rights and perform all the duties and obligations imposed by this charter and by the laws of the state upon health officers and boards of health and as may be conferred upon it from time to time by ordinance

Section 802 There shall be a director of health who shall be a doctor of medicine licensed to practice in the state of Pennsylvania and having not less than fifteen years of active practice or a person having a degree of doctor of medicine and also the degree of doctor of public health and having had not less than five years experience in the active practice of his said profession He shall be the executive head of the department and shall have power to appoint all other officers and employes of the department subject to the provisions of Article XIV

Section 803 The said department of health shall have power to make and enforce all necessary orders and regulations in addition to and not in conflict with the laws of the state or the ordinances of the consolidated city which it may deem necessary from time to time to protect the public health which orders and regulations may apply to the whole or any part of the consolidated city It shall have the power and duty to make and enforce all necessary orders and regulations for the proper enforcement of the laws of the commonwealth and the regulations of the state department of health relating to the conservation of health including the control of communicable diseases It shall have the power and duty to remove prevent and abate nuisances which it shall deem to be prejudicial to the public health It shall have the power and duty to regulate infected places by the separation of infected persons and persons who shall have been exposed to any communicable disease to mark infected houses or places to prescribe such orders and regulations as it shall deem necessary from time to time for the conservation of public health It shall have the power subject to the approval of the board of commissioners in case of the prevalence or approaching prevalence of any communicable disease in the consolidated city to establish one or more emergency hospitals and to make provision for the maintenance and management of the same

Section 804 There shall be a health advisory board in the department of health consisting of the director of health and twelve other members The said twelve members shall serve without compensation and no other person shall be appointed to said board unless he is a doctor of medicine licensed to practice in the State of Pennsylvania having had not less than five years of active practice or a person having a degree of doctor of public health or a person experienced in municipal health activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in article six and each member shall be appointed for a term of six years Provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years beginning the first day of January following the appointment In making appointments to said board the appointments shall be so made that at all times there are as members thereof excluding the director of health six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents in each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman a vice chairman and secretary The director of health with the approval of the health advisory board shall from time to time recommend to the board of commissioners the adoption of ordinances to insure the effective carrying out of the orders and regulations of the department of health and the board of commissioners may enact ordinances pertaining thereto and may provide penalties for the violations of the provisions thereof not inconsistent with the provisions of this article It shall be the duty of the health advisory board to keep itself informed of all the activities of the health department and to inspect quarterly health conditions and institutions which may be under the supervision of the department of health and to report its findings with regard thereto from time to time to the board of commissioners The director of health shall attend all meetings of the health advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 805 The department of health shall have the power to enforce its orders and regulations directly upon individuals corporations and properties in any municipal division It shall be the duty of all health authorities in the municipal divisions to conform to and enforce all valid ordinances of the commissioners of the consolidated city and all valid orders and regulations of the department of health of the consolidated city Whenever in the opinion of the director of the department of health there exist in any municipal division conditions which constitute a menace to the health of the residents beyond the limits of said municipal division or whenever it be known to the director of health that any municipal division having authority under law to have a health officer or board of health is without the services of the same or the same it not conducting his or its duties efficiently the said department shall have the power to enter and take full charge and administer the health laws regulations and ordinances affecting such municipal division and to continue in charge thereof until a competent and efficient health officer or board of health is qualified and ready to assume the direction of health therein and all expenses incurred by the department of health of the consolidated city in performing such duties under this section shall be the obligation of the municipal division and when certified by the director of health to the governing body of the municipal division the said governing body shall appropriate a sum sufficient to pay the same Provided however that no charge shall be made for any services made in a municipal division not authorized by law to have a local health department or officer All sums received from any municipal division for administration of health therein under the provisions of this section shall be credited to the department of health and used exclusively for the promotion of health in the consolidated city

Section 806 Any municipal division may surrender to the consolidated city its powers and duties in relation to public health upon such terms and conditions as may be agreed upon and thereafter the department of health of the consolidated city shall assume exclusive direction and control of the direction of public health in said municipal division

Section 807 The department of health shall provide means for the conduct of such laboratory and statistical service as may be necessary for the protection of public health in the consolidated city Laboratories may be either maintained by the department of health or laboratory service may be contracted for by the said department with established laboratories approved by the director of health

Section 808 All examining centers clinics and hospitals established or maintained by the consolidated city shall be administered by the department of health except where the same are under the jurisdiction and supervision of the department of welfare as hereinafter provided

Section 809 Any person copartnership or corporation who shall fail neglect or refuse to comply with or who shall violate any of the provisions of this article or any order or regulation of the department of health or who shall obstruct or interfere with any person in the execution of the same shall be guilty of a misdemeanor and for every such offense shall upon conviction thereof be sentenced to pay a fine of not exceeding five hundred dollars to be paid to the consolidated city and costs of prosecution or to be imprisoned for a period of not more than six months or both in the discretion of the court

ARTICLE IX

DEPARTMENT OF SAFETY

Section 901 There shall be a department of safety at the head of which shall be the director of safety He shall have all the powers of a sheriff as defined in the laws of the state insofar as the same relate to the preservation of public peace and order He shall have the power to appoint all officers and employes of this department subject to the provisions of Article XIV

Section 902 There shall be a division of police at the head of which shall be a superintendent in which shall be organized the police force of the consolidated city This force shall comprise the consolidated city police The qualifications for admission shall be at least equivalent to those for admission to the Pennsylvania state police In addition no person shall be appointed an active member of the consolidated city police who shall not have been trained for a period of six months in the laws and ordinances relative to his duties and in methods of policing and shall not have completed an additional probationary period of fourth months During the training and probationary periods candidates for appointment to the consolidated city police may receive such compensation as may be determined by the board of commissioners The rules governing compensation promotion and discipline shall not be less strict than those of the Pennsylvania state police The consolidated city police shall have jurisdiction throughout the consolidated city but shall not except in case of emergency be assigned to regular duty in any municipal division which maintains a police department other than the duty of patrolling through-traffic streets Members of this force or organized units thereof may be assigned in the discretion of the superintendent for duty in any municipal division at the request of the governing body thereof to serve under the direction of the mayor burgess or chairman of the board of township commissioners or supervisors upon its agreement to pay during the period of said assignment the full compensation including pension fund contribution if any of the portion of the force assigned to it and to assume all liabilities incident to the same extent as if the said assigned portion of the force were regular employes of the municipal division concerned Any such assignment may be terminated at any time by the superintendent If any municipal division pursuant to Article XVIII section eighteen hundred three shall surrender to the consolidated city its powers relating to police the personnel of the police force of such municipal division at the time of such surrender shall be transferred to the consolidated city police subject to Article XIV and the superintendent of the consolidated city police shall thereupon assume control and direction of police in such division Such surrender shall not be complete nor accepted by the board of commissioners of the consolidated city unless the municipal division shall agree with the said board of Commissioners upon the amount and method of payment to the consolidated city of a contribution by the municipal division sufficient to pay the actual cost of policing such municipal division It shall be the duty of the police authorities of every municipal division to report forthwith to the division of polce of the consolidated city all crimes and misdemeanors committed within the said jurisdiction in such form as may be prescribed from time to time by the director of safety and together wth such information thereon as may be obtained from time to time by the said police authorities of the municipal divisions

Secton 903 There shall be a division of crime detection at the head of which shall be a superintendent This division shall include the consolidated city detective bureau to which bureau is hereby transferred the personnel of what is now known as the county detective bureau subject to Article XIV Any municipal division which pursuant to Article XVIII Section eighteen hundred three shall surrender to the consolidated city its powers in relation to the detectice of crime shall likewise have the personnel of its detective bureau transferred to the consolidated city detective bureau subject to Article XIV No person shall be appointed to the consolidated city detective bureau who shall not have been trained for a period of six months in the laws and ordinances relating to his duties and in methods of detection apprehension and identification of criminals and shall not have completed an additional probationary period of four months In the case of persons appointed to the detective bureau from the consolidated city police the period of training and probation may be dispensed with in the discretion of the superintendent During the training and probationary periods candidates for the consolidated city detective bureau may receive such compensation as the board of commissioners may determine The jurisdiction of the consolidated city detective bureau shall be co-extensive with the consolidated city and as further provided by law There shall be maintained in this bureau all the necessary facilities and records for the apprehension and identification of criminals and the detection of crime includng laboratories and scientific apparatus appropriate for said purposes This bureau shall also keep complete records of all offenses reported to it or to the consolidated city police or to any organized unit thereof assigned for service in any municipal division and it shall be the duty of the superintendent to see that these records are maintained The services of the consolidated city detective bureau shall b available to the police department of any municipal division upon request

The district attorney may from time to time in writing request the services of a stated number of said detectives for the purposes of investigating and endeavoring to obtain such evidence as may be required by him in any criminal case and to perform such other duties as the district attorney may direct pertinent to the work of the district attorney's office and upon the termination of the work for which any detective has been so requisitioned the said detective shall return to the general service under the superintendent of the division of crime detection

Section 904 There shall be established in the department of safety a division of traffic control with such technical staff as may be determined by the board of commissioners The board of commissioners may vest in the said division the execution of any or all of the powers of the consolidateed city with regard to the control of traffic

Section 905 There shall be a consolidated city traffic commission consisting of twelve persons appointed by the public administrator and approved by the board of commissioners as provided in Article VI and of the following persons ex officio the president of the board of commissioners the directors of the departments of safety public works law and planning and the heads of the several bureaus of traffic division The members of the traffic commission shall serve without compensation The appointed members shall be appointed for a term of four years beginning the first Monday of January of the year following the adoption of this charter The duties of the traffic commission shall be to advise the board of commissioners the administrative departments of the consolidated city and the governing bodies of the several municipal divisons always subject to the powers of the planning commission with regard to street rearrangement and use of the best methods for the administration of street traffic regulations and of the improvements and changes both legislative and administrative requisite for the reduction of street traffic accidents the relief of traffic congestion and the improvement of traffic conditions

Section 906 It shall be the duty of the director of safety to report quarterly to the board of commissioners a statistical summary of all complaints received by his department the arrests informations summonses and notices of violators made or issued by or through the initiative of his department with respect to all offenses including traffic offenses together with the disposition of the same All cases not finally disposed of in the quarter in which they originated shall be accounted for in a separate section of each succeeding report until finally disposed of These reports shall be open to public inspection

Section 907 There shall be a division of inspection at the head of which shall be a superintendent to have charge of enforcing regulations with regard to the production or emission of smoke and the construction of chimneys stacks flues smoke-pipes and ventilators and of all other duties of an inspectional nature devolving upon the consolidated city or any officer or emplove thereof and

which are not conferred upon other administrative departments or divisions by the terms of this charter The board of commissioners may authorize this division to inspect building construction and to cooperate with the authorities of the municipal divisions in securing the enforcement of laws and ordinances relating to building construction and make recommendations with regard thereto

Section 908 There shall be a division of fire prevention at the head of which shall be a superintendent to be charged with the duty concurrently with the fire departments of the municipal divisions of inspecting premises within the consolidated city for the purpose of securing the enforcement of laws and ordinances relating to the prevention of fire including all the powers and duties now possessed by the fire marshal of Allegheny County which office is hereby abolished

ARTICLE X

DEPARTMENT OF PUBLIC WORKS

Section 1001 There shall be a department of public works which shall exercise such powers and duties relating to public works of every kind of the consolidated city as may be determined by ordinance from time to time by the board of commissioners The term "works" wherever used in this article shall be taken to mean buildings improvements roads and structures constructed erected maintained or operated by the consolidated city of whatsoever kind or nature except works under the jurisdiction of the Department of Parks and Recreation and shall include all public buildings and improvements of every kind and purpose which the county of Allegheny may be authorized to construct erect operate or maintain at the date of the adoption of this charter

Section 1002 There shall be a director of public works who shall be the head of the department of public works No person shall be eligible for appointment to the office of director of the department of public works who at the time of his appointment is not a registered civil engineer with at least ten years prefessional experience He shall have the power to appoint all the other officers and employes of the department subject to the provisions of Article XIV After the expiration of the terms of office of the County Surveyor and county engineer of the County of Allegheny respectively in office on the date when this charter shall take effect the director of said department shall thereafter have all the rights and powers and perform all the duties at present vested by law in the present surveyor and engineer and from and after that date the offices of county surveyor and county engineer insofar as the same pertain to the county of Allegheny are hereby abolished and the rights powers and duties thereof shall thereafter be exercised by the director of the department of public works

Section 1003 The organization of the said department of public works shall be determined by the board of commissioners from time to time by ordinance as provided in section three hundred twenty-three (323) of Article III Provided however that the organization of the department of highways bridges and tunnels of the county of Allegheny and the organization of any other department board or bureau insofar as any of its powers or duties are vested by this charter in the department of public works as the same shall exist on the effective date of this charter shall continue to be a temporary part of the organization of the department of public works until changed by proper action under the provisions of this charter

ARTICLE XI

DEPARTMENT OF WELFARE

Section 1101 There shall be a department of welfare which shall have full charge and direction of public welfare activities of the consolidated city It shall have among other things all the rights powers and duties at present vested in the directors of the poor of the County of Allegheny and in the department of welfare of the present city of Pittsburgh except as otherwise provided in this charter

Section 1102 There shall be a director of welfare who shall be the head of the department of welfare and except as otherwise provided in this article shall appoint all officers and employes of the department subject however to the provisions of Article XIV No person shall be appointed director of welfare who has not had training and experience in social work and in the administration of a social welfare agency or of a public welfare board or bureau

Section 1103 There shall be a welfare advisory board in the department of welfare consisting of the director of welfare and twelve other members The said twelve members shall serve without compensation No person shall be appointed to said board who holds any public office and who is not a person experienced in business civic and social welfare activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in Article VI and each member shall be appointed for a term of six years provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years In making appointments to said board the appointments shall so be made that at all times there are as members thereon excluding the director of welfare six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents of each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman vice-chairman and a secretary The director of welfare with the approval of the welfare advisory board shall recommend to the department of personnel the minimum qualifications of all officers and employes of the department provided however that in all cass the heads of all divisions boards or bureaus of said department shall be persons experienced and trained in social welfare work The board shall be charged with the organization and development of the physical facilities for welfare work It shall be its duty to recommend to the board of commissioners the acquisition of lands and buildings and the erection remodeling and equipment of buildings by the consolidated city for welfare purposes It shall further be the duty of the board to keep itself informed of all the activities of the welfare department and to inspect quarterly the several institutions and services of the said department and to report its findings with regard thereto at least twice in each year to the board of commissioners The director of welfare shall attend all meetings of the welfare advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 1104 The organization of the department of welfare shall be determined from time to time by the board of commissioners by ordinance No ordinance relating to the organization or changing the organization of said department shall be adopted except in the form proposed by the director of welfare and bearing the approval of the welfare advisory board and the public administrator In organizing and changing the organization of said department from time to time there shall be created such divisions departments and bureaus within the department as shall be deemed advisable for the proper discharge of the duties of said department

Section 1105 The department of welfare shall have in addition to the powers and duties heretofore imposed upon it by this charter the following specific powers and duties

(a) To provide relief or services needed by poor dependent or indigent individuals or families in their own homes whatever the cause of their dependency securing or providing specialized service in the nature of medical-

care mental hygiene treatment occupational adjustment and similar services when in the opinion of the director the same is a necessary part of the protection and relief of the said individuals or families

(b) To provide adults and children with needed maintenance and service whether medical social occupational or otherwise including placement and supervision whether in foster homes or in institutions where such placement is voluntary on the part of the individual or of the families or of such person or persons who may have legal custody or guardianship of such individuals

(c) To investigate complaints of neglect abuse or cruelty to children and conditions in any municipal division promoting child neglect and to institute appropriate action in the proper court or courts for the protection of any child or children the subject of any negligence abuse or cruelty and in cooperation with the juvenile court of Allegheny County to take such action as may be deemed necessary to abate any conditions in any municipal division which tend to cause child neglect or child delinquency

(d) To provide such care in institutions or foster homes as may be necessary for such persons as may by an order of a proper court of the County of Allegheny be committed to the care of the department of welfare

(e) To erect construct maintain and operate subject to the approval of the board of commissioners such institutions as may be necessary from time to time for the care of any persons coming within the jurisdiction of the depratment and to provide such care in institutions maintained by any public municipal or private corporation or by any person or association

(f) To administer the expenditure of moneys received by the consolidated city from the United States the state or any municipal division or bureau thereof and to administer any moneys received by virtue of any order of court or by gift devise or bequest provided however that said moneys are so received for purposes within the scope of the powers and duties of the department This power shall include the administration within the consolidated city of the mothers' assistance fund the old age assistance fund and the pension fund for the blind

(g) To conduct research on social needs problems conditions and resources within the consolidated city and from time to time to recommend to the board of commissioners such rules regulations and ordinances as are designed to abate or ameliorate conditions promoting dependency delinquency or neglect

(h) To provide such other and additional service for the welfare of the citizens of the consolidated city as may be necessary or advisable from time to time or such as may be conferred upon it by ordinance or by this charter and generally to cooperate so far as possible with the administration of similar service by federal state or municipal officers and agencies

Section 1106 The organization of the office of the directors of the poor of the County of Allegheny and of the department of welfare of the present City of Pittsburgh as the same may be on the effective date of this charter shall continue for a period of not more than six months to be a temporary part of the organization of the department of welfare of the consolidated city It is the intent and purpose of this article that the organization of the department of welfare as provided in section eleven hundred four hereof shall be completed within not more than six months after the effective date of this charter and that until so organized the said offices of the directors of the poor and of the department of welfare of present city of Pittsburgh shall continue to function It is further the intent and purpose of this article that in the organization of the department of welfare of the consolidated city pursuant to the terms hereof that in all cases persons in the employ of the said offices of the directors of the poor of the County of Allegheny or of the department of welfare of the present city of Pittsburgh shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of welfare of the consolidated city

Section 1107 The directors of the poor of the County of Allegheny in office on the effective date of this charter shall continue in the service of the consolidated city until the expiration of the terms for which they were elected and shall perform such duties in connection with the department of welfare as may be assigned to them by the director of welfare and during the remainder of their terms of office they shall continue to receive the same compensation as if this charter had not been adopted

ARTICLE XII

DEPARTMENT OF PARKS AND RECREATION

Section 1201 There shall be a department of parks and recreation which shall have supervision and control of all parks and recreation facilities of the consolidated city The term "parks and recreation facilities' 'shall be construed to include all parks playgrounds athletic fields community centers swimming pools and other recreational athletic or cultural facilities owned controlled or operated by the consolidated city

Section 1202 There shall be a director of parks and recreation who shall be the head of the department of parks and recreation and except as otherwise provided in this article shall be in charge of the activities of the department He shall have the power to appoint subject to the provisions of section twelve hundred five of this article and of Article XIV all of the officers and employes of the department and such landscape architects registered architects and registered engineers as may be advisable He shall be appointed by the public administrator and approved by the board of commissioners as provided in Article VI hereof

Section 1203 There shall be a park and recreation advisory board consisting of the director of parks and twelve other members Said twelve members shall serve without compensation for a term of six years from the first day of January following their appointment provided however that the first appointments to said board shall be made in the following manner four members for a term of two years four for a term of four years and four for a term of six years and thereafter appointments shall be made for the term of six years Appointments shall be made in such manner that at all times there shall be on said board exclusive of the director of parks and recreation six members resident within the limits of the present city of Pittsburgh and six members residing in the consolidated city but outside the limits of the present city of Pittsburgh In making said appointments the public administrator shall also give due consideration to the geographical distribution of said members as to residence within the aforesaid limitations

Section 1204 The park and recreation board shall have the power and duty to supervise control and maintain the park and recreation facilities of the consolidated city It shall be its duty to recommend to the board of commissioners the acquisition of park and recreational facilities and the erection improvement and development of parks and recreational facilities of the consolidated city from time to time The said board shall likewise recommend from time to time to the board of commissioners that the consolidated city join with any state or federal agency municipal division or divisions school district or districts in the acquisition improvement maintenance and/or management of park and recreational facilities and in the employment of any person firm or corporation to this end provided however that nothing in this article shall be construed to diminish the powers of municipal divisions over their respective park and recreational facilities

Section 1205 The park and recreation advisory board shall have the power and duty to prescribe the qualifications of the officers and employes of the department and transmit the same to the department of personnel for adoption by the department of personnel and by the board of commissioners as provided in Article III section three twenty-three It shall organize by selecting from its members a chairman and vice-chairman and shall select and employ a secretary and establish rules and regulations for the governing of its proceedings and the performance of its duties It shall have the power subject to the approval of the public administrator to recommend to the board of commissioners the organization within said department of

such bureaus and divisions as it shall deem advisable for the proper conduct of the powers and duties of the department and the board of commissioners may thereupon create said bureaus or divisions as so recommended

Section 1206 The director of parks and recreation subject to the approval of the park and recreation advisory board shall make and enforce all rules and regulations necessary for the same and proper use and enjoyment of the park and recreation facilities of the consolidated city and shall recommend from time to time to the board of commissioners the adoption of such ordinances as may be deemed necessary for the carrying out more fully of the aforesaid rules and regulations The director of parks and recreation may from time to time request of the department of safety and said department of safety shall thereupon assign to the department of parks such number of consolidated city police as shall be necessary for the proper protection of persons and property in and about park and recreation facilities of the said consolidated city While so assigned to the department of parks and recreation the said consolidated city police shall in addition to the powers and duties heretofore conferred upon them by this charter perform such other duties as may be required by the director of parks and recreation

Section 1207 In exercising its powers and duties the department of parks shall cooperate so far as practicable with the park and recreation officials of the municipal divisions of the consolidated city

Section 1208 The department of parks and recreation shall develop formulate and administer a program for the conduct of all park and recreational activities of the consolidated city with the view to providing the persons using said facilities with an adequate program of social cultural physical and educational activities therein

ARTICLE XIII

DEPARTMENT OF PLANNING

Section 1301 There shall be a department of planning which shall exercise the planning powers of the consolidated city The department of planning shall exercise all the rights powers and duties heretofore vested in the County of Allegheny with respect to planning and such other rights powers and duties with respect to planning as the board of commissioners may from time to time determine by ordinance

Section 1302 There shall be a director of planning who shall be the head of the department of planning No person shall be appointed director of planning who is not a person with training and experience in city or regional planning and qualified by training or experience in the professions of architecture engineering or landscape architecture and competent to prepare and interpret surveys of a physical social and financial character as the basis for the arrangement rearrangement and coordinated development of the consolidated city

Section 1303 There shall be an advisory planning board consisting of the director of planning and twelve members The members of said board shall be appointed by the public administrator and approved by the board of commissioners The members of the board shall serve without compensation and no member of the board shall hold any other public office or receive compensation from any other municipality or public agency Six members of said board shall be residents of the present city of Pittsburgh and the remaining six shall be residents of the consolidated city outside of the limits of the present City of Pittsburgh The administrator in making said appointments shall give due consideration to the geographical distribution of the residence of each of the urban or suburban territories Appointments to said board shall be for a term of six years provided however that the board as first constituted shall consist of the following members The members of the County Planning Commission of the County of Allegheny in office on the effective date of this charter shall continue as members of the planning board until the expiration of the terms for which they shall have been appointed The remaining three members of the board shall be appointed one for a term of two years one for four years and one for six years from the first day of January following the adoption of this charter provided however that the public administrator in appointing said three members shall choose them from such part or parts of the consolidated city as shall most nearly effect the intent of this section in dividing the membership of said board equally between the present city of Pittsburgh and the remainder of the consolidated city Thereafter all appointments to said board shall be for the term of six years and in making said appointments the public administrator shall choose the members thereof in such manner that the present City of Pittsburgh and the remainder of the consolidated city shall be equally represented as above provided

The said advisory planning board shall also include as non-voting members thereof from time to time the director of any department of the consolidated city which is interested in or concerned with any project or plan under consideration from time to time and so long as any such project or plan is so considered he shall have adequate notice of all meetings of the board at which such project or plan is to be considered

Section 1304 The advisory planning board in submitting any report to the board of commissioners in the exercise of any of the powers or duties imposed by this article shall include therein and interpret the physical social and financial aspects of the matters covered by such report together with such suggestions as the board may desire covering the coordination of planning for the same and shall make such other studies and investigations with respect to any planning study as the board of commissioners may request from time to time

Section 1305 The director of planning shall have the power to appoint the employees of the department subject to the provisions of Article XIV It is the intent and purpose of this section that in the organization of the department of planning pursuant to the terms hereof that in all cases persons in the employ of the county planning commission aforesaid shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of planning of the consolidated city

Section 1306 The department of planning in the exercise of its functions shall coordinate its activities with the planning bodies of any municipalities within the consolidated city having planning powers in connection with any plan or map affecting said municipal divisions It being the intent and meaning hereof that the said department in the exercise of its functions shall not take or adopt any plan rule or regulation inconsistent with any existing ordinance of any said municipalities or official plans prepared by the legally constituted planning bodies in any municipality within the limits of the consolidated city In the event that the department of planning in the exercise of its functions desires to adopt any plan map rule or regulation affecting a municipal division having planning powers but which has not exercised the same or adopted an official plan for said municipal division in accordance with its local planning powers then the department of planning shall advise the authorities of said municipal division of its intention to make or adopt a plan map rule or regulation affecting said municipal division Whereupon it shall be the duty of the municipal division to exercise its planning powers with regard to the subject matter of the notice herein provided for and in the event that said municipal division does not so exercise its powers as to cover the subject matter of said notice within a period of one year after receipt of said notice then any map plan rule or regulation thereafter adopted by the department of planning shall be in full force and effect within said municipal division to the same extent as if it had been adopted by the municipal division itself Nothing in this article shall be construed to affect the exclusive powers of the department of planning with respect to plans of lots in the townships within the consolidated city

Section 1307 Upon request of the board of commissioners and upon appropriation thereby of adequate funds to meet the expense of the same the department of planning shall prepare an official map or plan of the consolidated city and all municipal divisions thereof and in connection with the same shall so far as practicable in-

dicate thereon the results of existing surveys and investigations as to physical social and financial aspects of the subject matter of the plan The department of planning may make and adopt such official plan as a whole or may make and adopt successive parts of the plan said parts corresponding with major geographical divisions of the consolidated city Before the adoption of said official plan or any such part thereof the department of planning shall hold at least one public hearing thereon notice of the time and place of which shall be given in the same manner as notice of ordinances as provided in Article III of this charter

Section 1308 Whenever the department of planning shall have made and adopted an official plan of the consolidated city or of one or more portions thereof as aforesaid it shall be competent for the board of commissioners by ordinance to provide that thereafter no municipal division shall make adopt or enforce any local plan inconsistent with the said official plan and provide suitable penalties therefor together with the power to provide that any building or structure erected in violation of the provisions thereof may be abated as a nuisance No such ordinance shall be adopted unless and until the board of commissioners shall hold a public hearing thereon after notice provided in Article III of this charter Thereafter any municipal division so affected shall revise or amend its existing plans if any so as to conform with the requirements of this section

ARTICLE XIV

DEPARTMENT OF PERSONNEL

Section 1401 There shall be a department of personnel which shall have the powers and duties conferred upon it by this charter including the power and duty to inquire into the qualifications of persons proposed for appointment as officers or employes of the consolidated city except as otherwise expressly provided in this charter and such other powers and duties as may from time to time be conferred upon it by ordinance of the board of commissioners

Section 1402 There shall be a director of personnel who shall be the head of the department of personnel and shall have the power to appoint all the employes of this department No person shall be appointed director of personnel unless he is a person having had at least ten years experience in personnel work

Section 1403 Except in case of public emergency and except in the case of the county officers named in Article IV the heads of departments the secretary of the boards of commissioners and the members of boards and of commissions serving without compensation no person shall be appointed to any office or employment of the consolidated city unless and until such person has been examined by the department of personnel with respect to his qualifications for any proposed appointment and a report on his mental ability education experience character reputation physical fitness and other pertinent information has been filed by the said department in complete and detailed form with the appointing authority

No public emergency shall be deemed to exist within the meaning of this section unless and until the same shall be determined to exist by ordinance of the board of commissioners of the consolidated city which ordinance among other things shall state the nature of the emergency and the duration for which said declaration of emergency shall be deemed to be in existence

Section 1404 Whenever the board of commissioners or any officer or board so authorized by this charter shall adopt minimum requirements to be possessed by appointees to certain offices or employment or when such requirements are specified in this charter than no person shall be appointed to such office or employment unless the director of personnel shall certify to the appointing authority that such person proposed for appointment or employment as aforesaid fulfills said minimum requirements and in the opinion of the director of personnel is qualified for such office or employment

Section 1405 It shall be the duty of the Department of Personnel to classify all persons in the service of the consolidated city and within the offices of the various bureaus boards departments and divisions thereof and to recommend to the board of commissioners from time to time plans of salary standardization therein and shall likewise from time to time fix and determine the number of employees in the service of the consolidated city and within the bureaus boards departments and divisions thereof together with the minimum requirements and qualifications for each class of position therein The foregoing recommendations of the department of personnel shall be filed with the board of commissioners from time to time and a copy thereof shall be filed promptly in the office of the public administrator and also in the office of any officer or head of department interested Thereafter the action of the board of commissioners thereon shall be as provided in section three hundred twenty-three (323) of Article III Provided however that no compensation or salary shall at any time be increased or diminished or the number of employees or the minimum requirements and qualifications for any class of position in the service of the consolidated city and in the bureaus boards departments an ddivisions thereof shall be changed until the recommendation of the said department of personnel with respect thereto is on file with the board of commissioners the public administrator and any officer or head of department affected nor until such action thereon is taken as provided in section three hundred twenty-three (323) of Article III

Section 1406 The department of personnel shall keep a permanent employment record Whenever the department of personnel or any officer or employe thereof makes any report recommendation certification or communication to any officer or board of the consolidated city as provided herein a copy of such report certification recommendation or communication as the case may be shall at the same time be placed on file in the office of the director of personnel and the same shall be available for inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon At the same time a copy of every such report certification recommendation or communication as the case may be shall be filed in the office of the secretary of the board of commissioners of the consolidated city

Section 1407 No officer or employee of the consolidated city excepting the officers enumerated in section fourteen hundred three hereof shall be appointed suspended reinstated promoted or removed without immediate notification to the said department of personnel by the officer making the said appointment reinstatement suspension promotion or removal With the exception of the persons enumerated in section fourteen hundred two of this article no officer or employee of the consolidated city other than elective officers shall be paid any salary or wages unless and until there be in the office of the director of finance a payroll or pay voucher covering the same and certified by the director of personnel

Section 1408 All salaries wages or compensation paid to any officer or employee of the consolidated city excepting the compensation of the members of the board of commissioners shall be so paid only in return for full time service and it shall be the duty of the board of commissioners from time to time to establish by ordinance the hours of employment in all offices divisions and departments in the consolidated city

Section 1409 The department of personnel shall have power to make subject to the approval of the board of commissioners uniform regulations with regard to absence sickness and vacations and to determine their effect on compensation

Section 1410 The department of personnel shall keep records relating to the reliability and efficiency of all officers and employes of the consolidated city and no transfer reinstatement or promotion shall be made until the report of the department of personnel relative to such transfer reinstatement or promotion is on file with the appropriate officer or board

Section 1411 Whenever the board of commissioners shall adopt a system of retirement allowances the same shall be administered by the department of personnel unless otherwise provided by law provided however that no officer or employee of the consolidated city shall receive retirement allowance pension or annuity at any

time from more than one governmental source other than for military service

Section 1412 The board of commissioners by resolution shall have the power to provide for part time or irregular employment in any department or division of the consolidated city Such part time or irregular employment shall only be authorized when the same has been established by resolution of the board of commissioners said resolution advising the nature of employment the qualifications required therefor and the salary or compensation to be paid therefor

Section 1413 All fees commissions moneys and perquisites received pursuant to the laws of the state or otherwise by each and every officer and employe of the consolidated city other than the salary fixed herein or pursuant to the terms hereof for such office or employment or which they shall be legally authorized required or entitled to charge or receive by virtue of such office or employment shall belong to the consolidated city and it shall be the duty of each of said officers and employes to exact collect and receive all such fees commissions moneys and perquisites as are levied for the state which shall be to and for the use of the state and none of the said officers and employes shall receive for his own use or for any use or purpose whatever except for the use of the consolidated city or of the state as the case may be any fees for any official services whatsoever

ARTICLE XV

DEPARTMENT OF LAW

Section 1501 There shall be a department of law the head of which shall be the solicitor of the consolidated city who shall have been a resident of the consolidated city for not less than ten years and who shall be an attorney at law having had five years professional experience and admitted and qualified to practice before the Supreme Court of the state The solicitor shall before entering upon the duties of his office file with the commissioners of the consolidated city an agreement to pay to the treasurer of the consolidated city all fees attorneys' fees and commissions received from every source by virtue of his office The term of office of the solicitor shall be for a period of four years beginning the first Monday of January following the adoption of this charter

Section 1502 The solicitor of the consaolidated city shall have the power to appoint subject to the provisions of article fourteen all the deputies assistants and other employes of the department provided however that no assistant solicitor shall be appointed who is not an attorney at law admitted and qualified to practice before the Supreme Court of the state and having had three years professional experience and provided that nothing herein contained shall prohibit the employment of Special Counsel with the approval of the Board of Commissioners

Section 1503 It shall be the duty of the solicitor to commence and prosecute all suits brought or to be brought by the consolidated city wherein or whereby any rights privileges properties claims or demands of the consolidated city are involved as well as to defend all actions or suits brought against the consolidated city and he shall perform all duties now imposed by law upon county solicitors and shall do all and every professional act incident to the office which may be required of him by the board of Commissioners In addition the solicitor shall have the powers and duties at present conferred by law upon solicitors or attorneys for constitutional or other officers of Allegheny County

Section 1504 It shall further be the duty of the solicitor to prepare all contracts to which the consolidated city shall be a party and no such contract shall be executed on behalf of the consolidated city unless and until there has been endorsed thereon a certificate of the department of law that the same is a valid obligation and correct as to form It shall further be the duty of the solicitor to prepare ordinances and resolutions as directed by the board of commissioners or the director of any department and to advise the board of commissioners and all officers and departments of the consolidated city upon request as to any matter of law requested by any of them except in the case of the controller

Section 1505 Whenever the solicitor deems the same desirable or upon the request of any officer or head of department of the consolidated city stating the necessity therefor the solicitor shall assign an assistant solicitor to advise such officer or head of department upon all legal matters as may be submitted to him from time to time provided that the same person may act as legal advisor to one or more officers or heads of departments in the discretion of the solicitor

Section 1506 There shall be a bureau of public utility relations in the department of law It shall be the duty of the department to keep a record of franchises consent ordinances and all agreements in which the consolidated city has or may have an interest to see to the enforcement of the rights of the consolidated city thereunder to procure wherever possible the adoption of uniform agreements with each public utility with which the consolidated city or the municipal divisions shall be parties to represent the consolidated city in making and revising such agreements to receive complaints of citizens relative to the service of any public untility to represent the consolidated city and on request of any municipal division and approval thereof of the solicitor and board of commissioners to represent the said municipal division in proceedings before the public service commission of the state or the courts in any matter relating to service franchises rates or valuations The board of commissioners shall not approve the representation by the department of law of any municipal division in such matters unless the governing body of said municipal division enters into a proper agreement with the board of commissioners of the consolidated city for the payment of its fair share of the expense of such proceedings

ARTICLE XVI

DEPARTMENT OF PERSONAL PROPERTY AND SUPPLIES

Section 1601 There shall be a department of personal property and supplies at the head of which shall be the director of personal property and supplies No person shall be eligible for appointment to the office of director of personal property and supplies who is not at the time of his appointment a person having had at least ten years business experience and at least five years experience in purchasing supplies and materials for large municipalities or large business corporations The director shall appoint the other officers and employes of this department subject to the provisions of Article XIV

Section 1602 The department of personal property and supplies shall have the management direction and administration of the purchase and supply of all articles of personal property for the use of the various departments divisions bureaus and boards of the consolidated city All such departments divisions bureaus and boards shall obtain such articles by requisition on the department of personal property and supplies and not by direct purchase and the manner and form of such requisition may be prescribed from time to time by ordinance of the board of commissioners All appropriations for the purchase and supply of such articles shall be made to and shall be expended by the department of personal property and supplies and all contracts for the purchase of such articles shall be made and entered into by said department The department of personal property and supplies shall have charge supervision and control of the inspection of articles goods materials and commodities to be so purchased by it and shall have control and management of such warehouses and storerooms as may be provided from time to time for the receipt and storage thereof

Section 1603 There shall be in the department of personal property and supplies such divisions as the board of commissioners may from time to time prescribe by ordinance which divisions shall include the purchasing division warehouse and storage division motor vehicle division and other apropriate divisions

Section 1604 The director of personal property and supplies shall sell lease or otherwise dispose of such property within the supervision of said department as is not necessary or convenient for use by the consolidated city Such

disposal shall be under such regulations as may from time to time be provided by ordinance

ARTICLE XVII

MUNICIPAL COURT

Section 1701 There shall be and hereby is created a court of record in the consolidated city to be known as "The Municipal Court" to be composed of one judge for every hundred thousand of population or fraction thereof of the consolidated city such population to be determined by the last preceding decennial census The exact number of judges shall be determined and fixed from time to time by the board of commissioners of the consolidated city by ordinance The said judges shall be appointed by the governor and the governor shall have the right and duty on the recommendation of the board of judges of the municipal court to appoint additional judges from time to time never exceeding five in addition to the number permitted by the census requirements The recommendation of the board of judges of the municipal court to this end shall only be made whenever in their opinion the business of the municipal court requires such additional appointments and the increase in number is approved and authorized by the board of commissioners of the consolidated city

The judges of said municipal court shall be known as "magistrates" and whenever the term "magistrate" appears hereinafter in this article unless the context clearly indicates otherwise the same shall be taken to mean the judges of the municipal court In making appointments the governor shall designate the president and vice president magistrates

Section 1702 No person shall be eligible for appointment to the office of magistrate of said court unless he shall possess known judicial temperament intelligence honesty and integrity and in addition shall be (a) an attorney admitted to practice before the Supreme Court of the state and having had actual professional experience of at least five years or (b) a person who has had at least ten years business or professional experience and has manifested a genuine interest in civic affairs or (c) satisfactory service for ten years as a magistrate alderman or justice of the peace provided however that the president and vice-president magistrates shall be attorneys at law admitted and qualified to practice before the Supreme Court of the state and shall have had actual professional experience of not less than ten years All magistrates shall hold office for a term of ten years from the date of the beginning of the term for which they shall have been appointed

The president magistrate shall receive a salary of $7500 per annum the two vice-president magistrates shall receive a salary of $6500 per annum and the other magistrates shall receive a salary of $6000 per annum

A commission shall issue from the governor to each magistrate under the great seal of the commonwealth and the said magistrate before entering upon his duties shall take the oath of office prescribed by the constitution before one or more judges of the court of common pleas of Allegheny County Each magistrate shall devote his whole time and capacity to the duties of his office so long as he shall continue to be a magistrate of the municipal court The magistrates of the municipal court shall be appointed on or before January first of the year following the year in which this charter shall have been adopted and as so appointed shall constitute such municipal court with full power to act with respect to all matters including the adoption of rules the locating and furnishing of courtrooms appointments of employes and all other matters of arrangement and assignment which shall be completed prior to July first of the same year upon which date the said municipal court shall begin to exercise its powers and duties

Section 1703 The said municipal court shall have jurisdiction as follows

a The existing jurisdiction of all magistrates aldermen and justices of the peace in Allegheny County and in the cities of the second and third class constituting municipal divisions thereof which shall include all existing powers of every kind and character whatsoever civil criminal and summary as are provided under the laws of this state at the time of the adoption of this charter

b In all civil actions where only a money judgment is sought to be recovered and in all actions of replevin in which the sum demanded or the value of the property replevied exclusive of damages for the taking or detention thereof does not exceed five hundred dollars exclusive of interest and costs except in cases where the title to lands or tenements may come in question This shall also include the right of the defendant to present a claim of set-off or counterclaim in a like amount except in cases of replevin

c In cases of violations of ordinances of the consolidate city and the municipal divisions thereof including the right to impose the fines and penalties provided for therein

d Such other and additional jurisdiction as may from time to time be conferred upon said court by appropriate legislation amending this charter in this respect

Section 1704 The said municipal court shall have the following powers

a To adopt prescribe and amend rules for the procedure in said court in all matters within the jurisdiction of the court

b To fix the hours during which the court shall be open which shall make adequate provision for evening sessions

c To prescibe the duties of the secretary of the court who shall be the clerk of court in charge of the dockets and records of the court and the duties of such clerks bailiffs and other employees of said court the manner of keeping records and papers the collection and disposition of moneys and accounts thereof

d To prescribe the duties of such public prosecutors and public defenders in and for said court as may be from time to time authorized by ordinance of the board of commissioners

e To prescribe the forms and practice of the court including forms of writs of summons and other appropriate writs as well as forms of pleading when pleadings may be required and all matters of procedure and to provide for the keeping of the proper dockets and the entries to be made therein providing that all proceedure and hearing or trial of cases shall be so simplified as to make employment of counsel unnecessary

f To fix the calendar practice and designations of divisions of the court where special classes of cases such as criminal cases small claims traffic complaints matters of moral conduct or any other classes of cases may be heard

g To establish a system of conciliation whereby civil controversies may be submitted by consent of the parties to a magistrate of the court for informal hearing and decision without entry of judgment

h To establish a system of arbitration and the procedure thereof

i To provide for a board of review consisting of the President and Vice-President magistrates to which appeals may be taken on condition that the decision of the said board of review shall be final

j To prescribe the rules and regulations with reference to the keeping and preservation of the records documents and papers pertaining to the business of the court and by resolution to direct the clerk of the court to destroy any records deposited or filed in his office which may be considered no longer necessary provided however that records and papers less than six years old shall not be destroyed

k To establish rules authorizing the taking of testimony by deposition of witnesses residing out of the county or state or who by reason of age sickness or other infirmity are unable to attend the trial or hearing or whose presence cannot be reasonably had and to authorize the taking of such testimony in such manner not inconsistent with the laws of this state as the court shall deem proper

It is the spirit and intent of this article to require the said municipal court to dispose of the business of the said court with dispatch having due regard for the convenience and interests of all parties in litigation in said court in the matter of place and time of hearing and to secure this result adequate provision shall be made for evening sessions and for such other times of hearing as will not unduly interfere with the normal times and periods

of occupation of litigants and witnesses For this purpose provision hall be made and appropriate classification of cases and divisions of the court Among other divisions there shall be small claims courts where litigation in civil matters not exceeding fifty dollars shall be promptly heard and disposed of without unnecessary formality and where rules of procedure and evidence may be reduced to the simplest and most direct methods possible and cases shall be heard and disposed of at the least possible cost Where the right of appeal may be limited and restricted so far as the same may be done within constitutional limitations so that justice may be promptly and expeditiously accomplished and litigation may not be unduly protracted

Section 1705 To insure the accomplishment of the purposes of its creation the following requirements are mandatory upon the magistrates of the municipal court and it shall be the duty of each magistrate of the court to see that the same are fully carried out not only in the letter but in the spirit of the following provisions

a The court shall be open at all reasonable times for the transaction of business and provision shall be made so that the remedies which may be afforded by this court shall be available to all persons at all times and for this purpose shall have a central office and be furnished telephone facilities by the consolidated city The said office shall be open at all times of the day and night with which communication may be established by any person and appropriate relief and messenger service may be afforded without delay Upon the arrest of any person by any police officer or peace officer of the consolidated city for any criminal offense whatsoever or for the violation of any ordinance of the consolidated city or of any municipal division thereof the said defendant upon request if a bailable offense shall be admitted to bail forthwith and in the meantime it shall be the duty of the central office of the municipal court upon request of said defendant to communicate by telephone messenger service or in any practicable manner with any reasonable number of persons within the consolidated city as may be requested by the defendant

b A system of rotation of judges shall be provided by which provision shall be made that no judge shall hold office continuously in the same place for more than three months except that judges specially assgned to hear traffic complaints and matters of moral conduct may hold court continuously in the same place for not more than two years

c A geographical distribution of the places of holding court shall be made throughout the consolidated city which shall give consideration to the amount of business to transact and the convenience of litigants Cases shall be heard at the location most convenient to the litigants and in the event that this works a hardship on the defendant then at the location most convenient to the defendant These matters shall be covered by appropriate and definite rules which rules shall provide among other things that when in the opinion of the magistrate before whom a proceeding has been instituted that the spirit and purpose of this subparagraph would be most properly met by the removal of a case to another municipal court within the consolidated city then said magistrate in his discretion shall forthwith make an appropriate order removing the record to such other court

d The cases shall be heard and disposed of as promptly as the circumstances will permit and wherever possible the magistrate hearing the case shall make a decision at the conclusion of the hearing and in all other cases within one week thereafter

Section 1706 The president magistrate in addition to all other powers as presiding judge of the said municipal court shall exercise general supervision over the business of the court and have such other powers as may be from time to time conferred upon him by resolution of the board of magistrates He shall preside at the central court and he shall have the power and duty of assigning the magistrates to the different sections or districts of the consolidated city where places may be provided for the holding of court and shall have power to reassign the said magistrates It shall be his power and duty to divide the consolidated city into districts comprising not more than fifty thousand inhabitants and shall make adequate provision for the holding of court in each of said districts in accordance with the purpose and intent of this article and to rearrange said districts and to change the boundaries thereof from time to time in his discretion as will facilitate the prompt and expeditious handling of the business of the court He may transfer cases for hearing from one court to another court for the convenience of the parties or for other proper cause

Section 1707 The two vice-president magistrates of the said municipal court shall hold their commissions in the order of their appointment and shall in said order exercise the duties and powers of the president magistrate in case of his absence or inability to serve

Section 1708 The magistrates of this court shall constitute a board of magistrates and shall discharge the functions thereof A majority of all the members of said board shall constitute a quorum The board shall have the power to appoint and remove the secretary of the board who shall be the clerk of the municipal court and all bailiffs and other emplayes of the court subject to the provisions of Article XIV

Section 1709 The salaries of all employes of said municipal court shall be fixed from time to time by the board of commissioners of the consolidated city who shall provide for a secretary of the board and for at least one clerk and one bailiff for each magistrate thereof and for such other additional employes as may be recommended by the board of magistrates from time to time subject to the approval of the board of commissioners It shall be the duty of the board of commissioners to provide the necessary quarters for the holding of court and shall provide not less than one courtroom for each district together with the necessary furnishings and facilities at such locations as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall pay all the necessary costs of furnishing maintenance and use of the said quarters as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners The said board of commissioners shall also make the necessary provisions for a central office and telephone service of said court the said central office to be within the City of Pittsburgh together with such necessary furnishings and facilities for the same as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall make provision for the employment of such messengers clerks and other persons as may be so recommended from time to time

Section 1710 The municipal court shall have a seal for the use of said court which shall contain the words "Municipal Court City of Metropolitan Pittsburgh Seal" which seal shall be affixed to all writs of summons transcripts and other official papers certificates or documents issued by or under the direction of the said court The seal of the court shall be in the custody of the court or deputy clerks specifically so authorized by the board of magistrates of the said court. The court may provide for the keeping of a seal at each place designated by it for the holding of court

Section 1711 The municipal court is empowered to issue writs of subpoena and writs of subpoena duces tecum under its official seal and under such rules as may be prescribed by the board of magistrates into any part of the consolidated city and into any county of this state to summon and bring before the court any person to give testimony or to produce any paper document or writing in any cause or matter pending before it under such penalties as may be provided by law from time to time in similar cases but no subpoena shall issue to summon a witness from any other county of the state except after an order made by a magistrate of said court upon cause shown

Section 1712 Service of a writ and copies of plaintiff's statement or defendant's answer statement of set-off or counterclaim when such answers or statements are required under the rules of the said court shall be made in the same manner as is now provided by law for the sehvice of writs statements of claims answers or state-

ments of set-off or counterclaim as the case may be and may be made by a bailiff for the said court or by the sheriff or by such other persons as may be authorized thereto by the rules of said court provided however that in proper cases as may be prescribed from time to time by rules of court service of the writ and copies of the plaintiff's statement of claim in such cases may be made by registered mail to the last known place of residence of the defendant

Section 1713 Bailiffs shall be appointed and removed by the board of magistrates of the municipal court No person shall be appointed bailiff who is not of good moral character or who has been convicted of any crime The said board of magistrates shall from time to time recommended to the board of commissioners the number of bailiffs required to properly carry on the business of the said court The bailiffs in addition to the salary hitherto required to be fixed and paid by the board of commissioners shall receive such expenses rendered in connection with the specific services as may be recommended from time to time by the board of magistrates of said court and approved by the board of commissioners The bailiff shall have and exercise all the powers now conferred by law upon constables and in addition such duties as may be imposed upon them from time to time by the board of magistrates Traveling expenses properly incurred by the bailiffs in connection with their duties shall be paid to them by the clerk of the said court upon receipt thereof from the litigant properly required to pay the same

Section 1714 The expenses fees and costs to be charged by and paid to the court in connection with the issuance and service of writs the making of entries in the court records and other services properly charged for by law shall be fixed by the board of magistrates of said court provided however that the same shall be substantially less than the charge for the corresponding expense fee writ entry or service in the courts of common pleas and quarter sessions of Allegheny County and the same with all witness fees which shall also be fixed by the said board of magistrates shall follow the judgment in civil cases but the court may in any case make such order as to the payment of costs fees and expenses either by the plaintiff or by the defendant or by both as may in the judgment of the court be fair and equitable No costs shall be required to be deposited or secured in advance except in the case of nonresident plaintiffs in such manner as may be provided from time to time by the rules of said court All fees and costs in civil matters where the amount in controversy does not exceed fifty dollars shall be fixed at the minimum and shall not exceed one dollar exclusive of witness fees

Section 1715 The magistrates of said court shall have the power to administer oaths or affirmations or to commit persons for contempt of court Any clerk of said court shall be empowered to administer oaths or affirmations and shall under the rules of court have the right and duty to do all things helpful to the conduct of the business of the court other than the actual hearing of cases

Section 1716 A record shall be kept of all moneys and fees paid into the said court and the same shall be promptly paid over to the Treasurer of the consolidated city at such times as may be required and prescribed by the director of finance of the consolidated city At the time of paying over money to the consolidated city the clerk of courts shall also transmit a proper report thereon to the treasurer of the consolidated city and file a duplicate thereof with the controller The board of commissioners is hereby authorized and empowered to fix the amount of bond to be given by the bailiffs officers and employes of the court All salaries expenses and costs incurred in the conduct of business of said municipal court or provided for herein shall be paid out of the treasury of the consolidated city as in this charter provided for other expenses of the consolidated city provided however that the salaries of the magistrates of the said court shall be paid by the state

Section 1717 The municipal court may issue the following writs of execution writs of fieri facias capias ad satisfaciendum or attachment execution upon its money judgments and writs de retorno habendo in replevin as provided by laws relating to the enforcement of judgments of the court of common pleas These writs shall be executed by the bailiffs of the said municipal court or by the sheriff and tha practice in the execution of writs of fieri facias capias ad satisfaciendum and de retorno habendo shall be the same as is provided by law in similar cases in the court of common pleas except that such writs shall be returnable as the municipal court may by rule prescribe In writs of attachment execution the practice shall be the same as in cases of corresponding civil suits in the municipal court subject to such special rules as the court may from time to time prescribe No writ of fieri facias or attachment execution issuing out of the municipal court shall in any manner operate as a lien on or be used for the sale of real estate provided however that all writs as aforsaid shall be stayed when an appeal has been taken to the county court or perfected as hereinafter provided

Section 1718 At any time after twenty days from the date of the final judgment of the municipal court and in the event that no appeal has been taken to the county court the party to whom such judgment is awarded shall be entitled to file in the office of the prothonotary of the court of common pleas a transcript of the docket of the municipal court showing the judgment so entered which judgment shall be entered on the judgment index of the said court and from the date of such entry shall be a lien upon the real estate of the party against whom judgment has been rendered as aforesaid and thereupon the judgment creditor shall be entitled to preserve and continue the lien of or enforce said judgment by execution or other process in the same manner and to the same extent as though it had originally been entered in the office of the prothonotary

Section 1719 Judgments may be confessed against any person firm or corporation so authorizing the same in cases permitted under the laws of this State for the confession of judgments in the court of common pleas thereof and the municipal court shall from time to time prescribe such rules not inconsistent with this charter or with the laws of the state governing proceedings for the confession of judgment as aforesaid

Section 1720 Appeals may be taken from the municipal court to the county court of Allegheny County within twenty days after final judgment or order in all cases in which said county court may now or hereafter be given jurisdiction In all other cases appeals may be taken to the courts of quarter sessions any oyer and terminer of the county and in all cases in which the magistrates aldermen and justices of the peace shall act as committing magistrates the practice shall be as heretofore or hereafter provided by the laws of the state in connection with proceedings involving actions of persons sitting as committing magistrates

Section 1721 The county court of Allegheny County shall have the right to adopt and amend rules relating to appeals to it from the said municipal court which shall include the right to fix and prescribe all of the conditions relating to the taking and the effecting of said appeals including he manner of the giving of or dispensing with bond either for debt interests and costs or for costs only and the said county court shall have the right subject only to constitutional limitations to impose such restrictions and limitations upon the right of appeal in cases involving claims not exceeding fifty dollars as it may by its rules fix and prescribe to the end that the matters in controversy may be promptly and finally disposed of without undue or protracted litigation

Section 1722 The courts of quarter sessions and oyer and terminer of the county shall have the right to adopt and amend rules relating to the appeals to such courts from the municipal court which shall include the acts of the said magistrates of the said municipal court sitting as committing magistrates and the said court of quarter sessions and oyer and terminer may fix and prescribe such conditions relating thereto and to the taking and perfecting of the said appeals including the matter of giving or dispensing of bond payment of costs or the securing thereof as it may deem advisable

Section 1723 Nothing herein contained shall be taken

to reduce diminish or alter the existing jurisdiction powers and duties of the mayors or chief executive officers of cities or of the burgesses of the boroughs within the limits of the consolidated city

Section 1724 From and after the adoption of this charter as herein provided no justice of the peace alderman or constable shall be elected to office but the justices of the peace aldermen and constables in office at the date of the adoption of this charter shall continue in office until the expiration of their respective terms of office and the justices of the peace aldermen and constables whose terms of office expire prior to the effective date of this charter shall continue in office until the municipal court begins to exercise its powers and duties as provided in section sixteen hundred two hereof

Section 1725 In case of any change in the laws of the state relating to courts of record generally the same shall if appropriate be taken and construed to be applicable to the municipal court as constituted in this article provided however that no such change in the laws shall be taken to affect the said municipal court insofar as the same may be construed to reduce the jurisdiction or powers thereof Any law reducing the jurisdiction or powers of the municipal court shall be effective only if passed as an amendment to this charter pursuant to the provisions of section four of Article XV of the constitution and approved by the electors of the consolidated city in the manner and form provided in said constitution for amendments to this charter which affect the government of the consolidated city as a whole It being the purpose and intent of this article that the jurisdiction powers and functioning of the municipal court as herein constituted shall be deemed and considered to be an essential part of the government of the consolidated city and that no change diminishing the jurisdiction or powers of the same may be effected without the approval thereof by the electors of the consolidated city

Section 1726 If at any hearing before a magistrate not learned in the law any question of law vitally affecting the case shall arise said magistrate may continue the hearing and certify the said question of law to the president magistrate who shall promptly decide the same and certify to said magistrate the decision thereon

Section 1727 Any person who shall attempt to influence the rulings decisions or judgments of any magistrate by any means except the strength of evidence produced at a hearing or the arguments of himself or his counsel during any hearing in open court shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than One Thousand Dollars or imprisonment for not more than one year or both in the discretion of the Court

ARTICLE XVIII

MUNICIPAL DIVISIONS

Section 1801 Whenever two or more municipal divisions shall be adjacent contiguous and of compact territory they may be consolidated into one municipal division in the following manner the governing body of each municipal division concerned may of its own initiative or within sixty days after petition in writing signed by at least twenty percent of the qualified electors of any such municipal division shall enter into a joint agreement under the corporate seal of each municipal division respectively for the consolidation thereof into one municipal division The joint agreement shall set forth the name of the new municipal division the class of municipality which it shall henceforth be and the territorial boundaries thereof It may also set forth such terms as may have been agreed upon for the disposition of the assets of each of the municipal divisions and for the liquidation of the indebtedness of the same either jointly or separately or in certain defined proportions and the adjusting and paying of the same by an equitable method of taxation

The question of the consolidation of such municipal divisions shall be submitted to the vote of the qualified electors of each of said municipal divisions at a special election to be held on the day designated in the joint agreement provided however that no special election shall be held less than ninety days after the execution of said agreement provided however that if a general or municipal election shall be held within the period of six months after the execution of such agreement then the election upon the question of consolidation shall be held on the day fixed for the holding of such general or municipal election The election shall be held by the regular election officers and in accordance with the provisions of the laws governing general or special elections as the case may be

The election shall be by ballot upon which shall be marked "proposed consolidation of the municipal divisions of .... and ..... to form a single municipal division under the name of ....." and below shall be printed the words "for consolidation" and "against consolidation" and the elector shall designate with an X his desire to vote for or against such consolidation If the majority of votes cast at such election in each of said municipal divisions each voting separately is in favor of the consolidation the result of such election shall be certified by the respective board or return judges to the board of commissioners of the consolidated city and the said board of commissioners shall forthwith cause certification of the result to be made to the governing bodies of the municipal divisions concerned and to the secretary of the commonwealth

The said joint agreement for consolidation into one municipal division or a certified copy thereof with all its endorsements shall forthwith be filed in the office of the secretary of the commonwealth Upon the filing thereof and receipt of the said certification by the secretary of the commonwealth the governor shall cause letters patent to be issued under the great seal of the commonwealth consolidating the municipal divisions into a single municipal division under the name set forth in the joint agreement A copy of such agreement duly certified by the secretary of the commonwealth under the seal of his office shall be the evidence of the existence of the new municipal division with all the rights conferred by the laws of the state and by this charter and a copy of those shall be recorded into recorder's office of the consolidated city The proper officers of the new municipality upon their election or appointment as the case shall be shall forthwith cause to be recorded in the office of the recorder of deeds the said letters patent together with the original agreement for consolidation or a certified copy thereof

All costs and expenses incurred in such consolidation or proposed consolidation except those incurred in any general or municipal election in which the question of consolidation is submitted shall be paid by the consolidated municipal division if such consolidation takes place and if not such costs and expenses shall be paid in equitable shares by each of the municipal divisions proposing such consolidation so may be determined by the board of commissioners of the consolidated city

Section 1802 Upon the issuance of letters patent the several municipal divisions shall be a municipal division under the name provided in the agreement The ordinances in force in each of such municipal divisions at the time of such consolidation shall continue in force throughout the territory through which they were originally enacted until altered or repealed by the governing body of the consolidated municipal division All rights privileges and franchises of each of the municipal divisions and all the property real personal and mixed and all debts due on whatever account and other things in action belonging to each of such municipal divisions shall be vested in the new municipal division The title to real estate vested in any of such municipal divisions shall not revert or be in any way impaired by reason of such consolidation All rights of creditors and liens shall be preserved and all debts liabilities and duties of any of such municipal divisions shall attach to the new municipal division and be in force against it All rights privileges and immunities conferred upon any or all of said municipal divisions prior to consolidation by virtue of this charter or by the laws of the state shall continue in force for the benefit of the new municipal division and be vested therein

In the event that a portion of a municipal division de-

sires to be consolidated with one or more municipal divisions the same may be affected upon the same terms and conditions as are herein set forth for the consolidation of two or more municipal divisions provided however that the provisions relating to the petition of qualified electors referred to in section one thousand eight hundred one shall be deemed to be complied with in the case of a portion of a municipal division if said petition is in writing signed by at least twenty percent of the qualified electors of said portion of a municipal division It is the intent and meaning hereof that no portion of a municipal division shall become consolidated with another municipal division unless the electors of the entire muncipal division of which said portion is a part shall vote in the affirmative at the election referred to in this article This article shall not be construed to effect or apply to any consolidation proceeding duly commenced prior to the effective date of this charter

Section 1803 The governing body of any municipal division may propose to the board of commissioners of the consolidated city to surrender one or more of the powers of said municipal division to the consolidated city The board of commissioners of the consolidated city may accept or reject such a proposal In accepting any such proposal the board of commissioners must attach to its acceptance such conditions as may be prescribed in this charter and may attach other conditions in its discretion If the proposal be accepted the board of commissioners shall submit to the electors of the municipal division affected at the next general or municipal election the question of their approval of the surrender of such municipal power upon the conditions if any prescribed by the board of commissioners If a majority of the qualified electors of such municipal division voting thereon shall vote on such question in the affirmative the said power or powers shall be deemed to be surrendered to the consolidated city upon the conditions embodied in such question

In the event that the governing body of any municipal division as aforesaid may propose to the board of commissioners of the consolidated city to surrender the power and duties of the said municipal division with respect to the collection of taxes within the limits of the same and for the collection of said taxes by the treasurer of the consolidated city it shall be the duty of the board of commissioners to accept such proposal provided however that in accepting such proposal the board of commissioners of the consolidated city may attach to its acceptance such provisions for said service including a reasonable charge for the same not to exceed two percent of the gross amount of moneys collected as the board of commissioners may in its discretion deem advisable provided further that said provisions may include compensation for said collection at the cost of same plus not exceeding ten percent of said cost the said cost of collection to be determined by the director of finance yearly The board of commissioners shall submit to the electors of the municipal division concerned at the next municipal election the question of the approval of the surrender of such power upon the conditions which the board of commissioners has attached thereto If a majority of the qualified electors of the municipal division concerned voting thereon shall vote in favor of such question of a centralized tax collection the said power shall be deemed surrendered to the consolidated city upon the conditions embodied in such question provided however that unless the tax collector of said municipal division in office at the time of the adoption by the electors of such method of centralized tax collection shall assent thereto the surrender of said power to the consolidated city shall not be effective until the expiration of the term for which said tax collector has been elected

Section 1804 There are hereby reserved to each of the municipal divisions of the consolidated city all the properties powers rights capacities and duties of cities boroughs and townships of their respective forms and classes which have not by this charter been granted to the consolidated city together with the substantial powers expressly reserved to the cities boroughs and townships situated in Allegheny County as provided in section four of Article XV of the constitution of the state

ARTICLE XIX

ADOPTION AND AMENDMENT

Section 1901 This charter shall become effective upon adoption by the electors of Allegheny County in the manner and form provided by Article XV section four of the constitution of the state that is to say if a majority of the electors voting thereon in the county of Allegheny as a whole and at least a majority of the electors voting thereon in each of a majority of the then existing municipal divisions comprising the cities boroughs and townships of the County of Allegheny vote in the affirmative on the submission of this charter as hereinafter provided

Section 1902 The question hereinafter set forth shall be submitted to the electors of Allegheny County at a special election on the sixth day of August one thousand nine hundred thirty-five and it shall be the duty of the county commissioners of Allegheny County and all other officers having to do with elections in said county to hold and conduct such election and to count the ballots and declare the results thereof in accordance with the laws of the state

Section 1903 At the election herein provideed there shall be printend on the ballot together with such other matter as may be required by law the following question "Are you in favor of the charter for the consolidated city of Metropolitan Pittsburgh submitted to the electors of the County of Allegheny pursuant to the act of the General Assembly of the Commonwealth of Pennsylvania known as the Metropolitan Charter for the County of Allegheny Yes No"

Section 1904 If rejected the said charter may be resubmitted by the county commissioners to the electors from time to time but not oftener than once in two years until adopted Until a charter shall have been adopted as aforesaid the general assembly shall have the power to amend or modify said charter in which event the charter as amended or modifieed shall be submitteed and resubmitted as aforesaid

Seection 1905 After a charter has been adopted as aforesaid it may be amended as follows

In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the general assembly provided however that any amendment which changes or modifies the form of government of the consolidated city or the number of or the manner of election of the commissioners thereof shall not be effective until such amendment shall have been adopted by a majority of the electors of the consolidated city voting thereon at a general or special election thereof to be provided for in said amendment

Provided further that in the event that any amendment chaanges or modifies the manner of election of the commissioners of the consolidated city by changing the manner of election from districts to election from the consolidated city at large then such amendment shall not be effective until the same shall have been ratified by a majority of the electors of the consolidated city as a whole and at least a majority of the electors voting thereon in each of the six districts as specified in Article V section six of this charter

In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city such amendment enacted by the general assembly shall not be effective until it shall have been ratified at a general or special election to be provided for in said amendment by a majority of the electors voting thereon in all of the municipal divisions affected thereby and by a majority of the electors voting thereon in each of a majority of the said municipal divisions so affected

ARTICLE XX

MISCELLANEOUS PROVISIONS AND SCHEDULE

Section 2001 The districts of which the several members of the board of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as specified in Article V section five hundred six of this charter

Section 2002 The articles of this charter the sections

thereof and the parts thereof are severable and in the event of any provision hereof being declared unconstitutional it is hreby declared as the legislative intent that such unconstitutional provision shall not affect the validity of the other provisions of this charter

Section 2003 In order to carry the foregoing charter into complete operation the following schedule is adopted

(a) The first board of commissioners as provided for in Article III and the sections thereof shall take office on the first day of January following the adoption of this charter

(b) All constitutional and other elected officers of the County of Allegheny including justices of the peace aldermen and constables in office on the effective date of this charter shall continue in office until the end of their respective terms

(c) Magistrates including morals court and traffic court magistrates in the city of the second class of the County of Allegheny in office on the thirty-first day of December of any year in which this charter shall have been adopted shall continue in office until the date the Municipal Court begins to exercise its powers and duties as provided in Article XVII Section 1702

(d) The offices of justices of the peace aldermen and constables as heretofore provided in the County of Allegheny are abolished to take effect upon the expiration of their terms of office except as otherwise provided in Article XVII Section 1725 of this charter

Section 2004 From and after the adoption of this charter no election shall be held in the county of Allegheny for the offices of prothonotary of the court of common pleas clerk of the court of quarter sessions clerk of court of oyer and terminer the two elected jury commissioners of said county register of wills clerk of orphans' court recorder of deeds or treasurer and the election of the first board of commissioners shall be in the manner provided in article three hereof

Section 2005 The sinking fund commission of the consolidateed city shall consist of the board of commissioners the controller the public administrator and the director of finance The said sinking fund commission shall have all the rights and exercise all the powers and duties heretofore vested in the sinking fund commission of the county of Allegheny

Section 2006 From and after the effective date of this charter the salary board of the county of Allegheny is hereby abolished

Section 2007 From and after the effective date of this charter the offices of inspector of weights and measures of the cities within the county of Allegheny are hereby abolished and the inspector of weights and measures of the consolidated city shall assume and exercise the powers and duties of said inspectors

Section 2008 All acts and parts of acts whether general special or local relating to the subject matter of this charter are hereby repealed insofar as the same are inconsistent therewith

And said bill having been at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 779 (House Bill No. 1024), entitled:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 802 (House Bill No. 1608), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections 1001 1012 1202 1208 and 1209 of the Act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An Act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1001 Powers of Banks Bank and Trust Companies or Trust Companies A In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a bank or a bank and trust company elsewhere in this act a bank or a bank and trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and to pay interest thereon

(2) To receive money for transmission either to a foreign country or otherwise

(3) To rediscount and borrow money bonds or other securities and to pledge collateral therefor

(4) To lend money either upon the security of real or personal property or otherwise to charge or to receive in advance interest therefor

(5) To discount buy sell negotiate or assign promis-

sory notes drafts bills of exchange trade and bank acceptances stocks bonds or other evidences of debt

(6) To buy and sell exchange coin and bullion

(7) To purchase hold or convey real property

(8) To improve or to lease real property for its accommodation

(9) To accept for payment at a future date drafts or bills of exchange drawn upon it

(10) To issue letters of credit authorizing the holders thereof to draw drafts or bills of exchange upon it or its correspondents

(11) To become a member of a Federal Reserve Bank

(12) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(13) To invest in the shares of an institution engaged in a foreign banking business

(14) To become a member of a clearing house association and to pledge such assets therewith as will qualify it for membership therein

(15) To establish branch banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(16) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred and thirty-three approved the sixteenth day of June one thousand nine hundred and thirty-three its amendments and supplements or of any other corporation thereafter organized by the United States for the purpose of insuring deposits in banks or bank and trust companies and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(17) To make application for and obtain insurance of mortgages as provided by the National Housing Act of One thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

B In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a trust company elsewhere in this act a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To purchase hold or convey real property

(2) To improve or to lease real property for its accommodation

(3) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(4) To establish branch trust companies branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(5) To make any investments subject to the same limitations as in the case of savings banks incorporated hereunder including such investments as are specifically authorized by its articles

Section 1012 Loans on and Investments in Bonds and Mortgages and Judgments of Record A A bank or a bank and trust company shall have the power to lend on the security of or invest in bonds secured by mortgages upon real property but it shall lend up or invest in only such bonds and mortgages as (1) are first liens on unincumbered improved real property including improved farm land situated within the Commonwealth and (2) do not exceed two-thirds of the actual value of such real property and (3) become due within ten years after the making of such loan or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such loan or investment Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of such bank or bank and trust company by the borrower or mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the bank or bank and trust company making the investment It shall be lawful for a bank or bank and trust company to renew such policies at the expense of the borrower or mortgagor from year to year or for a longer or a shorter period not however exceeding the term of the obligation in case he shall fail to do so All necessary charges and expenses paid by such bank or bank and trust company for such renewals shall be paid by such borrower or mortgage In case such borrower or mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of the payment of such charges and expenses constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor or borrower The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of directors They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the bank or bank and trust company The restrictions imposed by this section shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

B A bank or bank and trust company shall have the power to land on the security of or invest in judgments of record which are first liens on unencumbered real property situated within the Commonwealth to the amount of fifty per centum of the actual value of such property under the same circumstances and subject to the same conditions as are established by this section in the case of loans on the security of or investments in bonds secured by mortgages upon real property

C The aggregate amount of all loans and investments made by virtue of this section shall not at any time exceed twenty-five per centum of the unimpaired capital and twenty-five per centum of its unimpaired surplus or fifty per centum of the total time deposits of such bank or bank and trust company at the option of the bank or bank and trust company

D The limitations herein prescribed in respect to the percentage of the actual value of the property upon which a bank or a bank and trust company may lend on the security of or invest in bonds secured by mortgages upon real property the term for which such loan may be granted shall not apply to bonds secured by mortgages which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages

Section 1202 Powers of Savings Banks In addition to the general corporate powers granted by this act and in addition to any powers specifically granted to a savings bank elsewhere in this act a savings bank shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To receive money on deposit and pay interest thereon

(2) To receive money for transmission to a foreign country or otherwise and to forward such money through any bank bank and trust company private bank national banking association or any other corporation or person authorized by the laws of any state to receive deposits and subjects to the supervision of the banking authorities of such state

(3) To borrow money to repay the demands of depositors and to pledge its assets therefor

(4) To make investments

(5) To lend money upon the security of real or personal property and to charge or to receive in advance interest therefor

(6) To purchase hold or convey real property

(7) To improve or to lease real property for its accommodation

(8) To receive for safe-keeping jewelry plate coin and other similar personal property or bonds mortgages shares of stock securities and other valuable papers and to rent out receptacles or safe deposit boxes for the deposit of such papers or of such personal property

(9) To establish branch savings banks branch offices agencies sub-offices sub-agencies and branch places of business as permitted in this act

(10) To become a member of a Federal Reserve Bank and for such purpose to purchase and hold so much of the capital of such Federal Reserve Bank as will under any Federal law qualify it for membership therein

(11) To become a member of the Federal Deposit Insurance Corporation in accordance with the provisions of the Federal Banking Act of one thousand nine hundred thirty-three approved the sixteenth day of June one thousand nine hundred thirty-three its amendments and supplements or of any other corporation hereafter organized by the United States for the purpose of insuring deposits in savings banks and to purchase and hold so much of the capital of the Federal Deposit Insurance Corporation or of such other corporation as will qualify it for membership therein

(12) To make application for and obtain insurance of mortgages as provided by the National Housing Act of one thousand nine hundred and thirty-four approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements

Section 1208 Authorized Investments of Savings Banks Not under Special Charter A Except as otherwise specifically provided in this act a savings bank other than a savings bank organized under a special act of the General Assembly shall not make any investment except as follows

(1) Bonds or other interest-bearing obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including the bonds or other interest-bearing obligations of the District of Columbia

(2) Farm loan bonds issued by Federal land banks operating under the provisions of the Federal Farm Loan Act approved the seventeenth day of July one thousand nine hundred sixteen its amendments and supplements

(3) Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or of any State of the United States or those for the payment of the principal and interest on which the faith and credit of this Commonwealth or of such state is pledged provided that it has not at any time within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(4) Bonds or other interest bearing obligations of any county city borough township school district or other political subdivision of the Commonwealth of Pennsylvania or of any city borough township school district or other political subdivision of any State of the United States or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that it has not within the ten years immediately preceding the date of the purchase of such bonds or other obligations by the savings bank defaulted in the payment of any part of any principal or interest due by it

(5) Obligations issued assumed or guaranteed as to principal and interest by or equipment bonds of any railroad corporation whether incorporated under the laws of this Commonwealth of any other State or of the Dominion of Canada provided that such railroad corporation has not at any time within the five years immediately preceding the date of the investment in such obligations or bonds by the savings bank failed punctually to pay the matured principal and interest on all of its indebtedness

(6) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which transacts the business of supplying electrical energy artificial gas or natural gas purchased from another corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses but at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business and not more than fifteen per centum of the gross operating revenues shall be derived from any one kind of business other than supplying electricity and gas and such corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have all the franchises necessary to operate in territory in which at least seventy-five per centum of its gross income is earned which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds and such corporation shall file with the Department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property but in the case of a corporation having non-par value shares the amount of capital which such shares represent shall be the capital as shown by the books of the corporation

(c) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(d) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon a sum equivalent to two-thirds of its funded debt

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the paragraph immediately preceding this one as to net and gross earnings and as to dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes other than Federal and State income taxes rentals and provision for renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance

(g) Such bonds must be part of an issue of not less than one million dollars and must be mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them but such bonds shall be refunded by a junior mortgage providing for their retirement the bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage The aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(7) The bonds of any corporation whether incorporated under the laws of the United States of any other State or of the District of Columbia which engages and is authorized to engage in the business of furnishing telephone service in the United States provided that such corporation is subject to regulation by the interstate commerce commission a public service commission a public utility commission or any other similar Federal or State regulatory body duly established by the laws of the United States or by the laws of any State in which such corporation operates subject to the following conditions

(a) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years immeditely preceding the date of such investment shall such corporation have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the perior of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period and such corporation shall file with the Department and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(b) The outstanding full-paid capital stock of such corporation shall at the time of such investment be equal to at least two-thirds of the total debt secured by mortgage liens on any part or all of its property

(c) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its total funded debt applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges for a full year on its total funded debt outstanding at the time of such investment and for such period the gross operating revenues of any such corporation shall have averaged per year not less than five million dollars and such corporation shall have for each such year either earned an amount available for dividends or paid an amount in dividends equal to four per centum upon all its outstanding capital stock

(d) Such bonds must be part of an issue of not less than five million dollars and must be secured by a first or refunding mortgage and the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the property real and personal owned absolutely and subject to the lien of such mortgage However if such mortgage is a refunding mortgage it must provide for the retirement of all bonds secured by prior liens on the property Not more than thirty-three and one-third per centum of the property constituting the specific security for such bonds may consist of shares or unsecured obligations of affiliated or other telephone companies or both

(e) In determining the qualifications of any bond under this clause where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this clause as to earnings and dividends have been complied with

(f) The gross operating revenues and expenses of a corporation for the purpose of this clause shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Interstate Commerce Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(g) The net earnings of any corporation for the purpose of this clause shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes other than Federal and State income taxes rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance

(h) The term funded debt shall be construed to mean all interest-bearing debts maturing more than one year from date of issue

(8) Bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth to the extent of not more than two-thirds of the actual value of such real property and for a term not exceeding ten years unless amortized in equal annual installments over a period not exceeding fifteen years and bonds secured by mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth which are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions of mutual mortgage insurance in title two of the National Housing Act for the purposes of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording

of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank

B A savings bank other than a savings bank organized under a special act of the General Assembly may make such additional investments as are authorized by its articles but it shall not purchase or invest in bonds secured by mortgage upon real property other than such as are expressly authorized by this act nor shall it invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank

Section 1209 Authorized investments of Special Charter Savings Banks A savings bank organized under a special act of the General Assembly may make such investments as may be authorized by its articles of incorporation but no such savings bank shall purchase or invest in the shares of capital of any corporation whatsoever except a Federal Reserve Bank or purchase or invest in bonds secured by mortgages upon real property unless such bonds and mortgages are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth and do not exceed two-thirds of the actual value of such real property and become due within ten years after the making of such purchase or investment unless amortized in equal annual installments over a period not exceeding fifteen years after the making of such purchase or investment or unless such bonds and mortgages which are first liens upon unencumbered improved real property including improved farm land situated within the Commonwealth are insured by or for which a commitment to insure has been made by the Federal Housing Administrator pursuant to the provisions for mutual mortgage insurance in title two of the National Housing Act for the purpose of financing the construction or purchase of dwellings and similar residential property and the refinancing of mortgages Any building which is upon and is included in the valuation of such real property shall be insured against loss by fire to the benefit of the savings bank by the mortgagor during the term of the bond in a company which is authorized to do business in Pennsylvania and is approved by the savings bank making the purchase or investment It shall be lawful for a savings bank to renew such policies at the expense of such mortgagor from year to year or for a longer or shorter period not however exceeding the term of the bond in case the mortgagor shall fail to do so All necessary charges and expenses paid by such savings bank for such renewals shall be paid by such mortgagor In the event that the mortgagor shall refuse upon demand to pay such charges and expenses they shall be added to the amount secured by the mortgage and shall together with interest from the date of payment of such charges and expenses by such savings bank constitute a lien upon the property so mortgaged All expenses of searches examinations certificates of title or appraisal of actual value and all expenses of drawing and recording of papers shall be paid by such mortgagor The actual value of the real property shall be determined by two reputable persons especially familiar with real property values in the vicinity of the particular property to be appraised selected from or approved by the board of trustees They shall inspect the property and shall state in writing that the actual value of the real property inspected to the best of their judgment is as stated Such report shall be filed and preserved among the records of the savings bank The restrictions contained in this section with reference to real estate bonds shall not apply to public utility railroad or industrial bonds or other securities commonly known as investment securities although such bonds may be secured in whole or in part by a mortgage upon real property

Section 2. Effective date this act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 831 (House Bill No. 1078), entitled:

An Act relating to judgments by agreement

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 831 (House Bill No 1654), as follows:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all criminal cases except where a sentence of death or imprisonment of ten years or more may be imposed the defendant shall have the privilege with the consent of his attorney of record the judge and the district attorney to waive trial by jury Such waiver must be in writing signed by the defendant and shall operate as an election by the defendant to be tried by a judge without a jury

Section 2 When a defendant has waived trial by jury and elected to be tried by a judge without a jury in accordance with the provisions of the preceding sections any judge of the court in which the cause is pending wherein a waiver of trial by jury and election to be tried by a judge without a jury is filed shall have jurisdiction to hold the trial and shall proceed to hear try and determine all issues of law and fact and to render a general verdict in like manner as if the defendant had put himself upon the inquest or country for trial and his cause were being tried before a jury and the said trial Judge may after hearing the case order the withdrawal or waiver of trial by jury withdrawn and order and direct that the case be tried before a jury

Section 3 The Supreme Court shall make rules for the administration of this Act applicable to courts having criminal jurisdiction such rules to be consistent with legislation passed by the General Assembly

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 907 (House Bill No. 1130), entitled:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 971 (House Bill No. 67), as follows:

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That [any person company corporation being owner lessee or manager of any restaurant hotel railroad street railway omnibus line theatre concert hall or place of entertainment or amusement who shall refuse to accommodate convey or admit any person or persons on account of race or color over their lines or into their hotel or restaurant theatre concert hall or place of amusement shall upon conviction thereof be guilty of a misdemeanor and be punished by a fine not less than fifty dollars nor more than one hundred dollars] all persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accommodations advantages facilities and privileges of any places of public accommodation resort or amusement subject only to the conditions and limitations established by law and applicable alike to all persons No person being the owner lessee proprietor manager superintendent agent or employe of any such place shall directly or indirectly refuse withhold from or deny to any person any of the accommodations advantages facilities or privileges thereof or directly or indirectly publish circulate issue display post or mail any written or printed communication notice or advertisement to the effect that any of the accommodations advantages facilities and privileges of any such places shall be refused withheld from or denied to any person on account of race creed or color or that the patronage or custom thereat of any person belonging to or purporting to be of any particular race creed or color is unwelcome objectionable or not acceptable desired or solicited The production of any such written or printed communication notice or advertisement purporting to relate to any such place and to be made by any person being the owner lessee proprietor superintendent or manager thereof shall be presumptive vidence in any civil or criminal action that the same was authorized by such person A place of public accommodation resort or amusement within the meaning of this article shall be deemed to include inns taverns roadhouses hotels whether conducted for the entertainment of transient guests or for the accommodation of those seeking health recreation or rest or restaurants or eating houses or any place where food is sold for consumption on the premises buffets saloons barrooms or any store park or inclosure where spirituous or malt liquors are sold ice cream parlors confectioneries soda fountains and all stores where ice cream ice and fruit preparations or their derivatives or where beverages of any kind are retailed for consumption on the premises drug stores dispensaries clinics hospitals bathouses theatres motion picture houses airdromes roof gardens music halls race courses skating rinks amusement and recreation parks fairs bowling alleys gymnasiums shooting galleries billiard and pool parlors public libraries kindergartens primary and secondary schools high school academies colleges and universities extension courses and all educational institutions under the supervision of this Commonwealth garages and all public conveyances operated on land or water as well as the stations and terminals thereof Nothing herein contained shall be construed to include any institution club or place or places of public accommodation resort or amusement which is or are in its or their nature distinctly private or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry

Any person who shall violate any of the provisions of this act or who shall aid or incite the violation of any said provisions shall for each and every violation thereof be fined not less than one hundred dollars nor more than five hundred dollars or shall be imprisoned for a period of not less than thirty days nor more than ninety days or in the discretion of the Court both such fine and imprisonment may be imposed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the While being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 975 (House Bill No. 861), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the While being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1024, as follows:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" are hereby amended to read as follows

Section 172 Waters Usable No dams ponds or other devices which will prevent the free migration of fish shall be erected or placed by a person licensed under this article in any stream flowing over his property [No person shall use the ponds so licensed for any purpose other than for commercial fish purposes]

Section 173 Authority Under License The license issued by this article authorizes the licensee to carry on the business of propagation and sale of the species of

fish authorized by the license or the eggs thereof during the year for which the license is issued The license authorizes the licensee to catch and kill the fish authorized by the license from the licensed ponds in any manner whatsoever except with explosives or poisonous substances The license further authorizes the licensee to sell or dispose of in any manner whatsoever the fish authorized by the license or the eggs thereof at any time of the year and it authorizes express and railroad companies to receive and transport the same The license further authorizes the licensee to grant permits to others to take fish from a licensed pond at any time and in any manner upon the payment of a permit fee of fifty cents to be paid by the permittee and collected by the licensee and by him paid over to the Commonwealth through the Department of Revenue for the use of the Fish Fund Any such permit shall be good only for the day for which it is issued Such permits shall be in such form as the Department of Revenue shall prescribe and may be placed in the possession of licensees for issue to permittees under such system of accounting as the Department of Revenue may prescribe

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1025, as follows:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies thereof permitting the recording of such certificates or copies thereof and making certified copies of the record of certified copies of certificates competent evidence for all purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where heretofor any act has been done or transfer or conveyance of any property has been made to or by any corporation created or intended to be created by virtue of the provisions of the act of assembly approved the twenty-ninth day of April one thousand eight hundred and seventy-four entitled "An act to provide for the incorporation and regulation of certain corporations" and its several supplements in good faith after the issuing of letters patent and before the actual recording of the original certificate with the endorsements thereon or a certified copy of such certificate and said endorsements in the office of any recorder of deeds as provided in any act of assembly then in force such acts transfers and conveyances shall after said original certificate and the endorsements thereon or a copy of such certificate and the endorsements thereon duly certified to by the Secretary of the Commonwealth or his deputy under the seal of his office has been duly recorded in the office of the recorder of deeds of the county where its chief operations were to be carried on be deemed and taken to be valid and effectual for all purposes Provided this act shall not affect any proceeding now pending in which the validity of any such act transfer or conveyance is in question

Section 2 The original certificate with all endorsements thereon or a copy of the record thereof as the same appears in the office of the Secretary of the Commonwealth certified by said officer or his deputy under the seal of said office of any corporation incorporated prior to the third day of July one thousand nine hundred and thirty-three may be recorded in the office of the recorder of deeds in and for any county of this Commonwealth

Section 3 A certified copy of the record in the proper county of any such certified copy of the record in the office of the Secretary of the Commonwealth of the certificate of incorporation of any domestic corporation for profit and of the endorsements thereon required by law shall be competent evidence for all purposes in the courts of this Commonwealth

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1026, as follows:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural services in connection with a cell house at the Western State Penitentiary at Rockview

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three thousand seven hundred forty-one dollars and fifty-seven cents ($3,741.57) is hereby specifically appropriated to the Department of Property and Supplies for the payment of the amount due for architectural services in connection with the construction of the cell house at the Western State Penitentiary at Rockview where the contract for such services provided for compensation based on the total contract sums but a large part of the work of construction was subsequently performed by inmates of said penitentiary for nominal compensation without contract being let

No payment shall be made from said appropriation until the amount still due for such architectural service has first been approved by the Department of Property and Supplies

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1032, on second reading, entitled:

An Act to amend Section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges, providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1067 (House Bill No. 1555), entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

And said bill having been read at length the second time and agree to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1081 (House Bill No. 2044), entitled:

An Act to amend the act approved the twenty-third day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter session" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1085 (House Bill No. 2049), entitled:

An Act to amend section one of act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred seventy-seven) entitled "An Act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside municipalities under certain conditions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1086 (House Bill No. 2050), entitled:

An Act to amend the Act entitled "An Act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said Act to highways in cities" as amended.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1163, as follows:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Finance Business License Act"

Section 2 Definition of Terms The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Financing" means buying discounting trading in exchanging collecting making advances or loans upon the security of or otherwise acquiring or dealing in contracts notes leases agreements liens mortgages or other instruments arising from a conditional sale

"Conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon payment of part or all of the purchase price or upon the performance of any other condition or the happening of any contingency or any contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value of the goods and by which it is agreed that the bailee or lessee is bound to become or has the option of becoming the owner of such goods upon full compliance with the terms of the contract

"Goods" means all chattels or personal property of any nature whatsoever

"Person" includes an individual partnership corporation and any other association

"Seller" means a person primarily engaged in the business of selling goods at retail

"Buyer" means the person purchasing the goods covered by the conditional sale or any other legal successor in interest to such person

"Licensee" means any person partnership corporation or other association holding a license under the provisions of this act

"Secretary" means the Secretary of Banking of the Commonwealth of Pennsylvania or his duly authorized deputy or representative

Section 3 Doing business without license prohibited No person shall in this Commonwealth engage in the business of financing conditional sale contracts in the amount of two thousand dollars ($2,000) or less except as authorized by this act and without first obtaining a license from the Secretary of Banking

Section 4 Application for license fees renewals Application for such license shall be in writing under oath and in the form prescribed by the Secretary and shall contain the name and address of the residence and address of the residence and address of the place of business of the applicant and if the applicant is a partnership or association of every member thereof and if the applicant is a corporation of each officer and director thereof also the county and municipality with street and number if any office building and room number if any where the business is to conducted and such further information as the Secretary may require Such applicant shall at the time of making such application pay to the Secretary the sum of fifty dollars ($50) as an annual license fee for a period terminating the first day of October of each year No abatement of the said license fee shall be made if the license is issued for less than one year Every such license shall be renewed annually on the first day of October in each year Not more than one office or place of business may be maintained under the same license but the Secretary may issue more than one license to the same licensee upon compliance with all the provisions of this act governing an original issuance of a license and payment of the aforesaid license fee for each such additional license

Section 5 Issuance of License The Secretary if he approves the application for license shall issue to each licensee a certificate showing the name of the licensee and the address of the place of business of the licensee Such license shall be posted in a conspicuous place in the office of the licensee Such license may not be transferred or assigned Whenever a license shall change his plac of business to another location within the same city borough or township he shall at once give written notice thereof to the Secretary who shall attach to the license in writing his record of the change and the date thereof which shall be authority for the operation of such business under such license at such new location No change in the place of business of a licensee to a location outside the original city borough or township shall be permitted under the same license

Section 6 Powers of the Secretary A The Secretary shall have the power to reject any application for license if he is satisfied that the character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be operated honestly fairly and within the laws of this Commonwealth

B The Secretary may upon thirty days' written notice to the licensee forward by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license issued hereunder if he shall find that

(a) The licensee has failed to comply with any demand ruling or requirement of the Secretary lawfully made pursuant to and within the authority of this act

(b) The licensee has violated any provisions of this act or any rule or regulation lawfully made by the Secretary under and within the authority of this act

(c) Any fact or condition exists which if it had existed at the time of original application of such licensee clearly would have warranted the Secretary orginally in refusing to issue this license

C Whenever the Secretary shall reject any application for license or issue a notice of intention to revoke a license issued pursuant to this act the licensee may within the period of thirty days appeal from such action to the Court of Common pleas of Dauphin County

D The Secretary is hereby authorized and empowered to make such general rules and regulations and such specific demands rulings and requirements as may be necessary for the proper conduct of such business and the enforcement of this act which rules and regulations shall have the force and effect of law

Section 7 Examinations by the Secretary A For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary may at any time investigate the business and examine the books accounts records and files used therein of every licensee and of every person who or which shall be engaged in the business of financing defined in Section two of this act whether such person shall act or claim to act as principal or agent or under or without the authority of this act For this purpose the Secretary shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

B The Secretary shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary has authority by this act to consider or investigate and for this purpose the Secretary may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoenas or the contumacy of any witness appearing before the Secretary the Secretary may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

C Each witness required to attend before the Secretary shall receive for each day's attendance the sum of two dollars ($2.00) and shall receive in addition the sum of ten cents (10c) for each mile circular traveled by such witness by the usual route between his home and the place where his presence is required The fees expenses and cost of or in connection with any hearing may be imposed by the Secretary upon any party to the record or may be divided between any or all parties to the record in such proportions as the Secretary may determine

Section 8 Costs of examinations to be paid by licensees The costs of every examination of the business of a licensee by the Secretary shall be paid by the licensee so examined and the Secretary may maintain an action for the recovery of such costs in any Court of competent jurisdiction

Section 9 Disposition of License Fees The license fees herein provided shall be deposited with the State Treasurer through the Department of Revenue to the credit of the Banking Department Fund for the use of the Secretary in the administration of this act

Section 10 Scope of Act This act does not apply to and does not affect any act relating to persons operating under the laws relating to banks trust companies bank and trust companies savings banks private banks national banking associations federal reserve banks or persons operating under the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An aact regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements or to persons operating in conjunction with the National Housing Administration Act

Section 11 Penalties A Any person partnership corporation or association or any partner director officer agent or member thereof who shall engage in the business of financing conditional sale contracts in the amount of two thousand ($2,000) dollars or less as defined in this

act in this Commonwealth without first having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars nor more than five thousand ($5,000) dollars or to suffer imprisonment not less than six months nor more than three years in the discretion of the Court

B No contract note lease agreement lien mortgage or other obligation in the amount of two thousand ($2,000) dollars or less arising from a conditional sale of goods which was executed by a buyer in this Commonwealth shall be enforceable against the buyer within this Commonwealth except such contracts notes leases agreements liens mortgages or obligations held by the original seller of the goods or lawfully acquired by a person licensed under this act or exempted under Section ten of this act

Section 12 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine or neuter

Section 13 Repealer All acts and parts of acts inconsistent herewith are hereby repealed

Section 14 Effective Date This act shall become effective on the first day of October one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 1024

Mr. HARVEY. Mr. President, I move to reconsider the vote by which Senate Bill No. 1024, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

passed second reading.

Mr. CLARK. Mr. President, I second the motion

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on second reading?

BILL OVER IN ORDER

Mr. HARVEY. Mr. President, I ask unanimous consent that Senate Bill No. 1024, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. REED (Dauphin). Mr. President, I ask unanimous consent that Senate Bill No. 1207 (House Bill No. 1886), on second reading, entitled:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendonts desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1213 (House Bill No. 2203), entitled:

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1219 (House Bill No. 2380), entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1220 (House Bill No. 2485), as follows:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and railroad companies and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gneral Assembly met and it is hereby enacted by the authority of the same That the Department of Highways in the discretion of the Secretary of Highways by written declaration filed with the Public Service Commission may assume and pay all or any part of the property damages for land or buildings thereon taken injured or destroyed in the elimination of a grade crossing or in the alteration or abolition of an existing overhead or undergrade crossing on a State highway route within any township or any bor-

ough of the Commonwealth provided however that the payment of all or any part of such property damages shall be limited solely to cases where the costs of construction are being paid by the Federal Government

Section 2 In such cases the Secretary of Highways is hereby authorized to enter into agreements with counties townships boroughs and railroad companies for sharing all or any part of the property damages Any monies received under the terms of such agreements shall be deposited in the Motor License Fund.

Section 3 So much of the money in the Motor License Fund as may be necessary from time to time to carry out the provisions of this Act are hereby appropriated to the Department of Highways for such purpose

Section 4 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1236, as follows:

An Act to amend section three hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing a rule for the investment of funds given granted conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or charitable purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 306 Authority to Take and Hold Trust Property Investments Subject to any limitations or restrictions contained in its articles every nonprofit corporation formed for religious educational scientific or charitable purposes may without limitations as to value take receive and hold such real and personal property including the principal or interest of any money or other fund as may be given granted conveyed bequeathed devised to or otherwise vested in such corporation in trust for the purpose or purposes set forth in its articles Such real and personal property shall be faithfully and specifically used for or applied to the purpose or purposes for which it was given in trust to the corporation The directors of the corporation shall as trustees of such property be held to the same degree of responsibility and accountability as if not incorporated unless a less degree or a particular degree of responsibility and accountability is prescribed in the trust instrument or unless the directors remain under the control of the members of the corporation who retain the right to direct and do direct the actions of the directors as to the use of the trust property from time to time [if the trust instrument by which the donor grantor or testator gave such property to the corporation in trust shall direct that only the income of the property shall be used for the accomplishment of the particular religious educational scientific or charitable purpose the directors of the corporation may unless otherwise specifically directed in the trust instrument invest the property in investments which are designated as legal investments for trust funds under the laws of this Commonwealth and such investments are hereby declared to be legal investments of such trust funds by the directors] Unless otherwise specifically directed in the trust instrument by which any real or personal property money or other funds are given granted conveyed bequeathed devised to or otherwise vested in corporations formed for religious educational scientific or other charitable purposes the directors thereof shall have power to invest the funds thus received or the proceeds of any property thus received in such investments as in the honest exercise of their judgment they may after investigation determine to be safe and proper investments and to retain any investments heretofore so made The directors of the corporation shall keep accurate accounts of all trust funds separate and apart from the other funds of the corporation and shall unless the terms of the particular trust instrument provide otherwise make an annual report signed by the treasurer to the members of the corporation concerning the trust funds held under this section and the use made of such funds and of the income thereof

Section 2 This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1243, entitled:

An Act to amend section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" pro-

viding the method by which a foreign business corporation may change the address of its registered office

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enactd by the authority of the same That section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 1007 Amended Certificate of Authority Change of Location of Registered Office A After receiving a certificate of authority a foreign business corporation may subject to the provisions of this act change its name [or the address of its registered office in the Commonwealth] or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended certificate of authority and proof of the advertisement hereinafter required by this section Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation

(B) A foreign business corporation shall before making application to the Department of State advertise its intention to apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic business corporation Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly

(1) The name of the corporation and of the state or county under the laws of which it is formed

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature of the business it proposes to do under the amended certificate of authority

(3) If the application is for a change of name the new name under which it proposes to do business

[(4) If the application is for change of the registered office of the corporation to another county the address including street and number if any of its then registered office and the address including street and number if any to which the registered office is to be changed]

(C) If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended cerificate of authority it shall forthwith but not prior to the day specified in the advertisement heretofore required by this section endorse its approval upon the application and when all fees and charges have been paid as required by law shall file the application and issue to the applicant corporation an amended certificate of authority setting forth the desired changes

(D) After receiving a certificate of authority a foreign business corporation may change the location of its registered office in the Commonwealth. Before the change of location shall become effective the corporation shall file with the Department of State a statement executed under he seal of the corporation signed and verified by two duly authorized officers of the corporation setting forth

(1) The name of the corporation.

(2) The address including street and number if any of its then registered office

(3) The address including street and number if any to which the registered office is to be changed

(4) That such change was authorized by resolution duly adopted by at least a majority of the members of the board of directors

The change of address of the registered office shall become effective upon th filing of such statement with the Department of State

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. PYTKO. Mr. President, I move to amend Section 1, on Page 4, by inserting in line 22, after the word "Commonwealth", the following: "Provided however that where such corporation intends to change the location of its registered office from one county to another cunty notice of such intention shall be published in the county wherein such corporation then has its registered office in a manner similar to that prescribed in this Act in the case of the formation of a domestic business corporation proof of which publication shall be attached to the statement hereinafter required"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon final enactment.

The title of the bill was read as follows and agreed to:

An Act to amend section one thousand and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 1249 (House Bill No. 473) on second reading, entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents' as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECONSIDERATION OF SENATE BILL NO. 1163

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 1163, entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

passed second reading.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on second reading?

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1163, on second reading, be recommitted to the Committee on Banking.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1251 (House Bill No. 894), entitled:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent that Senate Bill No. 1281 (House Bill No. 2495) on second reading, entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said departments in relation thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1302 (House Bill No. 2167), entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other account due the Commonwealth the collecion and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State Government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1326 (House Bill No. 878), entitled:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenyt-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to correspondents in certain divorce actions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1333 (House Bill No. 2176), as follows:

An Act to amend the title of and the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" as amended by providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the borough of Prospect Park reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of Forests and Waters the appropriation as so reduced

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and section one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" are hereby amended to read as follows

An Act authorizing the Department of [Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory] Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of [Property and Supplies] Forests and Waters with the approval of the Pennsylvania Historical Commission shall arrange for the [construction erection and dedication in the city of Chester on public grounds of a suitable monument or memorial to the memory] purchase and acquisition in the name of the Commonwealth of the birthplace of John Morton in the borough of Prospect Park and for the repair restoration and maintenance thereof The department shall have power to enter into any and all contracts deemed necessary to carry into effect the provisions of this act The amount of land purchased and acquired under the provisions of this act shall be in the discretion of the department

Section 2 Section two of said act which was amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-one (Appropriation Acts page eight) is hereby further amended to read as follows

Section 2 That the sum of [ten] seven thousand five hundred dollars [($10,000)] ($7,500) or so much thereof as may be necessary is hereby specifically appropriated and reappropriated to the Department of Property and Supplies] Forests and Waters for the purpose of carrying out the provisions of this act This appropriation and reappropriation is made contingent upon the raising by the citizens of the [city of Chester] county of Delaware [and vicinity] of a sum of a least [ten] five thousand dollars [($10,000)] ($5,000) to be applied to the cost of the [construction erection and dedication of said monument acquisition repair restoration and maintenance of said birthplace and no part of said appropriation shall be paid until proof has been produced to the satisfaction of the Auditor General that said sum of [ten] five thousand dollars [($10,000)] ($5,000) is available for said purposes Payments from said appropriation shall be made upon requisition of the Secretary of [Property and uSpplies] Forests and Waters by warrant of the Auditor General on the State Treasurer in the usual manner

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1376 (House Bill No. 2490), as follows:

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause six of section one of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve ex-

cepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred nineteen) is hereby further amended to read as follows

6 "State employe" shall mean any person holding a State office under the Commonwealth of Pennsylvania or employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwleath and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal Funds But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

Section 2 That clause nine of section one of said act as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred sixty-three) is hereby further amended to read as follows

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred [thirty-three] thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

Section 3 That clause ten of section one of said act as last amended by section two of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred nineteen) is hereby further amended to read as follows

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected re-elected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed [except that payment of] Any such deduction increase may be anticipated in full by the member at any time

Section 4 That clause nine of section eight of said act which was added by section three of the act approved the twelfth day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred nineteen) is hereby amended to read as follows

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundredth-sixtieth (1-160) class to the one one-hundreth (1-100) class Provided that he completes the transfer on or before the thirty-first day of December one thousand nine hundred and thirty-one Provided also that in the event of such transfer the per centum of salary deduction applicable to such transferred member in the one one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction applicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follows

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to

the date of retirement at the one one-hundredth (1-100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundrdeth (1-100) rate bears to the total time of contribution

Section 5 That section eleven of said act as amended by the act approved the twenty-sixth day of April one thousand nine hundred twenty-nine (Pamphlet Laws eight hundred forty-four) the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred twenty-three) and the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred sixty-three) is hereby further amended to read as follows

Section 11 (1) Should a contributor before reaching superannuation retirement age by resignation or dismissal or for any other reason than death or retirement upon disability under section twelve or for superannuation under section thirteen cease to be a State employe he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Should a State employe so separate from his or her service as State employe without retiring return within seven years and restore to the State Employes' Retirement Fund to the credit of the annuity savings account his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at that time shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employe who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time and to continue from the time of reentry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service In any case his or her annuity or allowance shall cease upon reentry into State service until subsequent retirement

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated contributions and in addition a State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and in addition thereto if an original member of the retirement association of a further State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act

(4) Should a judge discontinue service voluntarily or not voluntarily after having completed twenty years of total service but before reaching superannuation retirement age he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take at the time of retirement an annuity calculated in accordance with clause three (b) of this section as provided for in the case of State employes retiring not voluntarily after having completed ten years of total service or he or she may elect to take a deferred annuity beginning at superannuation retirement age calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation but in no event shall the total State annuity exceed fifty per centum of his or her final salary

(5) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board. In case any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dollars ($100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductions on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 6 That clause five of section twelve of said act is hereby amended to read as follows

(5) On retirement for disability a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the member's annuity shall be sufficient to produce a retirement allowance of one-ninetieth (1-90) of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum of said final salary unless said thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement then the State annuity shall be the amount to which the member would have been entitled had the back payments been completed at the time of becoming a member

Section 7 That clause two of section thirteen of said act is hereby amended to read as follows

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent to his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

Section 8 That section fourteen of said act is hereby amended to read as follows

Section 14 At the time of his or her superannuation retirement any contributor may elect to receive his or her benefits in a retirement allowance payable throughout life or if such retirement allowance amounts to less than five dollars ($5) per month he or she may elect to receive

the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or her or she may on superannuation retirement elect to receive the actuarial equivalent at that time of his or her member's annuity State annuity or retirement allowance in a lesse rmember's annuity or a less State annuity or a less retirement allowance payable throughout life with the provisions that

Option 1 If he or she die before receiving in payments the present value of his or her member's annuity State annuity or retirement allowance as it was at the time of his or her retirement the balance shall be paid to his or her legal representatives or to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 2 Upon his or her death his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledge and filed with the retirement board at the time of his or her retirement

Option 3 Upon his or her death one-half of his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 4 Some other benefit or benefits shall be paid to either the contributor or such other person or persons as or she shall nominate provided such other benefit or benefits shall together with such lesser member's annuity or lesser State annuity or lesser retirement allonwance be certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement boards

Section 9 That section fifteen of said act is hereby amended to read as follows

Section 15 A member's annuity a State annuity or a retirement allowance granted under the provisions of this act shall be paid in equal monthly instalments and shall not be increased decreased revoked or repealed except as otherwise provided in this act Where an annuitant has heretofore died or shall hereafter die and there shall be due to the estate of such annuitant a sum less than one hundred dollars ($100) and letters testamentary or of administration have not been taken on the estate of such annuitant within six months of death the board may pay the amount due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 10 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1390, as follows:

An Act to amend section twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by cancelling cerain judgments against townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-nine of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State pro-

viding aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred seven) is hereby further amended to read as follows

Section 29 The work of maintaining and repairing all State-aid highways improved under the provisions of this act or which shall have been previously reconstructed by State aid shall be done by the Department of Highways and fifty (50) per centum of the cost thereof shall be paid by the several townships wherein such roads may lie or by the county when such roads have been improved upon the petition of such county without the cooperation of the township [Whenever the obligation] All obligations of any township for the cost of maintaining and repairing any State-aid highways reconstructed by State aid previous to the passage of the act to which this is an amendment [remains] which remain unpaid [and has] whether or not the same have been reduced to judgment by the Department of Justice are herby cancelled and forgiven and shall no longer be or remain obligations of any such township [the Attorney General on behalf of the Commonwealth and with the approval of the Auditor General and State Treasurer may enter into an agreement with the township against which the judgment has been obtained for the payment of such judgment in installments Such agreement may be made whenever it appears that the township is unable to pay the judgment at once by reason of its financial condition and shall provide for the liquidation of such judgment in definite payments over a period not exceeding five years If it shall appear that the township by reason of its financial condition would be unable to pay the full amount of such judgment in installments over a period of five years the Attorney General with the approval of the Auditor General and State Treasurer may compound or settle such judgment for such portion thereof as such officers may find the township to be able to pay over a period of five years and the agreement hereinbefore provided for shall be entered into on the basis of such settlement]

Section 2 The provisions of this acat shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1391, as follows:

An Act to further amend section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principla cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by extending the conditions of the additional bond for labor and materials to include service rendered

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property

or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or tollroads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decided the work be done for the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Hi hways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" as last amended by section three of the act approved the twenty-sixth day of June one thiusand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred eighty-eight) is hereby further amended to read as follows

Section 13 All work of construction building or rebuilding of highways excepting that of repairing and maintenance done under the provisions of this act may be by contract and shall be according to plans and specifications to be prepared in every case by the Department of Highways and in awarding any contract the work shall be given to the lowest responsible bidder with the option on the part of the Secretary of Highways to reject any or all bids if the prices named for the work or materials to be used are higher than the estimated cost or for any other reason appearing to said secretary Every person copartnership association or corporation before being awarded any contract for the construction or improvement of any State highway or State-aid highway under the provisions of this act shall furnish a bond with sufficient surety or sureties in a sum equal to fifty per centum of the contract price of the work conditioned that the contractor shall well and truly and in a manner satisfactory to the Secretary of Highways complete the work contracted for and shall save harmless the Commonwealth of Pennsylvania from any expense incurred through the failure of said contractor to complete the work as specified or from any damages growing out of the carelessness of said contractor or his or its servants and where the amount of such contract is in excess of five hundred ($500.00) dollars it shall be the duty of the Department of Highways to require every person copartnership association or corporation entering into such contract before commencing work thereunder to execute and deliver to the Commonwealth of Pennsylvania an additional bond for the use of any and every person copartnership association or corporation interested in a sum equal to fifty per centum of the contract price of the work which bond shall be conditioned for the prompt payment of all material furnished and labor supplied or performed and services rendered in or in connection with the prosecution of the work whether or not the said material or labor enter into and become component parts of the work or improvement contemplated Such additional bond shall be deposited with and held by the Department of Highways for the use of any party interested therein Every such additional bond shall provide that every person copartnership association or corporation who whether as sub-contractor or otherwise has furnished material or supplied or performed labor or services in or in connection with the prosecution of the work as above and who has not been paid therefor may sue in assumpsit on such additional bond in the name of the Commonwealth for his their or its use and prosecute the same to final judgment for such sum or sums as may be justly due him them or it and have execution thereon Provided however That the Commonwealth shall not be liable for the payment of any costs or expense of any suit Each of such surety bonds shall have as surety thereon one or more surety companies legally authorized to transact business in this Commonwealth and satisfactory to the Secretary of Highways

The Secretary of Highways however is hereby authorized and empowered in his discretion to construct build or rebuild by the agents servants and employes of the Department of Highways any highway or highways for the construction building or rebuilding of which he may contract under the provisions of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1396, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey three contiguous parcels of land

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor is hereby authorized and empowered to sell and convey for such price as may be agreed upon three contiguous parcels of land bounded and described as follows

Parcel One Beginning at a point on the northeasterly side of Belmont Avenue at the distance of twenty-one feet nine and three-eights inches northwest of Edgley Avenue thence northwestwardly along the said Belmont Avenue two hundred and fifty feet thence northeastwardly at right angles with Belmont Avenue two hundred feet to a point thence southeastwardly at right angles with Monument Road one hundred and thirty-one feet four and three-fourths inches to a point in the middle of Old Monument Road thence along the same south thirty-nine degrees thirty-seven minutes twenty-nine seconds and seven-hundredths west three hundred and three feet and one-eighth inches to a point thence north fifty-eight degrees fifty-eight minutes eight seconds and four-tenths west sixty-nine feet four and three-eights inches to the place of beginning

Parcel Two Beginning at a point on the northeasterly side of Belmont Avenue at the distance of two hundred and seventy-one feet nine and three-eighths inches north west of Edgley Avenue in the City of Philadelphia thence northwestwardly along the said Belmont Avenue fifty feet to a point thence northeastwardly at right angles with said Belmont Avenue two hundred and fifty feet to a point thence southeastwardly at right angles with Monument Road one hundred and thirty-seven feet six and one-half inches to a point in the middle of Old Monument Road thence along the same south thirty-nine degrees thirty-seven minutes twenty-nine and seven-hundredths seconds west seventy feet five and three-eighths inches to a point thence northwestwardly at right angles to said Old Monument Road one hundred and thirty-one feet four and three-quarters inches to a point and thence southwestwardly at right angles to said Belmont Avenue two hundred feet to the place of beginning

Parcel Three Beginning at a point on the easterly side of Belmont Avenue at the distance of three hundred and twenty-one feet nine and three-eighths inches northwardly from the northerly side of Edgley Avenue thence extending northwardly along said Belmont Avenue one hundred feet thence extending northeastwardly on a line at right angle to said Belmont Avenue four hundred and fifty-two feet and one-fourth of an inch to the northwest side of Monument Road (sixty feet wide) thence extend-

ing southwestwardly along said Monument Road two hundred and twenty-four feet two inches thence extending north fifty degrees six minutes and forty-five and ninety-three one-hundredths seconds west ninety-seven feet four and five-eighths inches to a point and thence extending westwardly on a line at right angles to said Belmont Avenue two hundred and fifty feet to the easterly side thereof the first mentioned point and place of beginning

The aforesaid three parcels of land are situated in the City of Philadelphia title to which parcels of land is in the Commonwealth and the Department of Property and Supplies is hereby authorized to make and execute a deed in the name of the Commonwealth to the purchaser thereof The moneys received as the purchase price of said parcels of land shall be paid into the General Fund

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1404 (House Bill No. 1716), entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of public library although a school library already exists

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1426, as follows:

An Act prohibiting others than members of the Bar to practice law and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person who shall practice law within this Commonwealth without being a member of the Bar of a Court of Record shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or shall suffer imprisonment not exceeding six months or both or either at the discretion of the court

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 1428 (House Bill No. 1418) on second reading, entitled:

An Act to amend sections four and ten of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporated surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1429 (House Bill No. 2853), entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks banks and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1439 (House Bill No. 2249), entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (P. L. 328) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1446 (House Bill No. 2488), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employe of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 1429
(HOUSE BILL NO. 2853)

Mr. COYNE. Mr. President, I move to reconsider the vote by which Senate Bill No. 1429 (House Bill No. 2853), entitled:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penalties

passed second reading.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The eleventh, tenth, ninth, eighth, seventh, sixth, fifth and fourth sections of the bill were separately reconsidered.

Mr. COYNE. Mr. President, I move to reconsider the vote by which the third section of the bill was agreed to.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. COYNE. Mr. President, I move to amend page 2, section 3, line 20 by inserting after the word "funds" in said line the following: "Nor to obligations commonly known as travel or travellers checks"

Mr. SHAPIRO. Mr. President, I second the motion.

And the question recurring,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh sections of the bill were separately read and agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1451 (House Bill No. 2662), entitled:

An Act to prevent the lapsing of abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred and thirty-five and thirty-seven fiscal biennium

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1461, as follows:

An Act making an appropriation for the purpose of maintaining the public roads through the Cornplanter Indian Reservation in Elk Township Warren County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen hundred dollars ($1500) or so much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be paid to the treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisiors of Elk Township

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1466, as follows:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended permitting dogs to be trained on Sunday during the training season with the consent of owners of lands except in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals

and amending revising consolidating and changing the law relating thereto" as amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred fifty-five) is hereby further amended to read as follows

Section 718 Training of Dogs on Certain Game During the period between one hour before sunrise and ten o'clock post meridian eastern standard time dogs when accompanied by and under control of their owner or handler may be trained upon any game in this Commonwealth excepting elk or deer or wild turkey from the twentieth day of August to the last day of February next following [Sundays excepted] so long as no firearms usually raised at arm's length and fired from the shoulder are carried and no injury is inflicted upon said animals or birds Provided however That it shall be unlawful to train dogs on Sunday unless the consent of the owner of the land where such training is being done has first been secured but no such consent shall be required in the case of State and National forest lands This section does not prohibit the training of dogs on raccoons during the nighttime It shall also be lawful to hold field meets or trials for dogs with led game animals at any time between the first day of March and the twentieth day of August next following or field meets where bird dogs are permitted to work on liberated or native wild game birds in exhibition or contest at any time during daylight hours from the first day of March to the thirty-first day of March of each year (Sundays excepted) if a permit for such field meet of either kind or class has been applied for to the Board of Game Commissioners and issued by the board and a fee of twenty dollars ($20) has been paid by the applicant to the executive secretary of the board whose duty it shall be to supervise the holding of such field meet and to enforce the terms of the permits therefor and the rules and regulations of the board for the holding of such meets "Under control" is hereby defined to mean within call except when actually on a trail or track of legal game

Any person who shall train a dog or dogs or permit a dog or dogs under his control to pursue or follow upon the track of any small game contrary to the foregoing provisions shall be liable to a fine of ten dollars for each offense

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO. 1451 (HOUSE BILL NO. 2662)

Mr. COYNE. Mr. President, I move to reconsider the vote by which Senate Bill No. 1451 (House Bill No. 2662), entitled:

An Act to prevent the lapsing or abatement of certain appropriations and charging the same against the revenues for the one thousand nine hundred and thirty-five and thirty-seven fiscal biennium

passed second reading.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL POSTPONED

Mr. COYNE. Mr. President, I move that further consideration of Senate Bill No. 1451 (House Bill No. 2662) be postponed for the present.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. LAW. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 908 (House Bill No. 1140), entitled:

An Act to further amend section three hundred five of the act approved the second day of June one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" by increasing the requirement to be met by employers desiring to be self-insurers and providing for better enforcement of the provisions of the act by conferring additional powers upon the Department of Labor and Industry and by prescribing and changing certain presumptions rules of evidence and penalties

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 908, the bill just reported from committee, be recommitted to the Committee on Labor and Industry.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

Also from the Committee on Judiciary Special, reported as committed, Senate Bill No. 909 (House Bill No. 1155), entitled:

An Act imposing upon employers subject to the Workmen's Compensation Law or their workmen's compensation insurance carriers including the State Workmen's Insurance Fund expenses and costs incurred by the Commonwealth in administering and enforcing certain laws for the benefit of those injured in industry and for the benefit of the dependents of those killed in industry.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 909, the bill just reported from committee, be recommitted to the Committee on Labor and Industry.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Public Health, re-reported as amended, Senate Bill No. 848, entitled:

An Act to provide for sexual sterilization of mental defectives.

BILL INTRODUCED

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS, read in place and presented to the Chair Senate Bill No. 1512, entitled:

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

MOTION TO READ BILL THE FIRST TIME

Mr. BUCKMAN. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 854 (House Bill No. 1069), entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs of five thousand population of more and incorporated towns and townships of the first class extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1063 (House Bill No 1237), entitled:

An Act to further amend article eight of the act approved the first day of May one thousand nine hundred and twenty-one (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns tawnships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" regulating the carrying of liquid or motor fuel.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1075 (House Bill No. 1823), entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1084 (House Bill No. 2047), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 392) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aided highways and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1088 (House Bill No. 2053), entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1089 (House Bill No. 2054), entitled:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (P. L. 27) entitled "An act to authorize the Deparement of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1092 (House Bill No. 2058), entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as State Highways and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1191 (House Bill No. 2128), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1285 (House Bill No. 2576), entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1320, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturalization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquor or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," by permitting manufacturers to import alcohol or alcoholic liquids for certain purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1321, entitled:

A Supplement to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase, bottling and sale of wine; and authorizing the sale of wine by holders of licenses to sell malt liquor, and the sale of wine by manufacturers to special wine permittees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1352, entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1392, entitled:

An Act to amend section five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws impos-

ing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, qualifying additional securities as acceptable for the securing of State deposits.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until Monday evening at 9 o'clock.

Mr. BUCKMAN. Mr. President, I second the motion..

The motion was agreed to.

The Senate adjourned at 12 noon until Monday evening, June 3, 1935, at 9 o'clock..

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, June 3, 1935.

The Senate met at 9 o'clock, P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Our Heavenly Father, in view of life's uncertainty, grant unto us grace to live each day as though it were our last day of human existence. May we strive to finish each task, discharge each duty and fulfill each obligation as completely as our strength and opportunity may permit.

Bestow upon us wisdom to judge, strength to perform and faith to go forward unfalteringly. May our actions not be too hasty nor yet too deliberate. Show us what is best for ourselves and for those whose interests touch and perhaps conflict with our own. Then assist us as we endeavor to do the thing which may best conserve the common good.

May we not forget the power of words to comfort or to wound those to whom or of whom we speak. So may we set a guard about our lips and a rein upon our tongues.

Ever faithful in our allegiances and true to the trusts reposed in us, may we daily grow in power to serve our age and hasten the coming of Thy kingdom.

In closing this short period of devotion we would ask Thy blessing to rest upon that member of this body upon whom the hand of bereavement has fallen. Comfort him and his family by Thy spirit in the name of Thy Son. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petition from the Pittsburgh Synod of the Evangelical Lutheran Church protesting against anti-Sabbath legislation.

Which was referred to the Committee on Law and Order.

FAVORING SENATE BILL NO. 1150

The Chair also laid before the Senate petition from Lodge No. 375, Slovene National Benefit Society, favoring Senate Bill No. 1150.

Which was referred to the Committee on Insurance.

COMMUNICATION FROM HONORABLE WALTER S. PYTKO

The Chair cleared his table and laid before the Senate the following communication:

May 31, 1935.

Senate of Pennsylvania, Harrisburg, Pa.

My Esteemed Colleagues:

It is with a feeling of deep appreciation that I acknowledge receipt of the Resolution adopted by you on May twentieth, wherein sympathy on the death of my father is so kindly expressed.

My gratitude is rendered more enduring by the thought that you have seen fit to pause in the pressure of legislative duties to commiserate with me in my grief.

Gratefully yours,

WALTER S. PYTKO.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 817, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 817, entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications

and has appointed Messrs. Downey, Smith and Hart as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

REPORT FROM COMMITTEE

Mr. BATCHELOR, from the Committee on Judiciary Special, reported as committed, or as amended, Senate Bill No. 1178 (House Resolution No. 18), entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturizat-

tion, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchase of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" legalizing the home manufacture of wine.

BILL RECOMMITTED

Mr. BATCHELOR. Mr. President, I move that Senate Bill No. 1178, the bill just reported from committee be recommitted to the Committee on Labor and Industry.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. CLARK, from the Committee on Appropriations reported as committed, Senate Bill No. 1493 (House Bill No. 2173), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1511, entitled:

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh, Pennsylvania.

Mr. CLARK from the Committee on Elections reported as committed, Senate Bill No. 1460, entiled:

An Act to provide for the nomination of candidates for public office by political parties as herein defined, providing penalties, and abolishing existing primary elections.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Mercer, Mr. LAW, will state his question of personal privilege.

Mr. LAW. Mr. President, I have on my desk—and I presume the other members have on their desks tonight—a letter to the President of the Keystone Automobile Club from the President of the Sun Oil Company, in which the writer purports to explain the recent rise in the price of gasoline. I know, in that connection, that there have been efforts in line with this attempt to separate the increase in the price of gasoline from the question of taxation. The letter reads as follows:

SUN OIL COMPANY
Philadelphia, Pennsylvania

June 3, 1935.

Mr. J. Borton Weeks, President,
The Keystone Automobile Club,
Broad & Vine Sts.,
Philadelphia, Penna.

Mr Dear Mr. Weeks:

I have your letter of May 27th, inquiring about the recent increase of 1 cent in the price of gasoline. You refer to the fact that motorists, automobile clubs and dealers, and the farm organizations had united with the the oil companies in opposing an increased gasoline tax, and observe that "we now have the very definite feeling of having been let down as the result of this recent 1 cent increase in price."

At the outset I want to express my appreciation of this close cooperation that has been maintained between these groups. The gasoline tax has become so easy a means of raising revenue that the producers and users of gasoline has need to maintain an unrelenting opposition to increases; otherwise it is hard to conjecture how high this tax may ultimately be pushed. Because it is so important to maintain this united front of opposition, I should keenly regret any misunderstanding that could jeopardize it.

The recent price increase had no relationship whatever to the legislative situation in Harrisburg. Costs of producing and marketing our products have risen sharply in the last two years because of NRA. Crude oil at times had sold as low as 10 cents per barrel; its price is now based on $1 per barrel. Other costs have increased all the way from oil field to filling station, and the higher price was necessary to put an end to actual losses which had continued for a long time. Yet the increase only brought the price of gasoline up to 13 cents in Philadelphia, ex-tax; and that is exactly the same price we got for gasoline in Philadelphia this day a year ago.

Gasoline demand touches its low in winter and high in summer. So gasoline which is made in winter in excess of the seasonal demand must be stored and carried until warm weather; and this is expensive. Normally, the industry loses in winter and must make up the loss in the season of largest demand. This was the case during the past winter, and the recent price advance was exactly in line with long established practice, dictated by economic conditions.

Everybody has recognized in the last year a general rise in prices. I have before me price statistics of the U. S. Department of Labor on this point. Let me quote some illustrations. The price of sirloin steak in Philadelphia averaged 34 cents per pound for 1933; but on February 12th, last, it was 50.2 cents.

Pork chops in Philadelphia averaged 21.5 cents for 1933; but on February 12, 1935, they were 32.7 cents.

Tea averaged, for the whole country, in 1933, 65.6 cents per pound; but on February 12, 1935, it averaged 72.9 cents.

White bread in Philadelphia averaged 7 cents per pound for 1933; but on February 12, 1935, it was 8.8 cents.

Over the entire country, for 1933, eggs averaged 26.1 cents per dozen; but on February 12, 1935, they averaged 38.5.

Sliced bacon averaged, for 1933, 22.3 cents per pound; but on February 12, 1935, it was 36.5 cents.

Wheat flour averaged 3.9 cents per pound for 1933; but on February 12, 1935, it had gone up to 5 cents per pound.

The statistics make similar showing for practically all foods, and it is universal knowledge that practically all commodities have risen in like manner.

That users of gasoline have no occasion for complaint is shown by the continual price decrease over a long period. In 1919, when there were no gasoline taxes except in Oregon, the average filling station price of gasoline, ex-tax, for the country, was 25.41 cents per gallon. By 1926 it had dropped to 20.9 cents; and for 1934 it was only 13.10.

I have said that the recent price increase was a normal, seasonal adjustment. In order that you may be assured that it did not represent an imposition on the people of Pennsylvania, I may repeat that such advances are the rule, at this season, all over the country.

Thus in Cleveland on January 1, 1935, the price at the filling station, ex-tax, was 12.5 cents; on April 25 it was raised to 13.5 cents; and on May 29, to 14 cents.

At Wilmington, Del., the price January 1, last, was 12.5 cents; on May 18 it was raised to 13.5 cents.

At Wheeling, W. Va., on January 1, 1935, the price was 12.5 cents; on May 15, it was raised to 13.25 cents.

At Baltimore the price January 1, was 12.5 cents; on April 8 it dropped to 12.3; and on May 10 was raised to 12.6.

At Harrisburg the price January 1 was 12.5; on May 18 it was raised to 13.5.

At Philadelphia the price last January 1 was 12 cents; on May 18 it was raised to 13 cents.

At Detroit the price last January 1 was 13 cents; on May 2 it became 14.7 cents.

At Richmond, Va., the price last January 1 was 13 cents; on May 10 it was raised to 13.3 cents.

At Orlando, Fla., the price last January 1 was 13 cents; on January 25 it was raised to 13.5 cents.

I hope this analysis will convince you that the recent price advance in Pennsylvania was only a normal and necessary adjustment. Most industries advertise only when they have reduced prices—and so have no explanations to make. The oil industry alone has to announce increases—and sometimes to explain them. In the present instance I am particularly glad of the opportunity you have afforded me to make this explanation to the great body of motorists whom you represent. I hope it will clear away any possible misapprehension that may have lodged in their minds.

Most sincerely yours,

(Signed) J. HOWARD PEW,
President

However, there is one feature they have left out,—they have failed to tell the whole story. I was informed last week, when I was home, by the oil producers in the territory, that at the same time this increase was made in the price of gasoline the price of crude oil was reduced 10c a barrel. I would like to have the statement of that fact, together with a copy of this letter, placed upon the record.

The PRESIDENT. The statement will be entered in the record.

BILLS INTRODUCED

Mr. NORTON read in his place and presented to the Chair Senate Bill No. 1513, entitled:

An Act to further amend section five hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts to pay for the bonds of depositories.

Which was committed to the Committee on Education.

Mr. OWLETT read in his place and presented to the Chair Senate Bill No. 1514, entitled:

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 112), entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person, not exceeding one hundred dollars per month," by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe.

Which was committed to the Committee on Insurance.

Mr. THOMPSON (Westmoreland) read in his place and presented to the Chair Senate Bill No. 1515 entitled:

An Act to amend the title and the act, approved the twenty-third day of May, one thousand nine hundred and seven (P. L. 227), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husband," as amended; extending said rights to children abandoned by a father.

Which was committed to the Committee on Judiciary General.

Mr. PRINCE read in his place and presented to the Chair Senate Bill No. 1516 entitled:

An Act for the protection of producers of farm produce; providing for the licensing and regulation of certain individuals and entities receiving, selling or offering for sale as principals or on consignment or on a net return basis within this Commonwealth farm produce; conferring powers and imposing duties on the Department of Agriculture, and otherwise providing for the administration of this act; provding for appeals and prescribing penalties.

Which was committed to the Committee on Agriculture.

Also read in his place and presented to the Chair Senate Bill No. 1517 entitled:

An Act to regulate and under certain circumstances to prohibit the use of the names of breeds of dairy cattle in connection with corporate, trade and fictitious names, and in advertisements, trade-marks and brands; conferring powers on the Department of Agriculture; and providing penalties.

Which was committed to the Committee on Agriculture.

Mr. HUFFMAN read in his place and presented to the Chair Senate Bill No. 1518 entitled:

An Act to amend section one of the act, approved the twenty-third day of April, one thousand nine hundred and nine (P. L. 159), entitled "An act prohibiting the buying, having, or receiving of stolen property, in the Commonwealth of Pennsylvania, and providing for the punishment thereof," by extending said act to cases where the defendant has reasonable cause to know such property was stolen or feloniously taken.

Which was committed to the Committee on Judiciary General.

Mr. ROBERTS read in his place and presented to the Chair Senate Bill No. 1519 entitled:

An Act to amend sections one of the act approved the thirteenth day of May, one thousand nine hundred fifteen (P. L. 268), entitled "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing return, and recording of the same; by providing that the Industrial Board shall under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith", by exempting from the provisions of the act children employed in occasional radio or other entertainment activities.

Which was committed to the Committee on Labor and Industry.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1520 entitled:

An Act authorizing savings banks to establish life insurance departments, providing procedure and prerequisites.

Which was committed to the Committee on Banking.

RESOLUTION EXPRESSING SYMPATHY TO HONORABLE CHARLES H. EALY

Mr. REED (Dauphin) offered the following resolution, which was twice read, considered and agreed to:

In the Senate, June 3, 1935.

Whereas, Almighty God in His infinite wisdom has visited the home and family of our colleague, Senator Charles H Ealy, by calling to eternity his beloved and honored Mother,

Now therefore be it resolved, by the Senate of the Commonwealth of Pennsylvania in session duly assembled that the sympathy of the members of the Senate be extended to our distinguished colleague, Senator Ealy, in his hour of sorrow and bereavement,

And be it further resolved, that this resolution be entered upon the Journal of the Senate and that a copy thereof be transmitted by the Secretary of the Senate to our friend and colleague, Senator Ealy.

TIME OF NEXT MEETING

Mr. BENNETT offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 3, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, June 10, 1935, at 9 o'clock, Eastern Standard Time and that when the House of Representatives adjourns this week it reconvens Monday evening, June 10, 1935, at 9 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION RELATIVE TO APPOINTMENT OF COMMITTEE TO INVESTIGATE CHARGES MADE BY VARIOUS NEWSPAPERS

MR. BATCHELOR offered the following resolution, which was twice read as follows:

In the Senate, June 3, 1935.

Whereas, There was introduced into the General Assembly a bill, commonly known as the Pittsburgh Ripper Bill, that if enacted into law will abolish the office of Mayor in the City of Pittsburgh, and Whereas, The real purpose of this bill seems to be to remove the Hon. William McNair from the office of Mayor of the City of Pittsburgh by legislative authority, notwithstanding that he could be removed by appropriate legal proceedings if found guilty of malfeasance in office, or that he had been elected to the office of Mayor at the preceding election by a large majority of the votes cast, or that a newspaper poll taken after the introduction into the General Assembly of the above-mentioned bill indicated that a large majority of the voters were still desirous of having him as their chief executive, and

Whereas, The real objection to having the said William McNair serve as Mayor for the full term to which he had been elected, seems to be that his independence in the administration of his official duties, especially his dispensing of political patronage is not satisfactory to the Democratic organization of that city, and

Whereas, Various newspapers circulating in Pennsylvania have published news items and have given considerable editorial space to the above-mentioned bill, generally agreeing, that all the Democratic Senators will support the bill and inferring if not actually alleging, that in order to secure the votes of seven Republican Senators necessary to have the bill pass, that parties having at their disposal, political patronage, were offering Republican Senators, jobs or positions for their friends or constituents, in return for votes to have the said bill reported out of committee and for final passage in the Senate, and

Whereas, This seems to be a serious reflection on the honesty and integrity of members of the Senate, therefore be it,

Resolved, That the President pro Tempore of the Senate appoint a committee consisting of three Senators, to investigate the charges made by various newspapers as to the methods used to secure the passage of said bill and of all lobbying done in the interest of this bill or of any offer made to any member of the General Assembly for his or her support in favor of said bill and to all other matters in connection therewith. The said committee to make a report of its findings to the Senate for such action as may seem desirable, and be it further,

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary.

Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of the Commonwealth. Each members of said committee shall have power to administer oaths and affirmations to witnesess appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. BATCHELOR. Mr. President, I ask unanimous consent that Rule 39 which requires that resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. RODGERS. Mr. President, I object.

The Chair hears objection. The Resolution will be referred to the Committee on Municipal Government.

RESOLUTION MEMORIALIZING FEDERAL WORKS ADMINISTRATION TO PROCURE ALLOCATION OF FEDERAL PUBLIC WORKS EMERGENCY FUNDS

Mr. RANKIN offered the following resolution, which was twice read, considered and agreed to:

In the Senate, June 3, 1935.

Whereas, For a period of 25 years studies and surveys have been made by the U. S. Army Corps of Engineers and Engineers of the Flood Commission of Pittsburgh for a system of flood control reservoirs in the headwaters of the Allegheny and Monongahela rivers, the expense of which surveys were met by moneys appropriated by the Congress of the United States, the Commonwealth of Pennsylvania, the County of Allegheny, the City of Pittsburgh, and by the contributions of taxpayers both private individuals and industries; and

Whereas, Nine of the proposed reservoirs are in Pennsylvania and are part of a system of 14 reservoirs in Pennsylvania, West Virginia and Kentucky studied and approved by the Mississippi Committee of the National Resources Board, by the Corps of Engineers, U. S. A., by Major W. H. Gravell, P. W. A. Engineer for Pennsylvania and by the Tri-State authority, a voluntary organization of the mayors, burgesses and presidents of municipal council in 230 municipalities in the States of Pennsylvania, Ohio and West Virginia; and

Whereas, The first reservoir in the system is now under construction on the Tygart river in West Virginia, a tributary of the Monongahela, at a total cost of about

$15,000,000, allocated entirely from Federal Public Works Emergency funds, and already giving employment directly and indirectly to about 4,000 men; and

Whereas, The construction of the remaining 13 reservoirs in the system at a total estimated cost of $70,117,000 will give employment to an estimated 60,000 men out of a total of 200,000 unemployed in the vicinity of the reservoir sites, besides consuming great quantities of construction materials such as sand, gravel, cement, steel, lumber, tools and machinery, thus furnishing employment to additional thousands; and

Whereas, The construction of these proposed reservoirs and the Muskingum Project in Ohio are estimated by the Mississippi Valley Committee of the National Resources Board in its report of Oct. 1, 1934 to reduce floods 5 to 6 feet at Pittsburgh, 4 to 6 feet at Cincinnati, 2 to 4 feet at Louisville, and ½ to 1 foot at Cairo (confluence of the Ohio and Mississippi rivers), affording flood protection to a population of several million people and their properties, occupations and pursuits and thus constituting a project national in scope and effects; and

Whereas, In addition to furnishing protection from floods the proposed reservoirs will improve navigation in the Allegheny, Monongahela and Ohio rivers in periods of low and high water, will benefit sanitary conditions of domestic water supplies to millions of population and provide possible future sources of hydro-electric energy; therefore be it

Resolved (if the House of Representatives concur), That the Senate of Pennsylvania memorialize the Federal Public Works Administration, through the Administrator, Secretary Harold L. Ickes, to procure allocation of Federal Public Works Emergency funds to begin at once construction of additional reservoirs in this system, of which the following have been located in Pennsylvania by the Corps of Engineers, U. S. A., the Allegheny reservoir, the Conemaugh, the French Creek, the Tionesta Creek, the Red Bank Creek, the Mahoning Creek, the Crooked Creek, the Loyalhanna Creek reservoirs, all on or tributary to the Allegheny river, and the Shenango river reservoir, tributary to the Ohio river at an estimated total cost of $54,900,000, all to be allocated out of Federal Public Works funds for temporary relief of unemployment, and for permanent social benefit to millions of population dwelling in the watersheds of the rivers referred to.

Resolved, That a copy of this resolution be transmitted to Secretary of the Interior Harold L. Ickes, the Secretary of War and the Chief of Engineers of the United States Army, by the Secretary of the Senate.

Mr. RODGERS. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. ZIESENHEIM. Mr. President, I object.

The Chair hears objection. The Resolution will be referred to the Committee on Federal Relations.

RESOLUTION RELATIVE TO THE OBSERVANCE OF JUNE 14TH AS FLAG DAY

Mr. RANKIN offered the following resolution, which was twice read:

In the Senate, June 3, 1935.

Whereas, June 14th is the anniversary of the adoption by the Continental Congress, June 14, 1777, of the Stars and Stripes as the emblem of the United States, and with that date began the history of our Flag as a symbol of our nationality; and

Whereas, Pennsylvania has the honor of giving birth on its soil to our National Emblem; and

Whereas, The American Flag Day Association, which for over forty (40) years has led the observation of "Flag Day" as a patriotic duty and their affiliated civic, educational, patriotic, fraternal, religious and other cooperating organizations which also annually observe Flag Day, have by their example, shown the citizens of Pennsylvania particularly and the Nation at large the influence for good which such observance may exert; and

Whereas, By such celebrations our pride in American citizenship may be emphasized, our faith in and devotion to American institutions strengthened, a stronger love of country shown, our patriotism rekindled and also to perpetuate this observance; therefore be it

Resolved (if the House of Representatives concur), That the Governor of our Commonwealth be and he is hereby authorized and empowered to designate June 14th of each year as Flag Day by proclamation, and to request our citizens to observe Flag Day, June 14th, as the anniversary birthday of "Old Glory" and that decorations in our National colors be made, and wherever possible in every community, the American Flag be displayed and worn as a badge of honor and distinction, that in schools and colleges and universities there be special patriotic exercises and societies, clubs, and other organizations have suitable programs, and also on the Sunday nearest June 14th, in all places of worship, public recognition be made, that we then give expression to our thoughtful love of America, our determination to make it greater with each generation, by loyal service and loyal living.

Mr. RANKIN. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Washington). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator will state his question of personal privilege.

Mr. REED (Washington). Mr. President, some weeks ago, I discussed from the floor of this Senate one phase of that agitating question—"Whither are we tending" and tonight it is my purpose to treat another branch of this important subject commonly and well known to us all as Unemployment Relief. It is an invariable rule of political science that the structure of every nation is built deeply in its people. It naturally follows that a people full of strength and wisdom always maketh a strong and good nation, but a people full of weakness and ignorance soon dissipate the substance of a nation and cause it to descend into the depth of degradation and decay.

It is essential then to the welfare of every nation that its people be encouraged and assisted in their desire and endeavor to rise to a high and worthy plane of citizenship, and while these observations could be applied, with interest and profit, to other nations of today, I desire to confine my remarks to mine own beloved country, the United States of America, and to my native State, the Commonwealth of Pennsylvania.

The rise and expansion of our great American Commonwealth constitute a story of the growth of a thrifty and determined people. Possessing, in most instances, the bare necessaries of life, our early fathers cultivated and developed a vigor and power of attack that melted down

and overcame all opposing fear and obstruction, and reared in the west of their day, for themselves and posterity, a new and glorious nation that in time became the wonder of the world. No nation was ever conceived amid darker or gloomier surroundings. Terrifying dangers and formidable hardships encompassed it. Yet, its people, trained to hardihood and deprivation, and imbued with the Spirit to succeed, went forth into all avenues of trade and business, and their many wants were forgotten as they looked forward and beheld the vast field of opportunity that lay stretched out in beauty before them, and as a result an independent and prosperous people inhabited and ruled America.

During this period of growth and devolopment, industry and economy, coupled with honesty and truth, pervaded every household, and sovereign pride forbade the entrance of charity at the door. True, there were those who, through sickness and misfortune, needed the sustaining and helping hand of their neighbors, but assistance, in such worthy cases, was always bountifully and unselfishly furnished, and the dole was a something to them unknown. Thus, in outline we have the glowing history of the beginning and advancement of a magnificent and glorious Republic. But in the course of time the canker of greed and selfishness appeared and began to eat into the fabric of American life and government. Helpful relations between neighbors; mutual friendship and assistance between men; loyal and sincere devotion to the State; virtue in business; honor in life; these all became touched, contaminated and changed by this unholy spirit of cupidity and greed; and as a result, today, we have a brave and noble people fighting desperately to recover and bring back to American life the pure and lasting virtues of the fathers.

During this era of selfishness, men, women and children, in industry and trade, worked feverishly and intensely under the domination of a system that forgot the brotherhood of man as property rights were placed over human rights; and out of it all came the great depression with its unemployment, misery and relief, with approximately 1,680,480 persons receiving assistance in Pennsylvania today.

From a careful study of this Relief question we must conclude that our worthy and unfortunate brethren must be assisted and maintained during this season of gloom and depression. Their faith in the future of America must be kept alive; their courage and fortitude sustained; so that when the dark clouds that hover over us have passed, they shall again with renewed hope, rise up in the struggle to conquer the many new opportunities that this great country will again provide. But from this Relief situation there now arises a new and grave danger. Carefully organized plans are now being perfected for its expansion and perpetuation. Selfish groups are now forming to exploit relief. The crushing burden now borne by overloaded taxpayers receives no consideration from them. Throughout our State the farmer, the artisan, and the tradesman have struggled along with patience and courage, hoping for their day of salvation. Rising early in the morning to their toil they have labored diligently into the night to sustain life and pay taxes, while an expensive and devastating relief machine rolls steadily onward propelled by an innumerable host of highly paid officials that never knew want.

How much further can our farmers go? How much longer can our artisans pay? How much more can our tradesmen stand? How much longer will thrift remain among our people? When these sturdy and true defenders of our nation surrender and succumb the day of danger is near at hand. This nation cannot continue in its greatness with a substantial part of its people sustained by charity and the dole. The future youth of America must not be continuously emancipated into a society where initiative and ambition are dead; where the only hope for subsistence lies in charity and the dole. This powerful relief system must be destroyed. Our pure American ideals must be resurrected and preserved.

In order to accomplish these salutary results, we must immediately provide work for our people. Man, by nature, wants work and not charity. He desires independence; not servility. He loves freedom; not bondage. To lift the standard of living in America; to create work; to eliminate relief; a broad plan of social and economic legislation has been advocated and urged by our President, and taken up in turn by the Governor of our State. Embraced in this program is provision for the reduction of the hours of labor; for the elimination of children from industry; for the destruction of cut-throat competition; for improved working conditions; for better wages; for fair trade practices. More than a year ago the President of the United States started this program on its way, with amazing and unexpected benefits to the people of our land. Industry and business were revived; labor was organized and rebuilt; and better relations were established between Capital and Labor. But this national program, in its development and advancement, has been halted by the recent decision of the United States Supreme Court, and today confusion and doubt darken the sky which but yesterday shone with brilliance and promise. Our people will recover; they will rise again and support the President in his good work, and as the Dred Scott decision of the past fired the people onward with renewed vigor, so this recent decision will crystallize public sentiment into a new determination to find proper and constitutional ways to put these rejected progressive principles again into action.

By reason of this Federal decision, the Commonwealth of Pennsylvania, should move rapidly to accomplish its part of this progressive and constructive program, and with this in mind, I voted last week against the resolution to adjourn on June 21st. However, with but a few weeks of this session remaining, let us labor diligently to complete our program, so that our people will be encouraged and inspired by our conduct, and voluntarily and patriotically join with their fellow countrymen in reviving and rebuilding a progressive and unselfish economic and social order that will bring back prosperity to our land, and root out and destroy that un-American system of unemployment relief and the dole.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILLS NOS. 67, 581 AND 752. APPROVAL OF RESOLUTION AUTHORIZING PRINTING OF 1000 COPIES OF MEMORIAL SERVICES IN HONOR OF THE LATE HON. JAMES S. BOYD. APPROVAL OF JOINT LEGISLATIVE COMMISSION ON INTERSTATE COOPERATION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 67, Printer's No. 280, entitled "An Act requiring return courts judges and boards sitting to record compute and certify the returns of any primary general municipal or special election to take cognizance of the number of registered or enrolled voters by parties of each election district and the number of persons who voted at said election and the number of ballots cast thereat whether said election was conducted by the use of voting machines or paper ballots providing that any excess of votes returned over registered or enrolled voters or over the number of voters or the number of ballots cast shall be deemed a discrepancy and palpable error requiring investigation defining the scope and extent of such investigation and providing for an appeal from the decision thereon prescribing the effect of such excess imposing duties on courts of common pleas and judges thereof county commissioners county controllers county treasurers prothonotaries registration commissions and other public officers and repealing inconsistent legislation."

Senate Bill No. 581, Printer's No. 290, entitled "An Act creating a Local Government Commission to study and report on functions of local government their allocation and elimination the cost of local government and means of reducing it and the consolidation of local government and making an appropriation."

Senate Bill No. 752, Printer's No. 416, entitled "An Act requiring persons applying for or receiving relief to furnish under affidavit certain information and to sign a bond conditioned on the truthfulness of his statements and the lack of fraud or misrepresentation empowering certain persons to administer oaths and prescribing penalties."

A Resolution of the Senate and House of Representatives authorizing the printing of one thousand copies of the proceedings of the memorial service, held in honor of the late Honorable James S. Boyd.

A Resolution of the Senate and House of Representatives providing for the establishment of a Joint Legislative Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this State in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding and cooperation between the State of Pennsylvania and the other states of the Union.

GEORGE H. EARLE.

RECALLING NOMINATION OF JOSEPH B. SHAW AS MEMBER OF THE BOARD OF TRUSTEES OF PENNSYLVANIA STATE COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body under date of May 12, 1935, for the appointment of Joseph B. Shaw, of Harrisburg, Dauphin County as a member of the Board of Trustees of the Pennsylvania State College.

I respectfully request the return to me of the official message of nomination in the premises.

GEORGE H. EARLE.

The PRESIDENT. The nomination is now in the hands of the Committee on Executive Nominations and the communication of His Excellency, the Governor, is referred to the same committee.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 3, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

W. J. Bealles, 222 Sagamore St., Pittsburgh.
Miss Donna E. Mansfield, Gulf Bldg., Pittsburgh.

BLAIR COUNTY

Mrs. May C. Shields, Altoona.

DAUPHIN COUNTY

Clarence R. Burris, Harrisburg.

ERIE COUNTY

A. C. Knablein, Erie.

FAYETTE COUNTY

Richard P. Wright, Masontown.

PHILADELPHIA COUNTY

Miss Dorothy Goldberg, 1911 Packard Bldg., Phila.
Wiliam H. Lewis, Foot of Reed St., Phila.
Miss A. Marguerite McDowell, 1535 Land Title Bldg., Phila.
James J. O'Reilly, 6027 Locust St., Phila.
Miss Clara H. Wright, 232 S. 7th St., Phila.

SCHUYLKILL COUNTY

W. John Krommes, Pottsville.

VENANGO COUNTY

Earl S. Fowler, Oil City.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 609, RECALLED FROM THE GOVERNOR.

Mr. REED (Dauphin). Mr. President, I move to reconsider the vote by which Senate Bill No. 609, recalled from the Governor, entitled:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

passed finally.

The PRESIDENT. How did the Senator vote

Mr. REED (Dauphin). Mr. President, I voted "aye."

Mr. GRAFF. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GRAFF. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. REED (Dauphin). Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. REED (Dauphin). Mr. President, I voted "aye."

Mr. GRAFF. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GRAFF. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend section 2, page 1, by striking out lines 12 to 14, inclusive; also page 2, by striking out lines 1 and 2, also section 3, page 2, line 3, by striking out the numeral "3" and inserting in lieu thereof the numeral "2."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 817 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. BENNETT. Mr. President, I move that the Senate insist upon its amendments made by the Senate to House Bill No. 817 entitled:

An Act to amend section one of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 662), entitled "An act relating to retirement from the Pennsylvania National Guard," by including service in United States Navy or Marine Corps in preferred classifications.

and that a Committee of Conference be appointed to confer with a similar committee of the House (already appointed) to consider the differences existing between the two Houses in relation to said bill.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Bennett, Mallery and Reed (Washington) be said committee on the part of the Senate and that the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 2117, entitled:

An Act to amend section two hundred and fifty-four of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same.

House Bill No. 1615, entitled:

An Act to amend section four hundred and twelve of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," by providing for the assessment of seated lands divided by the boundary line between two townships.

House Bill No. 1962, entitled:

An Act to amend sections 1 and 2 as amended, sections 70 and 71, to repeal section 69 of, and to add Sections 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 70.1, 70.2, and 73 to the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties and forfeitures for violation thereof," further regulating the business and work of plumbing and house drainage in such cities and the examination, licensure and registration of those engaged in such business or work; creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto.

House Bill No. 2491, entitled:

An Act to variously amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code" as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILL ON CONCURRING IN HOUSE AMENDMENTS—RECALLED FROM GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 511 (House Bill No. 965), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs, to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, were twice read as follows: Amend page 1, line 5 of the title, by inserting at the end of the line after the word "Cemetery" the following: "located at Boalsburg, Centre County, Pennsylvania" Amend section 1, page 1, line 9, by inserting at the end of the line after the word "Cemetery" the following: "located at Boalsburg, Centre County, Pennsylvania"

On the question,

Will the Senate agree to the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,

Frey,	McCreesh,	Rice,	Woodward
Gelder,	McGinnis,	Roberts.	Ziesenheim.
Graff.			

NAYS—0

A majority of all hte Senators having voted "aye" the question was determined in the affirmative.

BILL ON CONCURRING IN HOUSE AMENDMENTS

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fines and costs imposed before the restoration of operating privilege in certain cases and imposing upon clerks of the courts

Said amendments having been printed as required by the Constitution, were twice read as follows: Amend title, page 2, last line of title by adding after the word "cases" the following: "and imposing duties upon clerks of the courts"; also Section 1, page 4, by adding after line 10 the following: "The Clerk of the courts shall when such fine and costs have been so paid in any such case certify such fact to the Department of Revenue".

On the question,

Will the Senate agree to the amendment?

Mr. REED (Washington). Mr. President and members of the Senate, this bill is in the same form in which it was when it passed the Senate, some weeks ago, with the exception that the House added this provision, "The clerk of the courts shall, when such fine and costs have been so paid in any such case, certify such fact to the Department of Revenue." I think that is a good amendment, and I am satisfied with that amendment to the bill.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would call the attention of the Senator from Washington, Mr. Reed to page 4 of the bill, and ask whether he understands that this bill correctly carries out the intention of the sponsor—"The secretary shall forthwith revoke for a period of one (1) year from date of revocation, and until the fine and costs imposed shall have been fully paid, the operating privilege of any (such) person * * * "—whether he understands how long that operator's license can be revoked if it be revoked for one year from the date of revocation.

Mr. REED (Washington). Mr. President, the license is revoked, under the original Act, for one year, and then indefinitely if the fine and costs are not paid.

Mr. SHAPIRO. Mr. President, it seems to me this bill should go back for amendment, because the Act provides for the revocation of the license for one year "from date of revocation" and it should be from a given date. It saye "for a period of one (1) year from date of revocation", and, to my mind, means nothing.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	McGinnis,	Roberts,
Batchelor,	Harvey,	Miller,	Rodgers,
Baumer,	Homsher,	Owlett,	Sones,
Bean,	Howell,	Pierson,	Sordoni,
Bennett,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Woodward,
Gelder,	McCreesh,	Rice,	Ziesenheim,
Graff,			

NAYS—3

Buckman,	Norton,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 19, as follows:

An Act to amend sections two four five eight eleven twelve seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors by forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in the relation thereto providing penalties for the violation of the provisions thereof and re-

pealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight eleven twelve twenty-one and twenty-two of the act approved the thirteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws two hundred eighty-six) entitled "An act to provide for the health safety and welfare of minors by forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" are hereby amended to read as follows

Section 2 No minor under [fourteen] sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation except that a minor between the ages of fourteen and sixteen years may be employed as hereinafter provided in such work as will not interfere with school attendance Provided however That nothing contained in this section shall be construed as superseding or modifying any provisions contained in section seven of the act to which this is an amendment

Section 4 No minor under [sixteen] eighteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation for more than six consecutive days in any one week or more than [fifty-one] forty-four hours in any one week or more than [nine] eight hours in any one day [or] except messenger boys employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week or more than fifty-one hours in any one week or more than nine hours in any one day

No minor under sixteen years of age shall be employed or permitted to work in about or in connection with any establishment or in any occupation before [six] seven o'clock in the morning or after [eight] seven o'clock in the evening of any day Provided That male minors over the age of fourteen may be employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication for not more than fifty-one hours in any one week or more than nine hours in any one day and after six o'clock in the morning and before eight o'clock in the evening In computing the maximum number of hours per day or per week permitted under this act the hours spent in school by said minors shall be considered as part of the working day or working week

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in about or in connection with any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

Section 5 No minor under sixteen years of age shall be employed or permitted to work in [operating or assisting in operating any of the following machines which for the purposes of this act are considered dangerous Paper-lace machines job or cylinder printing-presses operated by power other than foot-power stamping machines used in sheet metal and tinware or in paper or leather manufacturing or in washer and nut factories metal or paper cutting machines corrugating-rolls such as are used in making corrugated paper or in roofing or washboard factories dough-brakes or cracker machinery of any description wire or iron straightening or drawing machinery rolling-mill machinery power punches or shears washing or grinding or mixing machinery calender-rolls in paper and rubber manufacturing or other heavy rolls driven by power laundering machinery upon or in connection with any dangerous electrical machinery or appliances Nor shall any minor under sixteen years of age be employed or permitted to work in any capacity in adjusting or assisting in adjusting any belt to any machinery or in proximity to any hazardous or unguarded belts machinery or gearing while the same is in motion] about or in connection with any manufacturing or mechanical occupation or process nor on scaffolding nor in heavy work in the building trades nor in stripping or assorting [or manufacturing] tobacco nor in any tunnel [nor in a public bowling-alley nor in a pool or billiard-room nor in the manufacture of paints colors or white-lead nor in any capacity in preparing compositions in which dangerous leads or acids are used nor in the manufacture or use of dangerous or poisonous dyes] nor upon any railroad steam electric or otherwise nor upon any boat engaged in the transportation of passengers or merchandise nor in operating motor-vehicles of any description nor in any anthracite or bituminous coal-mine or in any other mine [nor about blast-furnaces nor in or about any distillery brewery or any establishment where alcoholic liquors are manufactured or bottled]

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines in oiling or cleaning machinery in motion in the operation or use of any polishing or buffing-wheel at switch-tending at gate-tending at track-repairing as a brakeman fireman engineer or motorman or conductor upon a railroad or railway as a pilot fireman or engineer upon any boat or vessel in the manufacture of paints colors or white lead in any capacity in preparing compositions in which dangerous leads or acids are used in the manufacture or use of dangerous or poisonous dyes in any dangerous occupation in or about any mine nor in or about [establishments] any establishment wherein gunpowder nitroglycerine dynamite or other high or dangerous explosive is manufactured or compounded [as a chauffer of an automobile or an aeroplane]

No minor under eighteen years of age shall be employed or permitted to work in about or in connection with any establishment where alcoholic liquors are distilled rectified compounded brewed manufactured bottled sold or dispensed

[No minor shall be employed or permitted to work in or in connection with any saloon or bar-room where alcoholic liquors are sold] No minor shall be employed or permitted to serve or handle alcoholic liquor in any establishment where alcoholic liquors are sold or dispensed nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors

In addition to the foregoing it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any [other] occupation dangerous to the life or limb or injurious to the health or morals of the said minor as such occupations shall from time to time after public hearing thereon be determined and declared by the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by

the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section

Section 8 Before any minor under [sixteen] eighteen years of age shall be employed permitted or suffered to work in about or in connection with any establishment or in any occupation the person employing such minor shall procure and keep on file and accessible to any attendance officer deputy factory inspector or other authorized inspector or officer charged with the enforcement of this act an employment certificate as hereinafter provided issued for said minor

Section 11 Employment certificates shall be of two classes general employment certificates and vacation employment certificates General employment certificates shall entitle [the] a minor [fourteen] sixteen to [sixteen] eighteen years of age to work during the entire year Vacation employment certificates shall entitle [the] a minor fourteen to [sixteen] eighteen years of age to work as herein provided on any day except at such times on such days as such minor is required to attend school under the provisions of the laws now in force or hereafter enacted Provided however That any male minor over sixteen years of age employed in the distribution sale exposing or offering for sale of any newspaper magazine periodical or other publication shall not be required to procure an employment certificate under this act

Section 12 The official authorized to issue a general or a vacation employment certificate shall not issue such certificate until he has received examined approved and filed the following papers namely

a A statement signed by the prospective employer or by some one duly authorized on his behalf stating that he experts to give such minor present employment and setting forth the character of the same and the number of hours per day and per week which said minor will be employed

b [A school record as hereinafter provided

c] A certificate of physical fitness as hereinafter provided

[d] c Proof of age as hereinafter provided

Section 17 It shall be the duty of every person who shall employ any minor under [sixteen] eighteen years of age to acknowledge in writing to the official issuing the same the receipt of the employment certificate of said minor within three days after the beginning of such employment On termination of the employment of a minor under [sixteen] eighteen years of age the employment certificate issued for such minor shall be returned by mail by the employer to the official issuing the same immediately upon demand of the minor for whom the certificate was issued or otherwise within three days after termination of said employment The official to whom said certificate is so returned shall file said certificate and preserve the same Any minor whose employment certificate has been returned as above provided shall be entitled to a new employment certificate upon presentation of a statement from the prospective employer as hereinabove provided accompanied by a certificate of physical fitness issued in the manner hereinabove provided and based upon a reexamination of said minor and certifying that the minor is physically able to undertake the work for which the new employment certificate is to be issued

Section 21 It shall be the duty of every person who shall employ any minor under the age of [sixteen] eighteen years to post and keep posted in a conspicuous place in every establishment wherein said minor is employed permitted or suffered to work a printed [copy] abstract of the sections of this act relating to the hours of labor and a list or lists of all minors employed under the age of [sixteen] eighteen years and a schedule of the hours of labor of such minors The schedule of hours of labor herein required shall contain the name of the minor employed or permitted to work the maximum number of hours such minor shall be required or permitted to work on each day of the week with the total for the week the hours for commencing and stopping work and the hours when the time allowed for meals shall begin and end for each day of the week Such minor may begin work after the time for beginning and stop before the time for ending work stated in such schedule but he shall not otherwise be employed or permitted to work in or in connection with any establishment except as stated in such schedule Provided However That in the case of messenger boys employed by telegraph companies such schedule may be varied in accordance with business on hand so long as a minor is not employed a greater number of hours per day or per week than permitted by this act Such copies of the [sections] abstracts of this act and blanks for compliance with [the] its provisions shall be prepared by the Department of Labor and Industry and be furnished by it on application of such employer Every person employing minors under [sixteen] eighteen years of age shall furnish the employment certificates and lists provided for in this act for inspection to attendance officers factory inspectors or other authorized inspectors or officers charged with the enforcement of this act

Section 22 Whenever any minor shall be employed or permitted to work in any establishment or at any occupation who in the judgment of any officer charged with the enforcement of this act is under the legal age for such work or is working at a time forbidden by law for such minor or whenever any minor shall be employed or permitted to work in or in connection with any establishment who in the judgment of any officer charged with the enforcement of this act is under [sixteen] eighteen years of age and for whom the person employing such minor to work shall not have on file an employment certificate such officer may demand from the person employing or permitting such minor to work that he shall either furnish to such officer within ten days evidence of age as defined in section fifteen of this act that such minor is in fact of legal age for the work in which he is engaged or over or [sixteen] eighteen years of age or over as the case shall be or shall cease to employ or permit such minor to work as aforesaid Provided That such person by thus ceasing to employ or permit such minor to work shall not be relieved from any of the fines or penalties provided in this act for the employment or work of a minor contrary to law In case such person shall fail to furnish to said officer within ten days after the making of such demand the required evidence of age and shall thereafter employ such minor or permit him to work as aforesaid proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such minor in any prosecution brought therefor

Section 2 That section three of said act as amended by the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 442) and sections thirteen sixteen and nineteen of said act are hereby repealed

Section 3 This act shall go into effect on the first day of January one thousand nine hundred and thirty-six

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harvey,	Norton,	Rupp,
Batchelor,	Howell,	Owlett,	Shapiro,
Baumer,	Huffman,	Prince,	Sones,
Bean,	Hunsicker,	Pytko,	Sordoni,
Bennett,	Kahle,	Rankin,	Staudenmeier,
Cavalcante,	Lanius,	Reed,	Thompson,
Chapman,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Woodward,
Graff,	Miller,	Rodgers,	Ziesenheim,
Harris,			

NAYS—4

Buckman,	Clark,	Homsher,	Pierson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 759 (House Bill No. 371), as follows:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to [work] domestic service in private homes registered pharmacists assistant pharmacists and apprentice pharmacists employed in a registered pharmacy or hospital dispensary employes in hotels restaurants dining rooms and eating places nursing service in private homes nurses and nurses' helpers employes in hospitals and farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

Section 2 That section three of the said act as amended by the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred nine) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided in this section no female shall be employed or permitted to work in or in connection with any establishment for more than six days in any one week or more than [fifty-four] forty-eight hours in any one week or more than [ten] eight hours in any one day Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such an establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during any one of such three days nor more than the maximum hours per week specified in this act

(b) Females employed in establishments other than manufacturing establishments and in employments other than those hereinafter specifically provided for shall not be employed or permitted to work in or in connection with any such establishments for more than six days in any one week or more than forty-eight hours in any one week or more than ten hours in any one day including any overtime as specified in subsection (a) Provided That for a period not to exceed two weeks during the first six months of the calendar year and for a period not to exceed three weeks during the second six months of the calendar year female workers whose basic work week is forty-eight hours as herein provided may work six hours per week more than their normal basic work week if the employer has notified the Department of Labor and Industry at least one day in advance of the beginning of such periods and if such periods of overtime shall be identical for all employes in an establishment but no female shall be permitted to work more than the maximum hours per day and the maximum days per week specified in this Act for such establishments And provided further That the maximum hours fixed in this section shall not apply to telephone and telegraph exchanges or offices where the service does not require more than three operators

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the [Commissioner] Secretary of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act [Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding-houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section]

(c) Upon submission of satisfactory proof of the existence of special conditions in any establishment making it necessary for certain persons engaged in the canning of perishable fruits and vegetables and those engaged in the packing of perishable fruits and vegetables at shipping point to be employed more than eight hours in any one day or more than forty-eight hours in any one week the Secretary of Labor and Industry or his duly selected representatives may issue exemption permits with respect to such workers relieving the employer from the provisions of this act with reference to such workers but not for a longer period than thirty days at any one time

[(b)] (d) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such [establishment] establishments shall not exceed the number of hours prescribed in this section for such females in any one week or any one day

(e) The provisions of this section shall not apply [to the work of nurses in hospitals] to the work of females over twenty-one years of age earning at least twenty-five dollars a week if engaged in employment in

cities under 25,000 population twenty-seven dollars and fifty cents a week if engaged in employment in cities of 25,000 to 100,000 population thirty dollars a week if engaged in employment in cities of 100,000 to 500,000 population and thirty-five dollars a week if engaged in employment in cities of over 500,000 population in any of the following occupations (1) bona fide executive positions (2) learned professions or (3) court stenographers

Section 3 That section six of the said act is hereby amended to read as follows

Section 6 Not less than [forty-five] thirty minutes shall be allowed to every female employed or permitted to work in or in connection with any establishment for the mid day meal which period shall not be considered a part of the hours of labor [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the time allowed for the mid-day meal may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the [work-rooms] workrooms during the time allowed for meals

Section 4 That section seven of the said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work more than [six] five hours continuously in or connection with any establishment without an interval of at least [forty-five] thirty minutes and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment [for less than eight] on a shift of not more than six hours in any one day the interval between work periods may be reduced to not less than [thirty] fifteen minutes

Employees shall not be required to remain in the workrooms during the rest periods required by this section

Section 5 That section seventeen of the said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred seventeen) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 6. This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HUNSICKER. Mr. President, I ask unanimous consent to amend section 7, page 8, line 17 by striking out before the word "hours" the word "five" and inserting in lieu thereof the word "six"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 938, on final passage, entitled:

An Act to amend section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Worwkmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 963, as follows:

An Act making an appropriation to the Trustees of the University of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one million six hundred thirty-three thousand dollars ($1,633,000) or so much thereof as may be necessary is hereby specifically appropriated to the Trustees of the University of Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the general maintenance of the University and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the University of Pennsylvania

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Law,	Reed,	(Westmoreland)
Ealy,	Mallery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Ziesenheim,
Gelder,	McCreesh,	Roberts,	

NAYS—1

Prince,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1027, as follows:

An Act to amend section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-two (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the laws providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by excepting from the section policies issued by companies incorporated to do such business as is stipulated in clause one of subdivision (b) of section two hundred and two of this act which insured against perils arising from the ownership or maintenance or from the use of aircraft automobiles or other motor vehicles

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and twenty-two of the act approved the seventeenth day of May one thousand nine hundred and twenty-two (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance ratings bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 522 Permitted Provisions in Standard Fire Policies No stock fire insurance company shall issue fire insurance policies except policies of perpetual insurance except policies of fire insurance on automobiles aircraft or other motor vehicles and except policies insuring for loss of fire resulting directly or indirectly from invasion insurrection riot civil war or commotion or military or usurped power or by order of civil authority on property in this Commonwealth other than those of the standard form herein set forth except as follows

(a) A company may print on its policies its name location and date of incorporation plan of operation the amount of its paid up capital stock the name of its officers and agents the number and date of the policy and if it is issued through an agent the words "This policy shall not be valid until countersigned by the duly authorized agent of the company at ....."

(b) A company may print or use in its policies printed forms of descriptions and specifications of the property insured

(c) A company incorporated in this Commonwealth may print in its policies any provisions which it is authorized or required by law to insert therein and any company not incorporated in this Commonwealth may with the approval of the Insurance Commissioner so print any provisions required by its charter or deed of settlement or by the laws of its own State or county not contrary to the laws of this Commonwealth by the Insurance Commissioner shall require any provision which in his opinion modifies the contract of insurance in such way as to affect the question of loss to be appended to the policy by a slip or rider as hereinafter provided

(d) The blanks in said standard form may be filled in print or writing

(e) A company may print upon policies issued in compliance with the proceeding provisions of this section the words "Pennsylvania Standard Policy" and may include the name of any State or States which may adopt this form of policy

(f) A company may write upon the margin or across the face of the policy or print in type not less than seven (7) point upon separate slips or riders to be attached thereto provisions adding to or modifying those contained in the standard form and all such slips and provisions must be signed by the officers or agents of the company so issuing them

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. REED (Washington). Mr. President, I move that the question together with the further consideration of Senate Bill No. 1027, on final passage, be postponed for the present.

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1028, as follows:

An Act to amend section six hundred twenty-nine of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to further except from subdivision (b) of Article six of that Act double indemnity accidental death contracts and contracts providing for a limited periodical income in the event of total and permanent disability issued in conjunction with life insurance and annuity contracts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section six hundred twenty-nine of the Act approved the seventeenh day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by the Act of June twenty-three one thousand nine hundred and thirty-one (P. L. 904) is hereby amended to read as follows

Section 629 Limitations

(a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy

(b) Nothing in subdivision (b) of this Article shall apply to or in any way affect contracts supplemental to contracts of life or endowment insurance or contracts of annuities where such supplemental contracts contain no provisions except such as operate to safeguard such insur-

ance against lapse or to provide a special surrender value therefor or to provide a stipulated limited periodical income along with waiver of permium in the event that the insured shall be totally and permanently disabled by reason of accidental bodily injury or by sickness nor shall anything in subdivision (b) of this Article apply to or in any way affect contracts supplemental to contracts of life or endowment insurance or annuities where such supplemental contracts provide for the payment of an additional sum in the event of death of the insured as a result of accidental means provided that no such supplemental contract shall be issued or delivered to any person in this Commonwealth unless and until a copy of the form thereof has been submitted to any approved by the Insurance Commissioner under such reasonable rules and regulations he shall make concerning the provisions in such contracts and their submission to and approval by him

(c) Nothing in subdivision (b) of this Article shall be applicable to policies issued by companies organized under the provsions of the act approved April twenty- eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An Act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act"

(d) The provisions contained in clause (e) of Section six hundred and seventeen (617) and clauses (b) (c) (h) and (l) of Section six hundred and eighteen (618) may be omitted from railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. REED (Washington). Mr. President, I move that the question together with the further consideration of Senate Bill No. 1028, on final passage, be postponed for the present.

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 34, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing for a State annunity for principals, supervising principals, and superintendents who separated from school service prior to the establishment of the retirement system.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CLARK. Mr. President, I move to reconsider the vote by which Senate Bill No. 34 was ordered to be transcribed for third reading.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. CLARK. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The first section of the bill was reconsidered.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the first section of the bill was agreed to.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. CLARK. Mr. President, I move to amend Section 1, page 3, line 15, by striking out the words "An employe's" and inserting in lieu thereof "A teacher's;" also page 3, line 18, by inserting after the word "Service" the following: "prior to the age of sixty-two years;" also page 3, line 24, by striking out the word "eleven" and inserting in lieu thereof "ten"

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read and agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 55, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of the home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance ratings bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto section four hundred and eleven A; establishing the effect of medical examinations or the waiver thereof in applications for life insurance, and restricting defenses by insurance companies in such cases.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question.

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend section 1, page 3, line 6, by striking out after the word "fraud" the word "or"; also page 3, line 6, by inserting after the word "deceit" the following: "or misrepresentation"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 213, entitled:

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

And said bill having been read a length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 214 (House Bill No. 89), entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Bennett,	Huffman,	Prince,	Sordoni,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson,
Chapman,	Lanius,	Reed,	(Centre)
Clark,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Woodward,
Gelder,	McGinnis,	Roberts,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 645 (House Bill No. 665), entitled:

An Act to amend clause twenty-five as amended and renumbered Clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State Government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund.

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Daly,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 646 (House Bill No. 666) on third reading, entitled:

An Act appropriating the moneys in the State Forests and Waters Fund

be recommitted to the Committee on Appropriations for the purpose of amendment.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, this bill gives to the Secretary of the Commonwealth of Pennsylvania the right to make contracts with the head of any Federal department or agency without providing that it shall be with the head of a department authorized to make such a contract. While I am in perfect accord with the purpose of the bill, I do not think that this bill in its present form, should be passed.

It also gives to the Secretary of the Commonwealth the right to make contracts and determine the proportion of the profits earned by the Commonwealth of Pennsylto be given to the Federal Government; and I think that should be studied.

I therefore move that this bill be referred back to the Committee on Appropriations for the purpose of making appropriate amendments, as well as for the purpose of determining whether or not the Secretary of the Commonwealth should have the right to make an agreement to give the profits back to any other body of this government.

Mr. HARRIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for, twenty-six Senators voted in the affirmative and eighteen in the negative; therefore, the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 718, entitled:

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein the officers of the consolidated city, including a public administrator, and abolish certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess property officers professions and persons for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. COYNE. Mr. President, I ask unanimous consent to amend Section 222, page 22, line 3, by inserting after the word "duty" the following: "Provided, however, That nothing herein contained shall be construed to repeal sections three hundred eleven to three hundred twenty-six inclusive of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto,' nor any of the amendments to said sections."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 779 (House Bill No. 1024), entitled:

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Coonstitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 802 (House Bill No. 1608), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercises of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporatioons authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation associatioon or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 813 (House Bill No. 1078), entitled:

An Act relating to judgments by agreement

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 831 (House Bill No. 1654), entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Aron,	Frey,	McClure,	Rodgers,
Batchelor,	Gelder,	McGinnis,	Rupp,
Bean,	Graff,	Norton,	Shapiro,
Bennett,	Harris,	Owlett,	Sordoni,
Buckman,	Harvey,	Pierson,	Staudenmeier,
Cavalcante,	Homsher,	Prince,	Thompson,
Chapman,	Howell,	Rankin,	(Westmoreland)
Clark,	Huffman,	Reed,	Trainer,
Coyne,	Hunsicker,	(Dauphin)	Ziesenheim,
Ealy,	Mallery,		

NAYS—11

Baumer,	Law,	Pytko,	Rice,
Kahle,	McCreesh,	Reed,	Roberts,
Lanius,	Miller,	(Washington)	Sones,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 907 (House Bill No. 1130), entitled:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Rodgers,
Batchelor,	Harris,	Miller,	Rupp,
Baumer,	Harvey,	Norton,	Shapiro,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Washington)	(Westmoreland)
Ealy,	Mallery,	Rice,	Trainer,
Frey,	McClure,	Roberts,	Ziesenheim,
Gelder,	McCreesh,		

NAYS—1

Reed, (Dauphin)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 939, on third reading, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the reguation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new sub-division and section providing for the licensing of foreign mutual casualty insurance companies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 942, on third reading, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds, associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 944, on third reading, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies other than life, for admission to do business in this Commonwealth.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP. Mr. President, I ask unanimous consent that Senate Bill No. 951, on third reading, entitled:

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECESS

Mr. HUFFMAN. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 954, entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds

And said bill having been read at length the third time, and agreed to;

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Howell,	Owlett,	Shapiro,
Bennett,	Homsher,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Daly,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 971 (House Bill No. 67), entitled:

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 130) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HUFFMAN. Mr. President, I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HUFFMAN. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. HUFFMAN. Mr. President, I think if the Senator from Philadelphia, Mr. Shapiro, knew what the amendments consist of he would not object.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. The amendments will be read for the information of the Senate.

The amendments were read as follows:

Amend section 1, page 4, line 20, by striking out with heavy faced brackets the words "nor more than five hundred dollars or", and insert in lieu thereof "and in default of the payment of said fine and costs"; also amend section 1, page 4, line 21, by striking out with heavy faced brackets the word "less", and insert in lieu thereof the word "more"; also amend section 1, page 4, lines 22 and 23, by striking out with heavy faced brackets all of said lines.

The PRESIDENT. Is there an objection?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, is it not true that the effect of the amendment offered by the Senator from Monroe, Mr. Huffman, would be to change the fine, which now, according to the bill, is not less than one hundred dollars nor more than five hundred dollars, to not less than fifty dollars nor more than one hundred dollars?

Mr. HUFFMAN. Mr. President, exactly.

Mr. SHAPIRO. Mr. President, is it not true that that will put the bill in exactly the same position as the bill was in before being amended as we propose now, which makes the fine not more than five hundred dollars nor less than one hundred dollars?

Mr. HUFFMAN. Mr. President, I should not say so.

Mr. SHAPIRO. Mr. President, is not that the effect of it?

Mr. HUFFMAN. Mr. President, so far as the primitive is concerned this is an entirely new bill. It is a very stringent bill, and it seems to me that no penalty of this character, of this kind, should be placed in this bill.

Mr. SHAPIRO. Mr. President, this is a bill which puts the Senate in the position of saying they meant what they said when the original law was passed or they used language for the purpose of confusing an issue. The original law, as it stands on our statute books, reads:

The purposes at this time are two-fold: one, to amplify what it meant by places of amusement and other places, used in general terms; and that is all this bill does; and in order to increase the fine to from one hundred dollars to five hundred dollars, and at the same time to give jurisdiction to the judge who tries the case to imupose sentence if it is necessary. In other words, it puts teeth

into this bill and gives notice to them that what the Legislature said in the original act was intended to mean something and that people should not be discriminated against because of race or color. Under these circumstances, I see no point in this amendment, it merely puts us back in the same position in which we were; and that is the reason I oppose the unanimous consent to amend.

The PRESIDENT. If the Senator from Philadelphia, Mr. Shapiro, presses his objection, the Chair will have to rule that the discussion is out of order.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. HUFFMAN. Mr. President, I move to reconsider the vote by which Senate Bill No. 971 (House Bill No. 67), passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HUFFMAN. Mr. President, I voted "aye".

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye".

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. SHAPIRO and Mr. HUFFMAN and were as follows, viz:

YEAS—19

Baumer,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson
Kahle,	Pytko,	Roberts,	(Centre)
Lanius,			

NAYS— 29

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Sordoni,
Bean,	Graff,	Norton,	Staudenmeier,
Bennett,	Harris,	Owlett,	Thompson,
Buckman,	Harvey,	Pierson,	(Westmoreland)
Chapman,	Homsher,	Prince,	Trainer,
Clark,	Howell,	Reed	Ziesenheim,
Coyne,	Hunsicker,	(Dauphin)	

So the question was determined in the negative.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—1

Sones,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 975 (House Bill No. 861), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	Miller,	Rodgers,
Batchelor,	Harris,	Norton,	Rupp,
Baumer,	Harvey,	Owlett,	Shapiro,
Bean,	Homsher,	Pierson,	Sones,
Bennett,	Howell,	Prince,	Sordoni,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,	Roberts,	

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1025, entitled:

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies thereof permitting the recording of such certificates or copies thereof and making certified copies of the record of certified copies of certificates competent evidence for all purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1026, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectural service in connection with a cell house at the Western State Pentitentiary at Rockview.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1067 (House Bill No. 1555), entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1081 (House Bill No. 2044), entitled:

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (P. L. 109) entitled "An act to limit the period within which petions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1085 (House Bill No. 2049), entitled:

An Act to amend section one of the act approved the fourth day of May one thousand nine hundred and thirty-three (P. L. 277) entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside municipalities under certain conditions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Daly,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

CONSIDERATION OF SENATE BILL NO. 1429 (HOUSE BILL NO. 2853)

Mr. BUCKMAN. Mr. President, in view of the lateness of the hour I move that the Senate do now proceed to the consideration of Senate Bill No. 1429 (House Bill No. 2853) at the top of page 22, known as the Check Tax.

Mr. SORDONI. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1429 (House Bill No. 2853), as follows:

An Act imposing a state tax upon checks drafts assignments and other written evidences for the payment and transfer of money honored by banks by payment or by receipt for deposit imposing duties and liabilities on banks bank and trust companies trust companies private banks savings funds savings institutions savings banks and national banking associations conferring powers and imposing duties on certain State officers and departments making an appropriation and imposing penaltes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Check Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Bank" Any bank bank and trust company trust company private bank savings fund savings institutions savings bank and national banking association receiving moneys on deposit

"Check" Checks drafts assignments and other written evidences for the payment or transfer of money honored by a bank by payment or by receipt for deposit

"Department" the Department of Revenue of this Commonwealth

"Person" Any natural person association corportion receiver trustee or assignee

Section 3 There is hereby imposed a state tax of two cents on each check as herein defined drawn on any bank in this Commonwealth Such tax shall be paid by the maker or drawer of such check

The tax hereby imposed shall not apply with respect to any checks drawn by the Commonwealth or any of its political subdivisions against any public funds nor to obligations commonly known as travel or travellers checks

Section 4 Every bank paying any check as herein defined as drawee of such check shall collect the amount of the tax imposed under this act by charging such amount against any deposits to the credit of the maker or drawer of such check and shall on or before the tenth of each month make a return under oath or affirmation for the preceeding month and pay such taxes to the department Such returns shall contain such information and be made in such a manner as the department may by regulations prescribe Every bank required to collect any tax under this section is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section If any bank shall neglect or refuse to make any return or payment as herein required an additional ten per centum of the amount of the tax shall be added by the department to the tax assessed against such bank

Section 5 (a) If the department is not satisfied with the report and payment of tax by any bank under the provisions of this act it is hereby authorized and empowered to make an additional assessment of the tax due based upon the facts contained in the return or upon any information within its possession Such bank shall be liable for the amount of such additional assessment

(b) Promptly after the date of such additional assessment the department shall give or send by mail or otherwise a notice thereof to such bank Within thirty days after the date of such additional assessment such bank of such addiional tax Every petition for reassessment shall state specifically the reasons which the petitioner suported by affidavit that it is not made for the purpose believes entitle him to such reassessment and shall be may file with the department a petition for reassessment of delay and that the facts therein set forth are true It shall be the duty fo the department within nintey days after the date of any additional assessment to dispose of any petition for reassessment Notice of the action taken upon any petition for reassessment shall be given to the petitioner promptly after the date of such reassessment by the department

(c) Within thirty days after notice by the department of the action taken on any petition for reassessment filed with it the bank against which such reassessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reasons upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety days after they have been received and in the event of the failure of said Board to dispose of any such petition within ninety days the action taken by the department upon the petition for reassessment shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for reassessment or it may reassess the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the

Board's failure to act upon any petition for review within ninety days may within sixty days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law in appeals in the case of tax settlement

(e) If any bank shall neglect or refuse to make any return or payment of tax required by this act the department shall estimate the tax due by such bank and assess he amount due by it for taxes penalties and interest thereon as prescribed herein from which assessment there shall be no right of review or appeal

Section 6 The amount of all taxes imposed under the provisions of this act shall be due and payable at the time the return is required to be filed with the department under the provisions of this act and shall bear interest at the rate of one per centum a month from the date they are due and payable until paid except that any taxes found due as a result of an appeal to the Court of Common Pleas of Dauphin County or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid

Section 7 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

Section 8 The department or any agent authorized in writing by it is hereby authorized to examine the books papers records and equipment and to investigate the character of the business of any bank in order to ascertain whether such bank is collecting the tax hereby imposed and in order to verify the accuracy of any return made or if no return was made by such bank to ascertain and assess the tax imposed by this act Every such bank is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and required Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred ($500.00) and costs of prosecution or to undergo imprisonment for not more than six months or both

Section 9 All taxes interest and penalties that shall be received paid or collected under the provisions of this act before June first one thousand nine hundred thirty-six shall be paid into the State Treasury through the department and shall be expended only for unemployment relief purposes and for such purposes are hereby appropriated and all such taxes interest and penalties paid into the State Treasury on or after June first one thousand nine hundred thirty-six shall be credited to the General Fund

Section 10 If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included therein

Section 11 This act shall become effective ten days after its final enactment and shall remain in force until the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. SORDONI. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO DEFER FURTHER CONSIDERATION OF BILLS ON THIRD READING

Mr. BUCKMAN. Mr. President, I move that further consideration of bills on third reading be deferred until tomorrow, and that the Senate do now proceed to the consideration of bills on second reading.

Mr. SORDONI. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STAUDENMEIER. Mr. President, I object to the motion of the Senator from Bucks, Mr. Buckman. A consideration of the number of bills on this third reading calendar should convince everybody in this Senate that there is a great deal of work to be done here. We have heard about getting done, getting done. We have a big second reading calendar, and I think we should at least, for some time further in the morning, take up these bills on third reading calendar; otherwise tomorrow we will have a third reading calendar twice or three times as long as the one we have now, and Wednesday we will have practically the same condition. If there is an honest effort being made to adjourn sometime this month, I think that we as Senators had better continue with the consideration of bills on the third reading calendar.

And the question recurring,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I ask for a roll call on that motion.

POINT OF ORDER

Mr. STAUDENMEIER. Mr. President, the request of the Senator from Bucks, Mr. Buckman, is not in order; the request for a roll call should have been put before the motion was put.

The PRESIDENT. The point of order of the Senator from Schuylkill, Mr. Staudenmeier, is well taken.

And the question recurring,

Will the Senate agree to the motion?

The motion was not agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1086 (House Bill No. 2050), entitled:

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases" as amended extending the provisions of said act to highways in cities" as amended.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Sones,
Bennett,	Howell,	Pierson,	Sordoni,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1117 (House Bill No. 1286), as follows:

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (P. L. 485) entitled "An act to provide for the petter protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows non-residents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" are hereby amended to read as follows

Section 8 The board by a majority vote thereof may refuse to grant refuse to renew suspend or revoke a license of any applicant or licensee for the following reasons

(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

(b) Violation of the health laws of this Commonwealth

(c) The conviction of a crime involving moral turpitude

(d) The use of misleading advertising

(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct

Section 10 (a) Any [applicant or licensee whose license has been refused suspended or revoked by] party aggrieved by a decision of the board shall within thirty days have the right to appeal to the court of common pleas of Dauphin County where the matter shall be heard by the court without a jury The action of said court shall be final The case shall be heard upon the record certified to the court by the Board The court may in proper cases remit the record to the Board for the taking of further testimony

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the Board and may appeal any decision of the Board on its own behalf naming as defendants the Board and any other party in interest The said association of funeral directors or any person having an interest in the controversy may by an action in equity obtain an injunction to prevent the illegal operation of a person firm corporation or establishment in violation of law or the regulations of the Board For such purposes the common pleas court of the county where the violations occur or where the defendant may be served shall have jurisdiction

Section 12 (a) No person shall [operate] practice as an undertaker or funeral director as defined herein in this Commonwealth unless he or she shall hold a license so to do as provided in this act

The provisions of this section shall not apply to [(a)] (1) Bona fide employes of a licensed undertaker

[(b)] (2) Employes of any cemetery or crematory whose duties or business extend no further

[(c)] (3) Persons acting under the orders of commissioned medical officers of the Army or Navy or Maine force of the United States

[(d)] (4) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical surgical or other institutions for the benefit of science

[(e)] (5) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity

[(f)] [Estates] of deceased licensees when the business is carried on under the supervision of a licensed undertaker for such period [and under such rules and regulations as may be prescribed by the board] Provided that the Board may issue licenses and renew the same to estates for a period not exceeding three years or widows of deceased licenses as long as they remain unmarried when the business is carried on under the supervision of a licensed undertaker and under the regulations of the board

(b) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation shall be duly qualified so to do

(c) No person shall lend sell buy give or obtain a license as a funeral director or a registration card issued by the Board in any other manner than is provided for in this act nor offer or attempt so to do

(d) No person shall attempt to practice under guise of a license or registration card not issued by the Board or under cover of a license or registration card obtained illegally or fraudulently or which has been revoked or suspended

(e) A person either individually or as a member of a partnership or of a corporation shall be deemed to be practicing as a funeral director within the meaning and intent of this act

(1) Who holds himself out to the public in any man-

ner as one who is skilled in the knowledge of science and practice of funeral directing embalming or undertaking or who advertises himself as an undertaker

(2) Who as an employe except of a duly licensed funeral director performs services in connection with assisting in the arrangements for the burial or disposal of the body of a deceased person

(3) Who permits either as lessee employe associate or in any capacity whatsoever the illegal operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or available funeral directing or undertaking services or facilities

Section 14 (a) The board shall be charged with the enforcement of this act It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of undertaking including the regulation of names of persons firms or corporations the raising of educational and other requirements of apprentices and prescribing additional grounds for revocation or suspension of licenses and the method for the restoration thereof and such other matters as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession

(b) It [may if the department approves] shall appoint an inspector or inspectors whose title shall be "Inspector State Board of Undertakers Commonwealth of Pennsylvania" Such inspector shall hold office at the pleasure of the board and shall receive such compensation as shall be fixed by the board with the approval of the [Superintendent of] [Public Instruction] department Such inspector shall be empowered to serve all processes and papers of the board and shall have the right of entry into any place where the business or profession of undertaking is carried on or advertised as being carried on for the purpose of inspection and for the investigation of complaints coming before the board and such other matters as the board may direct

(c) The Board shall consist of five members appointed by the Governor with the advice and consent of the Senate All appointments after the passage of this act shall be made from licensed funeral directors of good moral character

At the expiration of the term of the member whose term shall expire first then his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-two at the expiration of the term of the member whose term is second to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-three at the expiration of the term of the member whose term is third to expire his successor shall be appointed for a term to expire August thirty-first one thousand nine hundred and forty-four at the expiration of the term of the member whose term is fourth to expire his successor shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-five at the expiration of the term of the member whose term is last to expire he shall be appointed for a term expiring August thirty-first one thousand nine hundred and forty-six Thereafter all appointments shall be made for terms of five years expiring August thirty-first of each year Whenever a vacancy shall occur before the expiration of the term of any member then the succeeding appointment shall be for the unexpired portion of the said term it being the intention of this act that one member of the Board shall be appointed annually to fill the vacancy of a member whose regular term expires on August thirty-first of each year Providing always that at the expiration of a member's tenure he shall continue to serve on the Board until his successor shall have been appointed

(d) The Board shall formulate regulations and distribute the same to each registered licensee Every person practicing as a funeral director as defined in this act and his employes shall be governed and controlled by the regulations adopted by the Board For the purposes of this act the words "undertaker" and "funeral director" shall be deemed to be synonymous

(e) The Board shall keep a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them Such register shall be open to public inspection The board may appoint or employ with the Attorney General's consent special counsel in addition to the Attorney-General The board shall not hereafter grant any new branch licenses and it may suspend or revoke inactive licenses of any individual or corporation

(f) The Board may grant to individual persons from other states who are duly licensed embalmers or funeral directors a license to operate as a funeral director in this Commonwealth under such terms and conditions as the Board may prescribe provided that similar privileges are accorded in those states to those originally licensed by this Commonwealth and provided that the standards for licensing in the said states shall be equivalent to those of this Commonwealth

(g) The Board is hereby transferred from the Department of Public Instruction to the Department of Health All duties and functions under this act required to be performed by the Superintendent or Department of Public Instruction shall be performed by the Secretary or Department of Health The Secretary of Health shall be ex-officio a member of the board

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1213 (House Bill No. 2203), entitled:

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet laws two hundred seventy-three) entitled" An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commisson and otherwise providing for the administration of this

act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1214 (House Bill No. 2205), entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1219 (House Bill No. 2380), entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1220 (House Bill No. 2485), entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and railroad companies and making an appropriation.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1236, entitled:

An Act to amend section three hundred and six of the act aproved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given granted, conveyed, bequeathed, devised to, or otherwise invested in corporations formed for religious, educational, scientific or charitable purposes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Ziesenheim,

NAYS—2

Law,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1243, as follows:

An Act to amend section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the Courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing the method by which a foreign business corporation may change the address of its registered office

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enactd by the authority of the same That section one thousand and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 1007 Amended Certificate of Authority Change of Location of Registered Office A After receiving a certificate of authority a foreign business corporation may subject to the provisions of this act change its name [or the address of its registered office in the Commonwealth] or be authorized to do in this Commonwealth other or additional business than that authorized by its certificate of authority by filing with the Department of State an application for an amended certificate of authority and proof of the advertisement hereinafter required by this section Such application shall be executed under the seal of the corporation signed and verified by two duly authorized officers thereof and shall set forth the changes desired by the corporation

(B) A foreign business corporation shall before making application to the Department of State advertise its intention to apply for an amended certificate of authority by publication in a manner similar to that prescribed in this act in the case of the formation of a domestic business corporation Advertisements shall appear at least three days prior to the day on which application is made to the Department of State and shall set forth briefly

(1) The name of the corporation and of the state or county under the laws of which it is formed

(2) If the application is for permission to do in this Commonwealth other or additional business the character and nature of the business it proposes to do under the amended certificate of authority

(3) If the application is for a change of name the new name under which it proposes to do business

[(4) If the application is for change of the registered office of the corporation to another county the address including street and number if any of its then registered office and the address including street and number if any to which the registered office is to be changed]

(C) If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended cerificate of authority it shall forthwith but not prior to the day specified in the advertisement heretofore required by this section endorse its approval upon the application and when all fees and charges have been paid as required by law shall file the application and issue to the applicant

corporation an amended certificate of authority setting forth the desired changes

(D) After receiving a certificate of authority a foreign business corporation may change the location of its registered office in the Commonwealth Provided however that where such corporation intends to change the location of its registered office from one county to another county notice of such intention shall be published in the county wherein such corporation then has its registered office in a manner similar to that prescribed in this Act in the case of the formation of a domestic business corporation proof of which publication shall be attached to the statement hereinafter required Before the change of location shall become effective the corporation shall file with the Department of State a statement executed under the seal of the corporation signed and verified by two duly authorized officers of the corporation setting forth

(1) The name of the corporation.

(2) The address including street and number if any of its then registered office

(3) The address including street and number if any to which the registered office is to be changed

(4) That such change was authorized by resolution duly adopted by at least a majority of the members of the board of directors

The change of address of the registered office shall become effective upon th filing of such statement with the Department of State

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1251 (House Bill No. 894), entitled:

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the purisdiction of the courts in divorce actions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	Miller,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,		

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1302 (House Bill No. 2167), entitled:

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	Miller,	Roberts,
Batchelor,	Harris,	Norton,	Rodgers,
Baumer,	Harvey,	Owlett,	Rupp,
Bean,	Homsher,	Pierson,	Shapiro,
Bennett,	Howell,	Prince,	Sones,
Buckman,	Huffman,	Pytko,	Staudenmeier,

Cavalcante,	Hunsicker,	Rankin,	Thompson,
Chapman,	Kahle,	Reed,	(Centre)
Clark,	Lanius,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Westmoreland)
Ealy,	McClure,	(Washington)	Trainer,
Frey,	McCreesh,	Rice,	Ziesenheim,
Gelder,	McGinnis,		

NAYS—1

Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1313 (House Bill No. 2512), entitled:

An Act authorizing courts to stay legal proceedings except in certain cases against bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 1315, on third reading, entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two, and three hundred and forty-three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1326 (House Bill No. 878), on third reading, entitled:

An Act to amend section thirty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" as amended further regulating the sending of notice to corespondents in certain divorce actions

be recommitted to the Committee on Judiciary General for the purpose of amendment.

Mr. STAUDENMEIR. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1333 (House Bill No. 2176), entitled:

An Act to amend the title of and the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the City of Chester a monument to the memory of John Morton and making an appropriation" as amended by providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the borough of Prospect Park reducing the amount of the state appropriation and the amount required to be raised by citizens and reappropriating to the Department of Forests and Waters the appropriation as so reduced.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1376 (House Bill No. 2490) on third reading, entitled:

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1390, entitled:

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Deparment, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth, providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended; by cancelling certain judgments against townships.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1391, entitled:

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Deparment, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair

of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1396, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey three contiguous parcels of land

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rice,
Batchelor,	Harris,	Miller,	Roberts,
Baumer,	Harvey,	Norton,	Rodgers,
Bean,	Homsher,	Owlett,	Rupp,
Bennett,	Howell,	Pierson,	Shapiro,
Buckman,	Huffman,	Prince,	Sones,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Dauphin)	Trainer,
Ealy,	Mallery,	Reed,	Ziesenheim,
Frey,	McClure,	(Washington)	
Gelder,	McCreesh,		

NAYS—1

Thompson,
(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1404 (House Bill No. 1716), entitled:

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of a public library although a school library already exists.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Graff,	McGinnis,	Rice,
Batchelor,	Harris,	Miller,	Roberts,
Baumer,	Harvey,	Norton,	Rodgers,
Bean,	Homsher,	Owlett,	Rupp,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1415, entitled:

An Act for the establishment operation and maintenance by corporations and cities of foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress providing for the formation of private corporations for such purposes and prescribing the powers and duties of such corporations and of cities in connection with such trade zones

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1426, entitled:

An Act prohibiting other than members of the Bar to practice law and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	Miller,	Roberts,
Batchelor,	Harvey,	Norton,	Rodgers,
Baumer,	Howell,	Owlett,	Rupp,
Bean,	Huffman,	Pierson,	Shapiro,
Bennett,	Hunsicker,	Prince,	Sones,
Buckman,	Kahle,	Pytko,	Staudenmeier,
Cavalcante,	Lanius,	Rankin,	Thompson,
Chapman,	Law,	Reed,	(Centre)
Clark,	Mallery,	(Dauphin)	Thompson,
Coyne,	McClure,	Reed,	(Westmoreland)
Ealy,	McCreesh,	(Washington)	Trainer,
Frey,	McGinnis,	Rice,	Ziesenheim,
Graff,			

NAYS—2

Gelder,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1439 (House Bill No. 2249), entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (Pamphlet Laws three hundred twenty-eight) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

REQUEST THAT BILL GO OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection.

Mr. BUCKMAN. Mr. President, I object.

MOTION TO POSTPONE BILL

Mr. GELDER. Mr. President, I move that the question together with the further consideration of the bill, be postponed for the present.

Mr. PRINCE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. GELDER and were as follows, viz:

YEAS—17

Batchelor,	Graff,	Norton,	Reed,
Chapman,	Homsher,	Owlett,	(Dauphin)
Clark,	Howell,	Pierson,	Thompson,
Ealy,	Mallery,	Prince,	(Westmoreland)
Gelder,	McClure,		Ziesenheim,

NAYS—27

Aron,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Pytko,	Rupp,
Bean,	Huffman,	Rankin,	Sones,
Bennett,	Kahle,	Reed,	Staudenmeier,
Buckman,	Law,	(Washington)	Thompson,
Cavalcante	McCreesh,	Rice,	(Centre)
Coyne,	McGinnis,	Roberts,	Trainer,
Frey,			

So the question was determined in the negative.

REQUEST THAT THE BILL GO OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, in view of the fact that the Senate has decided to proceed to vote down this bill, I simply wish to explain that it contains pro-

visions that are not clear to me. Just what the effect of this bill would be on the Protestant denominations seems to me very much in doubt. I dislike to vote 'no' because it may be a good bill, but I do not understand it, and since we have been refused the opportunity to study the bill, for that reason alone I intend to vote 'no.'

Mr. TRAINER. Mr. President, I want to say to the members of the Senate that if they understood the bill, they would not object to it. If Senator Reed would like the bill to go over in order to give him an opportunity to study it, I can see no objections, but the object of the bill is simply this: The Supreme Court of the State of Pennsylvania has been overloaded with contests of the various congregations where they have established trusteeships, and it is a rule of the Catholic church that any church property belongs in trust to the Bishop of the Diocese where it is located, and these trustees they have are in the habit of taking the property over and doing as they please with it and not meeting the obligations; and the Bishop desired to bring it under a uniform standard as we do in Philadelphia and other big cities and keep it out of the Supreme Court. It does not affect any other town. It is a matter of the trusteeship with the Bishop of the Diocese being the trustee, the same as any other denomination in which the Bishop may be the trustee of the property of the church which he represents. It will in no way affect any other denomination outside of the Catholic church, and it is for the purpose of doing away with years and years of battling in the Supreme Court.

I might say that in all the cases brought into the Supreme Court the Bishops have always won the cases and it has gone over to the church proper, and there is no attempt on anyone's part to bring anything that would interfere with any other denomination, and I would ask you to pass the bill because it is only a fair bill to straighten out a very unfavorable condition.

REQUEST THAT BILL GO OVER IN ITS ORDER

Mr. OWLETT. Mr. President, in view of the very fair statement of the Senator from Philadelphia, in which he said he is willing to afford us an opportunity to study this bill; and not knowing just the effect of it; I again ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection?

Mr. MILLER. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

MOTION TO RECOMMIT

Mr. OWLETT. Mr. President, I move that Senate Bill No. 1439 (House Bill No. 2249), on third reading, be recommitted to the Committee on Judiciary Special.

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The question was put by the Chair.

Mr. OWLETT. Mr. President, I ask for a roll call.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President. I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the motion has been voted on already, and it is too late to ask for a roll call.

The PRESIDENT. The Chair did not announce the vote.

Mr. CAVALCANTE. Mr. President, I think the proper request would be for a division.

The PRESIDENT. If the Senator from Fayette, Mr. Cavalcante, will give the Chair time to do so, he will ask for a division.

Mr. GELDER. Mr. President, on a matter that seems to be as serious as this—to some of our friends, I think the proper procedure would be to put the bill over in order. Objection was made to that request originally, without any prejudice whatever to the bill; I would like to suggest that the gentleman who objected, and who caused the motion to recommit the bill, withdraw his objection and allow us to put it over in its order, so it can come up for a vote tomorrow.

Mr. CHAPMAN. Mr. President, the reason I requested that this bill go over in its order is that Senator Woodward was sick and left early, and asked me to have it go over.

Mr. McCREESH. Mr. President, I would like to know whether the motion is to recommit or to have the bill go over in its order.

The PRESIDENT. The Chair understood that the Senator from Philadelphia, Mr. Trainer, was willing to have the bill go over in its order. Objection was made. Then the motion was made to recommit, and that motion has not yet been decided.

Mr. MILLER. Mr. President, I will withdraw my objections.

Mr. STAUDENMEIER. Mr. President, in order to give everybody an opportunity to study the bill I would respectfully request the Senator from Tioga, Mr. Owlett, to withdraw his motion to recommit the bill, and then let it go over in its order.

Mr. OWLETT. Mr. President, I would be very happy to do that.

Mr. ARON. Mr. President, I withdraw my seconding of the motion.

BILL OVER IN ORDER

The PRESIDENT. The Senator from Northumberland, Mr. Miller, withdraws his objection to the bill going over in its order; the Senator from Tioga, Mr. Owlett, withdraws his motion to recommit the bill, with the consent of the seconder of his motion; and the bill will go over in its order.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1446 (House Bill No. 2488) entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four (entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees

shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorder of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights powers duties liabilities and immunities of private banks

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McCREESH. Mr. President, I ask unanimous consent to amend section 1, page 6, line 23 by striking out after the word "trust" and before the word "or" the following "company"; also amend section 1, page 6, line 23 by inserting after the word "trust" and before the word "or" the word "company"; amend section 1, page 7, line 24 by striking out after the word "hundred" and before the word "33" the word "and" also amend section 1, page 7, line 24 by striking out after the word "hundred" and before the word "thirty-five the word "and"; also amend section 1, page 9, line 17 by striking out after the word "one" and before the word "nine" the following "thousand"; amend section 1, page 9, line 17 by inserting after the word "one" and before the word "nine" the word thousand also amend section 1, page 9, line 17 by striking out after the word "thirty-six" and before the word "sixty" the following "wtihin"; also amend section 1, page 9, line 17 by inserting after the word "thirty-six" and before the word "sixty" the word "Within"; also amend section 1, page 12, line 20 by striking out after the word "this" and before the bracket the word "article"; also amend section 1, page 12, line 20 by inserting after the word "this" and before the bracket the word "act"

Mr. OWLETT. Mr. President. I desire to interrogate the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh, permit himself to be interrogated?

Mr. McCREESH. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Philadelphia, Mr. McCreesh, explain the purpose of the amendment he offered?

Mr. McCREESH. Mr. President, there are some parts of this bill that are not quite clear, and the amendment will take care of them.

Mr. OWLETT. Mr. President, would the Senator from Philadelphia, Mr. McCreesh, kindly explain which parts of this bill need clarifying?

Mr. McCREESH. Mr. President, I think it is too late now to go into that.

MOTION TO RECOMMIT BILL

Mr. OWLETT. Mr. President, I move that the bill be recommitted to the Committee on Banking for the purpose of considering those amendments. It is one of the important banking bills.

Mr. ARON. Mr. President, I second the motion.

The PRESIDENT. Amendments are pending, and must be disposed of.

Mr. SHAPIRO. Mr. President, I object to unanimous consent to the offering of these amendments.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, is too late with his objection.

Mr. STAUDENMEIER. Mr. President, in order to clarify this situation. I would respectfully request the Senator from Philadelphia, Mr. McCreesh, to withdraw his amendments at this time; and if the bill be recommitted to the Committee on Banking, he will have an opportunity to present his amendments in committee, where they will be given intelligent consideration. I would request him to withdraw his amendments at this time.

Mr. McCREESH. Mr. President, I do withdraw them.

BILL RECOMMITTED

Mr. OWLETT. Mr. President, I now move that Senate Bill No. 1446, be recommitted to the Committee on Banking:

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1461, entitled:

An Act making an appropriation for the purpose of maintaining the public roads through the Cornplanter IIndian Reservation in Elk Township Warren County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Hemsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1466, entitled:

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended permitting dogs to be trained on Sunday during the training season with the consent of owners of lands except in certain cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24

Aron,	Harvey,	McGinnis,	Rupp,
Baumer,	Howell,	Miller,	Staudenmeier,
Bean,	Huffman,	Pytko,	Thompson,
Buckman,	Law,	Rice,	(Centre)
Cavalcante,	McClure,	Roberts,	Trainer,
Frey,	McCreesh,	Rodgers,	Ziesenheim,
Harris,			

NAYS—21

Batchelor,	Gelder,	Owlett,	Reed,
Bennett,	Graff,	Pierson,	(Washington)
Chapman,	Homsher,	Prince,	Shapiro,
Clark,	Kahle,	Rankin,	Sones,
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	Norton,	(Dauphin)	(Westmoreland)

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON SECOND READING POSTPONED FOR THE PRESENT

Mr. ARON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 928 (House Bill No. 1082), on second reading postponed for the present, entitled:

An Act to amend section one and sections five six nine eleven and twelve as amended of the act approved the thirtieth day of March one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts parts of acts inconsistent therewith" by further defining optometry prescribing the qualifications of schools and courses in optometry and further regulating the practice of optometry

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on secoond reading?

BILL DROPPED FROM CALENDAR

Mr. ARON. Mr. President, I move that Senate Bill No. 928 (House Bill No. 1082), be dropped from the calendar.

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for, twenty-six Senators voted in the affirmative and twelve in the negative; whereupon the question was decided in the affirmative.

MOTION TO CONSIDER BILLS ON SECOND READING

Mr. BUCKMAN. Mr. President, in accordance with the Constitution and the laws of the Commonwealth, I move that the bills on second reading be read section by se tion.

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. There is no alternative; the Cha must proceed accordingly.

MOTION TO ADJOURN

Mr. HUFFMAN. Mr. President, it is half past o o'clock, and we are all tired; and this being a move obstruct the reading of the bills, I move that the Sena do now adjourn.

Mr. RODGERS. Mr. President, I second the motio

The PRESIDENT. Will the Senator from Monroe, M Huffman, state to what hour he moves that the Sena adjourn?

Mr. HUFFMAN. Mr. President, to eleven o'clock t morrow morning.

The yeas and nays were required by Mr. SHAPIR and Mr. HUFFMAN and were as follows, viz:

YEAS—21

Aron,	Graff,	McGinnis,	Rupp,
Baumer,	Huffman,	Norton,	Sones,
Buckman,	Kahle,	Rice,	Thompson,
Cavalcante,	Law,	Roberts,	(Centre)
Coyne,	Mallery,	Rodgers,	Trainer,
Frey,	McCreesh,		

NAYS 24

Batchelor,	Harris,	Pierson,	Reed,
Bean,	Harvey,	Prince,	(Washington)
Bennett.	Homsher,	Pytko,	Shapiro,
Chapman,	Howell,	Rankin,	Staudenmeier,
Clark,	McClure,	Reed,	Thompson,
Ealy,	Miller.	(Dauphin)	(Westmoreland
Gelder,	Owlett,		Ziesenheim,

So the question was determined in the negative.

ORDER OF THE DAY CALLED

Mr. THOMPSON (Centre). Mr. President, I call f the order of the day.

The PRESIDENT. The Senator from Centre, M Thompson, has slept upon his rights.

Mr. THOMPSON (Centre). Mr. President, I subm that a call for the order of the day is in order; that does not need to be called exactly at 12 o'clock, but any time thereafter.

The PRESIDENT. According to the understanding the Chair the point is not well taken; the order of th day must be called at 12 o'clock.

REQUEST FOR UNANIMOUS CONSENT TO MAKE REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous conse to report a bill from committee at this time.

The PRESIDENT. Is there objection?

Mr. RODGERS. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

REQUEST FOR UNANIMOUS CONSENT TO OFFER RESOLUTION

Mr. EALY. Mr. President, I ask unanimous conse to offer a resolution at this time.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

Mr. CAVALVANTE. Mr. President, I withdraw m objection.

Mr. HARRIS. Mr. President, I ask that just this one age be read.

The PRESIDENT. The resolutioon may be sent to the esk, and will be read for the information of the Senate.

The resolution was thereupon sent to the desk.

The PRESIDENT. The Secretary informs the Chair iat the resolution offered by the Senator from Alleheny, Mr. Harris, is not a proper resolution.

EQUEST FOR UNANIMOUS CONSENT TO MAKE REPORT FROM COMMITTEE

Mr. SHAPIRO. Mr. President, I ask unanimous conent to report a bill from committee at this time.

The PRESIDENT. Is there objection?

Mr. ROBERTS. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

MOTION TO RECESS

Mr. ROBERTS. Mr. President, I move that the Senate o now recess until eleven A. M. today.

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. The Chair is of the opinion that a iotion to recess will not give the Senate a legislative ay within the meaning of the Constitution.

MOTION TO RECESS

Mr. LAW. Mr. President, if the previous question is ut of order, I move that the Senate do now recess for a eriod of nine hours and twenty minutes.

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. The Chair is of the opinion that the notion made by the Senator from Mercer, Mr. Law, is n order.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, it seems to me that we want to conduct the affairs here in order; and I think t is in error to recess until tomorrow. New business aving transpired, I renew my motion to adjourn until omorrow morning at eleven o'clock

The PRESIDENT. There is a motion pending.

Mr. HUFFMAN. Mr. President, a motion to adjourn akes precedence.

The PRESIDENT. The motion to adjourn takes precedence; that is true.

The yeas and nays were required by Mr. HUFFMAN and Mr. ROGERS, and were as follows, viz:

YEAS—20

Baumer,	Kahle,	Rice,	Thompson,
Buckman,	Law,	Roberts,	(Centre)
Coyne,	Mallery,	Rodgers,	Thompson,
Frey,	McCreesh,	Rupp,	(Westmoreland)
Graff,	Norton,	Sones,	Trainer,
Huffman,	Rankin,		

NAYS—25

Aron,	Ealy,	McGinnis,	Reed,
Batchelor,	Gelder,	Miller,	(Dauphin)
Bean,	Harris,	Owlett,	Reed,
Bennett,	Harvey,	Pierson,	(Washington)
Cavalcante,	Homsher,	Prince,	Shapiro,
Chapman,	Howell,	Pytko,	Staudenmeier,
Clark,	McClure,		Ziesenheim,

So the question was determined in the negative.

Mr. GELDER. Mr. President, I move that the Senate do now recess for five minutes.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON (Centre). Mr. President, I move that the Sergeant-at-Arms be sent out for the absent members.

The yeas and nays were required by Mr. SHAPIRO and Mr. LAW, and were as follows, viz:

YEAS—14

Baumer,	Frey,	Law,	Thompson,
Buckman,	Gelder,	McClure,	(Centre)
Clark,	Graff,	Pierson,	Trainer,
Coyne,	Homsher,	Reed,	
		(Dauphin)	

NAYS—26

Aron,	Harris,	Miller,	Rice,
Batchelor,	Harvey,	Norton,	Roberts,
Bean,	Howell,	Owlett,	Shapiro,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson
Chapman,	McCreesh,	Reed	(Westmoreland)
Ealy,	McGinnis,	(Washington)	Ziesenheim,

So the question was determined in the negative.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, we have on this calendar today twenty-nine pages of bills. We have also, among the bills on second reading some very important measures dealing with the tax program. Now, we have continually, since last week, passed second reading bills from day to day—until we have, as a result, a calendar that has held us until two o'clock A. M., and have not got to second reading. Also, we have passed a resolution to adjourn on the 21st. I am sounding a warning that if we do not stop fooling, and get down to business, we will not be able to adjourn on the date set. If the Senator from Bucks, Mr. Buckman, persists in his motion to read the bills at length, I am willing to stay here but, under the circumstances, I think the Senator from Bucks, Mr. Buckman, may well reconsider. If he does not, I propose to stay here and, at least to the extent of my vote, object to any running away from reading the bills at this time.

MOTION TO ADJOURN

Mr .ARON. Mr. President, I move that the Senate do now adjourn until eleven o'clock Tuesday morning.

Mr. HUFFMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED (Dauphin). Mr. President, I ask that the roll be called on the motion.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, that question has already been decided.

The PRESIDENT. A motion to adjourn is in order at any time.

Mr. CAVALCANTE. Mr. President, this is the identical motion that was made before—to adjourn until eleven o'clock A. M. It would not have been identical had the time been set at twelve o'clock or two o'clock.

The PRESIDENT. All motions to adjourn are identical; the time does not make any difference in them.

And the question recurring,

Will the Senate agree to the motion?

Mr. ARON. Mr. President, in making this motion—

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, a motion to adjourn is not debatable.

The PRESIDENT. The point of order of the Senator from Philadelphia, Mr. Shapiro, is well taken.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED and Mr. HOWELL and were as follows, viz:

YEAS—13

Aron,	Frey,	Norton,	Roberts,
Baumer,	Huffman,	Prince,	Thompson,
Buckman,	Kahle,	Rice,	(Centre)
Coyne,	Mallery,		

NAYS—28

Batchelor,	Graff,	Miller,	Reed,
Bean,	Harris,	Owlett,	(Washington)
Bennett,	Harvey,	Pierson,	Shapiro,
Cavalcante,	Homsher,	Pytko,	Staudenmeier,
Chapman,	Howell,	Rankin,	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Ealy,	McClure,	(Dauphin)	Trainer,
Gelder,	McGinnis,		Ziesenheim,

So the question was determined in the negative.

MOTION TO READ BILLS THE SECOND TIME

Mr. ZIESENHEIM. Mr. President, I move that the Senate do now proceed to consider bills on second reading in the usual manner.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, if I were to insist upon my request that these bills be read at length, section by section, I take it that, under the ruling of the Chair, that would have to be done.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, is correct in his understanding of the Chair's ruling.

Mr. BUCKMAN. Mr. President, I do not, however, insist.

MOTION TO ADJOURN

Mr. CAVALCANTE. Mr. President, to show how ridiculous we have acted here tonight, I now move that we adjourn until eleven o'clock Tuesday morning.

Mr. PYTKO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. REED (Washington) and were as follows:

YEAS—9

Baumer,	Kahle,	Pytko,	Thompson,
Coyne,	Mallery,	Rankin,	(Centre)
Frey,	Prince,		

NAYS—30

Aron,	Ealy,	McClure,	Reed,
Batchelor,	Gelder,	McGinnis,	(Washington)
Bean,	Graff,	Miller,	Rice,
Bennett,	Harris,	Norton,	Shapiro,
Buckman,	Harvey,	Owlett,	Staudenmeier,
Cavalcante,	Homsher,	Pierson,	Thompson,
Chapman,	Howell,	Reed,	(Westmoreland)
Clark,	Law,	(Dauphin)	Trainer,
			Ziesenheim,

So the question was determined in the negative.

MOTION TO CONSIDER BILLS ON SECOND READING

Mr. REED (Washington). Mr. President, we have acted like a bunch of school children long enough. I move that the Senate do now proceed to the consideration of bills on second reading.

The PRESIDENT. The motion is not seconded.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 848, as follows:

An Act to provide for Sexual Sterilization of Mental Defectives Providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

Whereas The State now has in custody and is supporting at great expense many mentally deficient persons who when discharged are likely by the propagation of their kind to increase the social and economic burden and who if imcapable of propagating might be discharged or paroled and thereby lessen the economic burdens of the State and

Whereas The Welfare of society and the health and personal liberty of the individual may be promoted in certain cases by the sterilization of mental defectives under careful safeguards and by competent and conscientious authority and

Whereas Such sterilization may be effected in males by vasectomy and in females by salpingectomy both of which operations may be performed without serious pain or substantial danger to the life of the patient or without the removal of any tissue or organ and

Whereas Human experience has demonstrated that heredity plays an important part in the transmission of idiocy imbecility and mental deficiency now therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it is hereby declared to be the policy of this Commonwealth to promote the public welfare by preventing pro-creation of idiots imbeciles and feeble-minded persons in cases where the individual welfare of such idiots imbeciles and feeble-minded persons likely to procreate may be improved by selective sexual sterilization

Section 2, (a) Whenever the superintendent of a State or licensed institution for the mentally defective and two disinterested legally qualified physicians shall be of the opinion that it is for the best interest of an inmate of such institution and of society that such inmate shall be sexual-

ly sterilized such superintendent is hereby authorized to cause an operation for sterilization to be performed and to issue an authorization therefore inwriting signed by such superintendent and the two disinterested physicians Provided that before any such operation is performed at least thirty days' written notice together with a copy of such written authorization shall be given by personal service upon the person alleged to be an imbecile or feeble-minded if above the age of ten years and upon th husband wife father mother child of full age sister brother or guardian of committee of such alleged mental defective

Section 3 All authorization shall be made in duplicate The one copy of institutional patients shall be filed with the superintendent of such institution and the other copy shall be filed in the Department of Welfare of this Commonwealth No such records shall be open to public inspection

Section 4 Any person upon whom an operation for sterilization has been authorized on his or her husband wife father mother child of full age brother sister or guardian or committee may within thirty days after such authorization appeal therefrom to the court of common pleas of the county where the State or licensed institution wherein the patient is detained is located or to the court of common pleas of the county from which the patient was committed or where he is a resident The petition for such appeal shall state briefly the nature of the objections and the grounds for the appeal After hearing upon such appeal the court may sustain modify or set aside the authorization

Section 5 Supreme Court Appeal Any order of sexual sterilization granted after due appeal may within three months after date be appealed to Supreme Court by any party of record in appeal in court of common pleas Such petition shall state briefly the nature of all previous proceedings and shall set forth the order or decision complained of and the grounds upon which the same is claimed to be unlawful or unreasonable upon which the petitioner shall reply in the Supreme Court The pendency of such appeal shall stay proceedings under order until the decision of the Supreme Court is made

Section 6 No superintendent of any institution physician or surgeon or other person performing any operation for sterilization or assisting or in any wise participating therein in accordance with the provisions of this act shall be liable in any civil action for damages or in any criminal prosecution or in any wise howsoever because thereof

Section 7 Any person or any physician violating any of the provisions of this act or performing any operation for the sterilization of a person except in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one thousand dollars ($1,000) or more than five thousand dollars ($5,000) or suffer imprisonment for not less than one year or more than two years or both and upon conviction of a second or subsequent offense shall be subject to the fine above provided and shall be imprisoned for not less than one year or more than two years

Section 8 The compensation of the consulting physicians and surgeons in the case of public charges shall be entrusted to the management of the several institutions and shall be paid out of the funds appropriated for the maintenance of such institutions

Section 9 All laws inconsistent with this act are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT BILL

Mr. HARRIS. Mr. President, I move that Senate Bill No. 848, the bill just read, be recommitted to the Committee on Public Health.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ARON. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Harris.

The PRESIDENT. Will the Senator from Allegheny, Mr. Harris, permit himself to be interrogated?

Mr. HARRIS. Mr. President, I shall be delighted.

Mr. ARON. Mr. President, what is the purpose of the Senator from Allegheny, Mr. Harris, in making this motion?

Mr. HARRIS. Mr. President, for the purpose of defeating this bill in committee.

Mr. ARON. Mr. President, that is not the proper way to do that; the proper way to kill this bill is to vote on it tomorrow, after we pass it on second reading. I therefore ask the Senate not to vote for this motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. HARRIS and Mr. GELDER and were as follows, viz:

YEAS—12

Clark,	Harris,	Norton,	Pytko,
Coyne,	Homsher,	Pierson,	Staudenmeier,
Gelder,	Howell,	Prince,	Trainer,

NAYS—28

Aron,	Ealy,	McGinnis,	Rice,
Batchelor,	Frey,	Miller,	Roberts,
Baumer,	Graff,	Owlett,	Shapiro,
Bean,	Harvey,	Rankin,	Thompson,
Bennett,	Kahle,	Reed,	(Centre)
Buckman,	Law,	(Dauphin)	Thompson,
Cavalcante,	Mallery,	Reed,	(Westmoreland)
Chapman,	McClure,	(Washington)	Ziesenheim,

So the question was determined in the negative.

MOTION TO RECOMMIT

Mr. OWLETT. Mr. President, I move that Senate Bill No. 854 (House No. 1069), on second reading, entitled:

An Act to amend sections one two four twenty-seven and seventy-one of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business of work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as amended extending the provisions of said act to boroughs of five thousand population or more and incorporated towns and townships of the first class extending the same to include building drainage imposing certain powers and duties on the Department of Health making further provisions for the administration of said act extending the specifications increasing certain fees and payments and providing increased penalties including imprisonment.

be recommitted to Committee on Public Health.

Mr. BENNETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. ROBERTS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. ROBERTS. Mr. President, I would like to inquire

why the Senator from Tioga, Mr. Owlett, wants to recommit this bill.

Mr. OWLETT. Mr. President, I am asking that this bill be recommitted for the purpose of further study. From an examination of this bill, I find that there are provisions in this bill requiring certain kinds of plumbing which are recognized as antiquated, and which are required in the bill simply for the purpose of taking additional time. If the bill can be amended so as to make it a good bill, I am satisfied; if it cannot be so amended, I do not want it reported out. Does that answer the question of the Senator from Northampton, Mr. Roberts?

Mr. ROBERTS. Mr. President, would the Senator from Tioga, Mr. Owlett, be willing to find out whether the amendments offered will meet the objections?—whether they will be entertained, and the bill be reported out?

Mr. OWLETT. Mr. President, certainly.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, twenty-seven Senators voted in the affirmative and eleven in the negative;

Whereupon the question was decided in the affirmative.

BILLS OVER IN ORDER

Mr. HARVEY. Mr. President, I ask unanimous consent that Senate Bill No. 1024, on second reading, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1032, on second reading, entitled:

An Act to amend Section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges, providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 1063 (House Bill No. 1237), on second reading, entitled:

An Act to further amend article eight of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" regulating the carrying of liquid or motor fuel.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1075 (House Bill No. 1823), entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1084 (House Bill No. 2047), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 392) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aided highways and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1088 (House Bill No. 2053), entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1089 (House Bill No. 2054), entitled:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (P. L. 27) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1092 (House Bill No. 2058), entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as State highways and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second rading and consideration of Senate Bill No. 1191 (House Bill No. 2128), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engege in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred three Section five hundred one Section five hundred two Section five hundred thirteen Section five hundred seventeen Section five hundred twenty Section one thousand four Section one thousand four hundred one Section one thousand four hundred twelve Section one thousand four hundred sixteen Section one thousand four hundred seventeen and Section one thousand four hundred eighteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section nine hundred eight of that act as last amended by the act approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 203 Place of Business Change of Place of Business A [An] Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may likewise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in any case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies C A private bank which upon the effective date of this act lawfully maintains one or more officers or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 501 Number and Election of Directors and

Trustees Executive Committees Subject to the provisions of this act the number qualifications terms of office manner of election time and place of meeting compensation and powers and duties of the directors of a bank or a bank and trust company or a trust company may be prescribed from time to time by the by-laws

Subject to the provisions of this act the number qualification manner of election time and place of meeting compensation and powers and duties of the trustees of a savings bank may be prescribed from time to time by the by-laws

Except as otherwise provided in the articles or by-laws or in the case of a savings bank in the special act creating such savings bank its amendments and supplements

(1) A director shall be elected for a term of one year a trustee until he becomes disqualified or resigns

(2) The number of directors or trustees shall be the same as that stated in the articles but not less than the minimum prescribed by this act [.] and in the case of directors not more than the maximum prescribed by this act

(3) Vacancies in the board of directors or in the board of trustees caused by death resignation disqualification or otherwise [shall] may be filled by the remaining members of the board though less than a quorum and each person so elected shall in the case of a bank a bank and trust company or a trust company be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders or at any special meeting duly called for that purpose and held prior thereto and in the case of a savings bank created by special act by the persons specified in such act In the case of any other savings bank he shall serve until he shall become disqualified or shall resign

(4) The meetings of the board of directors or of the board of trustees shall be held at such place within this Commonwealth as a majority of the directors or of the trustees may from time to time designate or as may be designated in the notice calling the meeting

(5) A majority of all the directors or trustees in office shall be necessary to constitute a quorum for the transaction of business and except as otherwise provided in this act or in the articles or by-laws of a particular incorporated institution the acts of a majority of the directors or trustees who are present at a meeting at which a quorum is present shall be the acts of the board of directors or the board of trustees but if all the directors or trustees shall severally or collectively consent in writing to any action to be taken by the incorporated institution such action shall be as valid corporate action as though it had been authorized at a meeting of the board of directors or the board of trustees

(6) The board of directors or the board of trustees may by resolution adopted by a majority of the whole board delegate three or more of its number in the case of a bank a bank and trust company or a trust company and five or more of its number in the case of a savings bank to constitute an executive committee which to the extent provided in such resolution shall have and exercise the authority of the board over the ordinary operations of the business of the incorporated institution between the dates of the regular meetings of the board Every such committee shall keep full minutes of all business transacted by it and shall present detailed reports of all such minutes to the board at each regular meeting

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shall be managed in the case of a bank a bank and trust company or a trust company by a board of [at least] not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the share-holders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for re-election as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institutions

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) Any person authorized to receive and account for the public moneys of this Commonwealth

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 513 Bonds of Officers and Employes A The officers and employes of every institution as well as any director or trustee of an incorporated institution who is authorized to receive payments of moneys or to handle negotiable securities on behalf of such incorporated institution shall be bonded in such form of bond and in such amount as is specified with such surety as is approved in the case of an incorporated institution by the board of directors or trustees and in the case of a private bank by the private banker or bankers [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors trustees or employes] The cost of such bonds may be paid by the institution

B The department shall have the power to require any such officer director trustee or employe at any time during his term of office or employment to be bonded in an amount greater than that required by the board of directors or trustees of the incorporated institution or by the private banker or bankers as the case may be or it may require new or additional surety

Section 517 Acceptance of Fee or Commission by Di-

rector Trustee Officer Attorney or Employe A Neither [an] a director trustee officer attorney or employe of an institution nor [an] a director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act shall stipulate for or agree or assent to receive or receive any fee commission gift or other property of value from any corporation or person for procuring or for endeavoring to procure for such corporation or person or for any other corporation or person any loan from or any investment by or any purchase or discount of any paper note draft check bill of exchange or other commercial paper by such institution

B Any director trustee officer attorney or employe of an institution or any director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act who [knowingly] violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount or the value of the property which he receives as such fee commission or gift

Section 520 Purchases from the Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and in the case of an incorporated institution unless such purchase is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of such incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and unless in the case of an incorporated institution such sale is authorized by the vote of a majority of all the members of the board of directors or the board of trustees of such incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its [net] demand deposits and [net] demand liabilities plus seven and one-half per centum of its total [net] time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the Department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhopothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its [net] deposits

E In the case of savings banks the total of such reserve fund may and at least two-thirds thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Section 1004 Pledge of Assets for Deposits A bank or a bank and trust company shall not have the power to pledge or hypothecate any of its assets as security for deposits made with it except for the following

(1) Federal State municipal school district or other public funds

(2) Funds deposited by the Secretary of Banking as receiver of [an institution] a corporation or person of which he has pursuant to the provisions of law taken possession

(3) Funds deposited by a bank and trust company in its own commercial department which funds are being held by such bank and trust company in a fiduciary capacity and are being deposited by it pending investment or distribution (4) Funds deposited by a corporation or person which are required to be secured by law or an order of a court having jurisdiction

Section 1401 Merger or Consolidation Incorporated Institutions National Banking Association A Any two or more incorporated institutions other than savings banks

and trust companies may in the manner hereinafter provided in this act be merged into one of such incorporated institutions hereinafter designated as the surviving incorporated institution or consolidated into a new incorporated institution to be formed under this act

B Any two or more savings banks the places of business of which are located in the same city borough or township may in the manner hereinafter provided in this act be merged into one of such savings banks hereinafter designated as the surviving savings bank or consolidate into a new savings bank to be formed under this act

C One or more banks or bank and trust companies and one or more national banking associations incorporated under the laws of the United States may in the manner hereinafter provided in this act be merged into one of such banks or bank and trust companies or consolidated into a new bank or bank and trust company to be formed under this act Such merger or consolidation shall not become effective until the national banking association shall have complied with the laws of the United States relating to such merger or consolidation of national banking associations with banks or bank and trust companies

D Two or more trust companies may in the manner hereinafter provided in this act be merged into one of such trust companies or consolidated into a new trust company to be formed under this act

E Any merger or consolidation authorized by this section shall not be effective if the effect thereof is to establish any branch bank branch office agency sub-office sub-agency or branch place of business in violation of the provisions of this act

Section 1412 Merger Consolidation or Conversion of Banks or Bank and Trust Companies into National Banks One or more banks or bank and trust companies and one or more national banking associations operating under the laws of the United States may pursuant to the laws of the United States be merged into one of such national banking associations or consolidated into a new national banking association operating under the laws of the United States and a bank or bank and trust company may pursuant to the laws of the United States be converted into a national banking association provided that the banks or bank and trust companies participating in such a merger or consolidation and the bank or bank and trust company being converted into a national banking association shall comply with the following requirements established by this section

(1) The plan of merger or consolidation or of conversion has been approved in the manner and after the advertising and notice required by this act in the case of mergers or consolidations of incorporated institutions by at least a majority of all the directors of any bank or bank and trust company participating in such plan and by the holders of two-thirds of its outstanding shares entitled to vote thereon

(2) In the case of any bank and trust company participating in such plan or merger or plan of consolidation or plan of conversion all corporations or persons who appear upon the available books or other records as who are otherwise known to be parties interested in any funds property or investments held by such bank and trust company as trustee guardian executor administrator or other fiduciary under the provisions of this act shall be entitled to the same notice and shall thereupon have the same rights and duties as are provided by this act for corporations or persons in a similar position in the case of a merger or consolidation of incorporated institutions

(3) Whenever a bank and trust company authorized to act as fiduciary in this Commonwealth has heretofore been or shall hereafter be named or appointed trustee guardian executor administrator or other fiduciary such nomination or appointment shall not be deemed to have lapsed by reason of the merger or consolidation of such bank and trust company with a national banking association or the conversion of such bank and trust company into a national banking association pursuant to the provisions of this act providing that such surviving or new national banking association is authorized to act as fiduciary in this Commonwealth but such surviving or new national banking association shall be entitled to act in the same fiduciary capacity under such nomination or appointment as the original bank and trust company could have acted if such merger consolidation or conversion had not been effected

[(3)] (4) All taxes or fees due this Commonwealth or any of the departments or officials of the State government of this Commonwealth shall be paid in full For the purposes of this clause the taxes imposed by the laws of this Commonwealth on such bank or bank and trust company which have not yet become due that is the amount properly apportionable to the part of the tax period which has already elapsed shall be construed to become due upon the date of such merger consolidation or conversion

[(4)] (5) The articles of merger or articles of consolidation or articles of conversion corresponding to the articles of merger or articles of consolidation required by this act in the case of merger or consolidation of incorporated institutions shall be prepared by any bank or bank and trust company participating in the plan of merger consolidation or conversion and filed with the Department of State which shall transmit a copy to the Department of Banking The bank or bank and trust company shall also file with the Department of State the certificate of approval of the merger consolidation or conversion as the case may be by such officer of the United States as may be empowered by law to approve the same The Department of State shall send a copy of such certificate to the Department of Banking

Section 1416 Filing of Articles of Conversion of National Bank into Bank or Bank and Trust Company Payment of Fees Approval by Department of State A The articles of conversion of the national banking association into a bank or a bank and trust company and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation the national banking association shall pay to the Department of State such reasonable fees as shall be established by rule or regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles of conversion should be approved Such fee for the investigation by the Department of Banking shall be paid to the Department of State at the time of the filing with it of the articles of conversion and shall be paid by the Department of State through the Department of Revenue to the Banking Department Fund

C The Department of State shall examine such articles of conversion and such proof of publication to determine whether they contain all the information and are in the form required by this act and also whether the name of the proposed bank or bank and trust company as the case may be conforms with the requirements of law for the name of such an incorporated institution or whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of conversion and the proof of publication contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of conversion required by this act endorse its approval upon the articles of conversion and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of conversion pursuant to this act it shall forthwith give notice thereof to the national banking association stating in detail its reasons for doing so and stating how such national banking association can remedy the non-conformance with the provisions of this act Upon remedying the defect such national banking association may in the same manner file the same or amended articles whichever the particular case may require

Section 1417 Approval by Department of Banking of Articles of Conversion of National Bank into Bank or Bank and Trust Company A The Department of Banking shall immediately upon the receipt from the Department

of State of the articles of conversion of a national banking association into a bank or a bank and trust company conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed bank or bank and trust company is likely to mislead the public as to its character or purpose

(2) Whether the conversion is made for legitimate purposes

(3) Whether the interests of the depositors other creditors and shareholders are adequately protected

(4) Whether the proposed bank or bank and trust company meets all the requirements of this act and violates none of its prohibitions applicable to a bank or a bank and trust company as the case may be incorporated under this act

(5) Whether the national banking association has complied with the requirements of the laws of the United States and has been approved by such officer of the United States as may be empowered by law to approve the same

B Within thirty days after the receipt of the articles of conversion from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of conversion it shall sign its approval [upon the triplicate originals It shall then retain one and send the remaining two of] thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the national banking association desiring to become converted into a bank or a bank and trust company of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1418 Issuance of Certificates of Conversion of National Bank into Bank or Bank and Trust Company Immediately upon receipt of the signed articles of conversion of a national banking association into a bank or bank and trust company from the Department of Banking the Department of State shall file the articles and shall issue to the incorporated institution or its representative a certificate of conversion A copy of the approved articles of conversion shall be sent by the Department of State to the Department of Banking

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 1, page 3, line 21, by inserting after the word "hundred" and before the word "thirty-four" the word: "and"; also amend section 1, page 4, line 15, by striking out the following: "C A private bank which upon the"; also amend section 1, page 4, by inserting between lines 15 and 16 the following: "C A private bank which upon the"; also amend section 1, page 4, line 16, by striking out after the word "more" and before the word "or" the word: "officers"; also amend section 1, page 4, line 16, by inserting after the word "more" and before the word "or" the word: "officers"; also amend section 1, page 5, line 4, by striking out after the word "Executive" and before the word "Subject" the word: "Committees"; also amend section 1, page 5, line 4, by inserting after the word "Executive" and before the word "Subject" the word: "Committee"; also amend section 1, page 9, line 18, by striking out at the end of the line the word: "institutions"; also amend section 1, page 9, line 18, by inserting at the end of the line the word: "institution"; also amend section 1, page 10, line 27, by underscoring at the end of the line the syllable: "Di"; also amend section 1, page 10, line 28, by underscoring the following: "rector Trustee"; also amend section 1, page 14, line 14, by striking out after the word "the" and before the word "gives" the word: "Department"; also amend section 1, page 14, line 14, by inserting after the word "the" and before the word "gives" the word: "department"; also amend section 1, page 16, line 13, by striking out at the end of the line the following: "(4) Funds deposited by a corporation or"; also amend section 1, page 16, between lines 13 and 14 the following: "(4) Funds deposited by a corporation or"; also amend section 1, page 18, line 1, by striking out the entire line as follows: "bank and trust companies participating in such a merger"; also amend section 1, page 18, by inserting between lines 7 and 8 the following: "bank and trust companies participating in such a merger"; also amend section 1, page 18, line 21, by striking out after the word "plan" and before the word "merger" the word: "or"; also amend section 1, page 18, line 21, by inserting after the word "plan" and before the word "merger" the word: "of"; also amend section 1, page 18, line 23, by striking out at the end of the line the word: "as"; also amend section 1, page 18, line 23, by inserting at the end of the line the word: "or"; also amend section 1, page 20, line 4, by inserting after the word "of" and before the word "merger" the word: "the"; also amend section 1, page 23, line 24, by striking out after the word "of" and before the second word "of" the word: "Certificates"; also amend section 1, page 23, line 24, by inserting after the word "of" and before the second word "of" the word: "Certificate"; also amend page 24, by inserting after ilne 4, the following: "Section 2. Effective Date. This act shall become effective immediately upon final enactment".

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1207 (House Bill No. 1886), as follows:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any magistrate alderman or justice of the peace after hearings holds any person accused of any violation of any law or laws of the Commonwealth for the action of the grand jury such magistrate alderman or justice of the peace shall ask such person for the names and addresses of two persons whom he or she desires to be notified of the time of his or her trial and when given such names and addresses shall be noted upon the record and made part of the transcript returned by said magistrate alderman or justice of the peace as required by law.

Section 2 The district attorney of the county wherein such hearing was held shall before the time fixed for the trial of such person mail postal card notices of the time and place fixed for such trial to the persons whose names appear upon such transcript to the address or addresses given thereon

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1249 (House Bill No. 473), entitled:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of miners and of trust estates including the apointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) 1 [When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation of any of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortgages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which

trust funds may be invested under the preceding provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

It shall be the duty of any trustee of any property securing any investment which may be made hereunder at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that his valuation was made after inspection of the premises]

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Sub-section (1) UNITED STATES OBLIGATIONS Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Sub-Section (2) PENNSYLVANIA OBLIGATIONS Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Sub-Section (3) LOCAL GOVERNMENT OBLIGATIONS Bonds or other interest-bearing obligations of any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that at the date of the investment in such bonds or other interest-bearing obligations such political subdivision is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Sub-Section (4) MORTGAGES Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or it shall be amortized in installments totaling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Sub-Section (5) GROUND RENTS Ground rents secured upon unencumbered improved real estate situate within this Commonwealth provided that the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Sub-Section (6) REAL ESTATE BONDS Bonds of one or more individuals or corporations secured by improved real estate situated within this Commonwealth not including real estate used as a theatre garage stable dance hall house of amusements house of worship or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estate so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment if such mortgage bonds by such fiduciary provided that such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (7) FRACTIONAL INTERESTS A fractional undivided interest in any investment in which a fiduciary is authorized by this section to invest trust funds apportioned to an estate of which the person or corporation cheating such fractional undivided interest in the fiduciary

In the case of an investment in a fractional interest in a mortgage if the date of such investment is subsequent to the original date of the mortgage or to the date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of such investment provided that such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds or other obligations secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (8) RAILROAD OBLIGATIONS Railroad obligations subject to the following provisions

(a) As used in this sub-section the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date

of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-guage railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for any of such fiscal years ending during the period from December thirty-first one thousand nine hundred and thirty to December thirty-first one thousand nine hundred and thirty-five inclusive and shall have been not less than one and one-half times its fixed charges for any such fiscal year ending after December thirty-first one thousand nine hundred and thirty-five

(b) As used in this sub-section the words "railroad obligations" shall include and mean obligations which meet following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on the total length of the railroad lines a part of which shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census The railroad lines covered by the mortgage shall be either subpect to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien then the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding seven years from the first date of issue of any thereof in approximately equal annual or semi-annual installments beginning not later than two years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this sub-section The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged bonds and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this sub-section

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges Fixed charges shall be rent for leaser roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Sub-Section (9) OBLIGATIONS OF GAS WATER AND ELECTRICAL COMPANIES The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from other corporations and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body

duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of seucrities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien gage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (10) OBLIGATIONS OF TELEPHONE COMPANIES The following obligations of any corporation incorporated under the law of the United States or of any State or Commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for

a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period provided such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said the proceeds of the new financing and for such five year securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured thereby plus the principal amount of all underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this sub-section have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter.

(7) The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of section provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (11) GENERAL PROVISIONS

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary having more than ten thousand dollars ($10,000) for investment purposes shall invest more than one-third of the funds in his possession in any one investment except in bonds and obligations of the United States the District of Columbia the Commonwealth of Pennsylvania or any county city borough township school district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such governments or political subdivisions have been pledged

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement by two reputable persons familiar with real estate values in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Section 1, page 2, line 4, by striking out with heavy-faced brackets "(a) one" and insert in lieu thereof: "one of clause (a)"; amend Section 1, page 4, line 8, by inserting after the figure "1" the following: "Legal Investments for

Fiduciaries;" amend Section 1, page 9, line 7 and 8, by striking out with heavy-faced brackets the words "garage stable dance hall house of amusement house of worship;" amend Section 1, page 10, line 18, by striking out with heavy-faced brackets the words "A fractional" and insert in lieu thereof: "Fractional;" amend Section 1, page 10, line 19, by striking out with heavy-faced brackets the word "interest" and insert in lieu thereof: "interests:" amend Section 1, page 10, line 21, by inserting after the word "funds" the following: "or in a pool or fund of such investments established and being maintained by any trust company or bank and trust company in its trust department, as may be provided by law, such fractional interest being;" amend Section 1, page 10, line 21, by striking out with heavy-faced brackets the words "to an estate" and insert in lieu thereof: "among estates;" Amend Section 1, page 10, line 23, by striking out with heavy-faced brackets the words "interest in" and insert in lieu thereof: "interests is;" amend section 1, page 10, line 25, by inserting after the word "mortgage" the following: "or in a pool or fund containing mortgages;" amend Section 1, page 10, line 26, by striking out with heavy-faced brackets the word "the" where it appears the second time in said line, and insert in lieu thereof: "such;" amend Section 1, page 10, line 26, by inserting after the word "mortgage" the following: "or of any mortgage contained in any such pool or fund;" amend Section 1, page 10, line 27, by striking out with heavy-faced brackets the word "thereof" and insert in lieu thereof: "of such mortgage or of any mortgage contained in any such pool or fund;" amend Section 1, page 10, line 29, by striking out with heavy-faced brackets the word "of;" amend Section 1, page 11, line 1, by striking out with heavy-faced brackets the words "the mortgaged property;" amend Section 1, page 11, line 1, by inserting after the word "investment" the following: "of the real estate subject to such mortgage or to any mortgage contained in any such pool or fund;" amend Section 1, page 13, line 22, by striking out the heavy-faced brackets before and after the words "not less than two-thirds of;" amend Section 1, page 13, line 23, by striking out the heavy-faced brackets before and after the words "covered by its lien;" amend Section 1, page 13, line 24, by striking out the heavy-faced brackets before and after the word "two-thirds;" amend Section 1, page 15, line 12, by striking out with heavy-faced brackets the words "seven" and insert in lieu thereof: "fifteen;" amend Section 1, page 15, line 15, by striking out with heavy-faced brackets the word "two" and insert in lieu thereof: "three;" amend Section 1, page 15, line 22, by striking out with heavy-faced brackets the word "bonds" and insert in lieu thereof: "railroad obligations;" amend Section 1, page 16, line 24, by striking out with heavy-faced brackets the words "other corporations" and insert in lieu thereof: "any individual, partnership unincorporated association or other corporation;" amend Section 1, page 21, line 13, by striking out with heavy-faced brackets the word "issue" and insert in lieu thereof: "issuance;" Amend Section 1, page 24, line 27, by inserting after the word "retirement" the following: "The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage;" amend Section 1, page 25, line 5, by striking out with heavy-faced brackets the word "thereby" and insert in lieu thereof: "by such first or refunding mortgage;" amend Section 1, page 25, line 6, by inserting after the word "all" the following: "the;" amend Section 1, page 27, by inserting between lines 3 and 4 the following: "Sub-Section (11). MORTGAGES INSURED BY FEDERAL HOUSING ADMINISTRATOR. Mortgages of one or more individuals or corporations securing bonds or other obligations insured by the Federal Housing Administrator, prior to the first day of July, one thousand nine hundred and thirty-seven, pursuant to the provisions of Title two of the National Housing Act, approved the twenty-seventh day of Junee, one thousand nine hundred and thirty-four. Sub-Section (12). DEBENTURES ISSUED BY THE FEDERAL HOUSING ADMINISTRATOR AND GUARANTEED BY THE UNITED STATES. Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States, pursuant to the provisions of Title two of the National Housing Act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-four, and either purchased by the fiduciary as an investment or accepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator, in which the fiduciary may theretofore have invested monies in its hands to be invested;" amend Section 1, page 27, line 4, by striking out with heavy-faced brackets the figure "(11)" and insert in lieu thereof: "(13);" amend Section 1, page 27, lines 16 to 25, both inclusive, by striking out with heavy-faced brackets all of said lines; amend Section 1, page 27, line 26, by striking out the heavy-faced bracket before the letter "(c);" amend Section 1, page 27, line 29 by striking out the heavy-faced bracket after the word "fiduciary;" amend Section 1, page 28, line 1, by striking out the heavy-faced bracket before the word "pursuant;" amend Section 1, page 28, line 6, by striking out the heavy-faced bracket after the word "investment;" amend bill, page 28, by inserting after line 14, the following section: "Section 2. That paragraphs two and three of clause (a) of section forty-seven of said act are hereby amended to read as follows: 2. [When a fiduciary shall have in his hands any monies, as aforesaid, hel Investments Under Authority of Court. A fiduciary holding monies to be invested as aforesaid, may present a petition to the Orphans' Court having jurisdiction of his accounts, stating the circumstances of the case and the amount or sum of money which he is desirous of investing; whereupon it shall be lawful for the court, upon due proof, aided if necessary by the report of a master, to make an order directing the investment of such moneys in real estate in this Commonwealth other than ground rents, or in the bonds or certificaates of debt now created or hereafter to be created and issued according to law by any other State of the United States, or by any of the counties or cities of such other State, at such prices, or on such rates of interest and terms of payment, respectively, as the court shall think fit: Provided, That no such ively, as the court shall think fit: Provided, That no such investment shall be directed unless it shall be the opinion of the court that it will be for the advantage of the estate, and no change be made in the course of succession by such investment as regards the heirs or next of kin of the cestui que trust: And provided further, That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any will in regard

to the investment of such moneys. 3. Fiduciaries Exempted from Liability for Loss. In case the said moneys shall be invested as set forth in paragraph one of clause (a) of this [clause] section or conformably to the directions of the courts under paragraph two of clause (a) of this [clause] section, the said fiduciary shall be exempted from all liability for loss on the same, in like manner as if such investments had been made in pursuance of directions in the will creating the trust, it being hereby declared that the investments mentioned in this section are legal investments of moneys by fiduciaries: Provided, however, That if any such investment shall cease to be legal investment, it shall be the duty of such fiduciary to exercise due care and prudence in the ascertainment of such fact, and in the disposition or retention of any such investment thereafter."

Section 3. This act shall become effective immediately upon final enactment.

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and execution therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estates from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

On the question,

Will the Senate agree to the title?

Mr. OWLETT. Mr. President, I move to amend title, page 1, line 1 of title, by striking out with heavy-faced brackets "paragraph (a) one" and insert in lieu thereof: "paragraphs one, two and three of clause (a);" amend title, page 2, second to the last line of title, by inserting after the word "amended" the following: "by;" amend title, page 2, second to the last line of title, by striking out with heavy-faced brackets the words "defining the nature and kind of" and insert in lieu thereof: "providing with respect to;" amend title, page 2, last line of title, by striking out with heavy-faced brackets the words "to be made;"

Mr. REED (Dauphin). Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1281 (House Bill No. 2495), entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said departments in relation thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1285 (House Bill No. 2576), entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities

And said bill having be enread at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1320, entitled:

An Act to further amend section eight of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by baliees for hire, and transportation for hire, of

any alcohol, alcoholic liquor or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol. alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties: an dalso repealing all acts or parts of acts inconsistent with this act," by permitting manufacturers to import alcohol or alcoholic liquids for certain purposes.

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturalization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended by section two of the act approved the eighth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty-seven one thousand nine hundred thirty-three one thousand nine hundred thirty-four(is hereby further amended to read as follows

Section 8 Upon the filing of the application in the form herein provided and upon execution of a bond to the Commonwealth and a warrant of attorney to confess judgment in the penal sum of ten thousand dollars ($10,000) with surety to be approved by the board which bond shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcohol or alcoholic liquid and the conditions of the permit the board may grant to such applicant a permit to engage in the manufacturing producing distilling developing or importing for use or using in the process of manufacturing denaturing redistilling recovery rectifying blending reusing holding in bond holding in storage as bailee for hire and transportation for hire of alcohol or alcoholic liquid

On the question,

Will the Senate agree to the section?

Mr. BUCKMAN. Mr. President, I move to amend Section 1, page 3, line 12, by striking out the word "recovery" and insert in lieu thereof "recovering".

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 The provisions of this act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to further amend section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcohol beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" by permitting manufacturers to import alcohol or alcoholic liquids for certain purposes

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1321, as follows:

A Supplement to the act approved the twenty-nine day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensee and others making disposition of the receipts from State stores and of license fees and imposing penalties" providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase bottling and sale of wine and authorizing the sale of wine by holders of licenses to sell malt liquor and the sale of wine by manufacturers to special wine permittees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to theim in this section

"Wines" means any beverage containing more than one-half of one per centum and not more than twenty-one per centum absolute alcohol by valume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar including all natural wines and fortified wines within the above limits but not including any beverage known as beer lager beer ale porter or similar fermented malt liquor obtained by alcoholic fermentation of an infusion or decoction of barley malt and hops in woter

"Malt liquor" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Sale" or "sell" includes any transfer of liquor for a consideration and any gift in connection with or as a part of a transfer of property other than liquor for a consideration

"Original containers" means and includes bottles casks kegs or other containers that have been securely capped

or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same

"Person" includes natural person copartnership association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to association or copartnership shall mean the partners or members thereof and a sapplied to "corporation" shall mean the officers thereof

"Board" means the Pennsylvania Liquor Control Board

Section 2 The board may in its discretion subject to conditions rules and regulations prescribed b yit grant to any qualified and responsible person of good character by it so found a special wine permit to purchase wine from the Commonwealth or from any manufacturer thereof or to bring or import wine into this Commonwealth and to bottle wine and to sell the same either in the original container or from the contents of original containers upon which the tax imposed by law has been paid but not for consumption on the premises where sold to any person entitled by law to purchase wine from State liquor stores to any person holding a valid license entitling him to sell malt liquor at retail or a valid sacramental wine permit and to any persons outside of this Commonwealth

Section 3 The fee for such special wine permit shall be one hundred dollars per annum for each establishment or warehouse which fees shall be paid into the Liquor License Fund of the State Treasury through the Department of Revenue and shall be disposed of as other moneys in such fund are disposed of Before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth relating to the distribution sale and use of liquor and of the regulations of the board

Section 4 Any such permit may be revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth relating to the distribution sale or use of liquor or any regulation of the board

Section 5 All persons now or hereafter holding any license or permit authorizing them to sell malt liquor at retail may without procuring any other or further license or permit sell wine at retail during the period such license or permit remains valid and effective subject to all laws and regulations applicable to the sale of malt liquor at retail

Every duly licensed manufacturer of wine in this Commonwealth is hereby authorized without further license or permit to sell wine to any person holding a valid special wine permit under the provisions of this act

Section 6 All acts and parts of acts inconsistent herewith are hereby repealed

Section 7 The provisions of this act shall become effective ten days after its final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1352, as follows:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of thirty-eight million dollars ($38,000,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the two fiscal years beginning the first day of June one thousand nine hundred and thirty-five for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools in accordance with the provisions of the act approved the day of one thousand nine hundred and thirty-five (Act Number) entitled "An act to further amend subsection twenty of and to add subsections twenty-five and twenty-six to section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools subject to the the reduction of taxes on real property by school districts and imposing duties on school districts"

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1392, as follows:

An Act to amend section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended qualifying additional securities as acceptable for the securing of State deposits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and five of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 347) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or

any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 318) is hereby further amended to read as follows

Section 505 State Depositories The Board of Finance and Revenue shall have the power and its duty shall be

(a) To select and designate as depositories for the State moneys banks banking institutions or trust companies which are subject to national or State supervision and each of which

1 Has made written application to the State Treasurer for a deposit of State moneys designating the amount of deposit solicited and accompanying its application by a written statement showing the amount of its capital actually paid in the amount of its surplus the number of its stockholders and whether its stock is well distributed or largely held by a few individuals and the length of time that said institution has been engaged in business under its charter Each such statement shall be verified by the oath or affirmation of the president cashier or trust officer as the case may be and the State Treasurer shall present the same to the board for its consideration within thirty days after the receipt thereof

2 Shall upon the receipt of notice of its selection as a depository of State moneys furnish a bond to secure payment of deposits and interests to the Commonwealth of Pennsylvania with a proper warrant of attorney to confess judgment in favor of the Commonwealth secured by a surety company or individual sureties to be approved by the board in the amount of the deposit to be made If a corporate bond be given no one surety company shall be approved in an aggregate amount in excess of five times its capital surplus and reserve and whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit No one person may qualify for more than one-fourth of the total amount of the bond required Provided That in lieu of the surety bonds of surety companies or of individuals as aforesaid the deposit of State moneys may be secured by the deposit with the State Treasurer of United States municipal or county bonds or Federal Farm Mortgage Bonds or bonds of the Home Owners Loan Corporation to be approved by the board in an amount measured by their actual market value equal to the amount of deposit so secured and twenty per centum in addition thereto Said bonds shall be accompanied by proper assignment or power of attorney to transfer the same and said trust deposit of securities shall be maintained on request at the amount aforesaid in case of any depreciation in the value thereof

3 Shall agree to pay interest upon all State deposits at the rate to be fixed every six months by the Board of Finance and Revenue having due regard to the then prevailing money market The said board may fix different rates of interest for active and inactive depositories and may adopt and promulgate rules governing the time when interest shall begin to run on deposits of uncollected items The board shall fix the specific day of which any change in interest rate shall become effective and shall notify in writing every depository of such change and the effective date thereof Pending action by the board the interest rates heretofore fixed by law shall remain in force All collections shall be made for the Commonwealth without cost of compensation

(b) To select as depositories for State funds private banking institutions located and doing business in this Commonwealth if such private banking institutions shall file a statement in writing with the board and the Department of Banking agreeing that they will subject themselves to the same supervision in all respects including an examination by the bank examiners of the Department of Banking at any time as banks banking institutions or trust companies which are depositories of State funds and if and after compliance with the conditions required of any other depository

(c) To designate two banks or trust companies in Dauphin County two banks or trust companies in Allegheny County two banks or trust companies in Philadelphia County and three banks or trust companies in other parts of the Commonwealth to be known as active depositories in which shall be deposited a sufficient amount of the daily receipts of the State Treasury to transact the current business of the Commonwealth The board may designate two other banks or trust companies located in any of the counties above mentioned or in any other county of the Commonwealth to be known as active depositories and to be used for the purpose above mentioned

(d) To see that no bank banking institution or trust company except those designated as active depositories shall receive a deposit of State moneys in excess of twenty-five per centum of its paid-in capital and surplus or have at any one time an aggregate of deposits in excess of five hundred thousand dollars

(e) To see that the combined deposits in the active depositories shall not exceed at any time such total sum as it shall by resolution have prescribed

(f) In case it is of the opinion that the credit of any depository is impaired the safety of the State deposits imperiled or for any other cause whatsoever to require the State Treasurer to reduce change or wholly withdraw within thirty days any deposit or deposits held by any such depository of State moneys

(g) Whenever it is considering applications for State deposits to invite the Secretary of Banking to sit with and advise the board The secretary shall however not vote on any question coming before the board

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1428 (House Bill No. 1418), entitled:

An Act to amend section four and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors, providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," imposing an additional tax on liquid fuels for a limited period of time providing for the distribution thereof and making an appropriation.

On the question,

Will the Senate agree to the bill on second reading?

BILL POSTPONED

Mr. McCLURE. Mr. President, I move that the question together with the further consideration of Senate Bill No. 1428 (House Bill No. 1418), be postponed for the present.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE.

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Judiciary General reported as committed, Senate Bill No. 685 (House Bill No. 1247), entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales; and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," changing the method of service of writs on persons who are without the Commonwealth, and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located.

Also from the Committee on Municipal Government reported as committed, the following resolution, which was laid on the table:

RESOLUTION FOR THE APPOINTMENT OF COMMITTEE TO INVESTIGATE CHARGES RELATIVE TO METHODS USED TO SECURE PASSAGE OF THE "PITTSBURGH RIPPER BILL"

In the Senate, June 3, 1935.

Whereas There was introduced into the General Assembly a bill commonly known as the Pittsburgh Ripper Bill that if enacted into law will abolish the office of Mayor in the City of Pittsburgh and

Whereas The real purpose of this bill seems to be to remove the Honorable William McNair from the office of Mayor of the City of Pittsburgh by legislative authority notwithstanding that he could be removed by appropriate legal proceedings if found guilty of malfeasance in office or that he had been elected to the office of Mayor at the preceding election by a large majority of the votes cast or that a newspaper poll taken after the introduction into the General Assembly of the above mentioned bill indicated that a large majority of the voters were still desirous of having him as their chief executive and

Whereas The real objection to having the said William McNair serve as Mayor for the full term to which he had been elected seems to be that his independence in the administration of his official duties especially his dispensing of political patronage is not satisfactory to the Democratic organziation of that City and

Whereas Various newspapers circulating in Pennsylvania have published news items and have given considerable editorial space to the above mentioned bill generally agreeing that all the Democratic Senators will support the bill and inferring if not actually alleging that in order to secure the votes of seven Republican Senators necessary to have the bill pass that parties having at their disposal political patronage were offering Republican Senators jobs or positions for their friends or constituents in return for votes to have the said bill reported out of committee and for final passage in the Senate and

Whereas This seems to be a serious reflection on the honesty and integrity of members of the Senate therefore be it

Resolved That the President pro Tempore of the Senate appoint a committee consisting of three Senators to investigate the charges made by various newspapers as to the methods used to secure the passage of said bill and of all lobbying done in the interest of this bill or of any offer made to any member of the General Assembly for his or her support in favor of said bill and to all other matters in connection therewith The said committee to make a report of its findings to the Senate for such action as may seem desirable And be it further

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary

Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of the Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on Judiciary General reported as committed, Senate Bill No. 659, entitled:

An Act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 434), entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendent and attachment execution or in the nature of attachment execution against trusts, including those commonly known as spend-thrift trusts, no matter when such trusts were created in cases where an order award or decree has been made against a husband for the support of his wife or children or both, maikng such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order, judgment or decree is paid in full with costs, and abolishing the benefit of the exemption law in such cases," by making such support orders, decrees and judgments liens against the real property of the husband.

Mr. NORTON. Mr. President, I ask unanimous consent to make report from committee at this time

The PRESIDENT. Is there objection? The Chair hears none.

Mr. NORTON from the Committee on Judiciary General reported as committed, Senate Bill No. 1061 (House Bill No. 1090), entitled:

An Act relating to search warrants regulating their issuance execution and return prescribing the powers and duties of justices of the peace aldermen and magistrates issuing them and of officers executing them inflicting penalties for unlawfully procuring unlawfully executing and unlawfully resisting the execution of a search warrant.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Judiciary General reported as committed, Senate Bill No. 1306, entitled:

An Act to amend section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases," eliminating the requirement for payment of costs by counties in summary proceeding dismissals.

Mr. BEAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BEAN from the Committee on Judiciary General reported as committed, Senate Bill No. 921 (House Bill No. 1724), entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiarists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases.

Mr. THOMPSON (Westmoreland). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on Judiciary General reported as committed, Senate Bill No. 1416, entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May, one thousand nine hundred and thirty-three, (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State department, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations, requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Game and Fisheries reported as committed, amended, Senate Bill No. 1354, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by defining additional game fish; providing additional methods of taking game fish; and changing the season and creel limits.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Highways reported as amended, Senate Bill No. 1309, entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction, reconstruction or maintenance, under certain terms and conditions, of free bridges across the Delaware River, granting certain powers to the Department of Highways in connection with the construction, reconstruction or maintenance of such bridges and approaches thereto; and making an appropriation.

Mr. RICE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on Judiciary General reported as committed, Senate Bill No. 550 (House Bill No. 337), entitled:

An Act to amend section one hundred and forty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions of said act to fixtures hunting lodges cabins cottages and barns

Mr. COYNE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIENT. Is there objection? The Chair hears none.

Mr. COYNE from the Committee on Executive Nominations reported with a favorable recommendation, the following nominations by His Excellency, the Governor of the Commonwealth.

SHERIFF OF McKEAN COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Russell R. Lindsley of Bradford, McKean County, as Sheriff of McKean County, vice Fred T. Ludwick, removed from office by order of Court, until the first Monday of January, 1936, and until his successor shall be duly qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. OWLETT,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. OWLETT,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Graff,	McGinnis,	Roberts,
Batchelor,	Harris,	Miller,	Rodgers,
Baumer,	Harvey,	Norton,	Rupp,
Bean,	Homsher,	Owlett,	Shapiro,
Bennett,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law	(Dauphin)	(Westmoreland)
Ealy,	Mallery,	Reed,	Trainer,
Frey,	McClure,	(Washington)	Ziesenheim,
Gelder,	McCreesh,	Rice,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. OWLETT. Mr. President, I move that the Executive Session do now rise.

Mr. HOWELL. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 550 (House Bill No. 337), entitled:

An Act to amend section one hundred and forty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions of said act to fixtures hunting lodges cabins cottages and barns

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 659, entitled:

An Act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 434), entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendant and attachment execution or in the nature of attachment execution against trusts, including those commonly known as spendthrift trusts, no matter when such trusts were created in cases where an order, award or decree has been made against a husband for the support of his wife or children or both, making such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order, judgment or decree is paid in full with costs, and abolishing the benefit of the exemption law in such cases," by making such support orders, decrees and judgments liens against the real property of the husband

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 685 (House Bill No. 1247), entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" changing the method of service of writs on persons who are without the Commonwealth and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 921 (House Bill No. 1724), entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (P. L. 224) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1061 (House Bill No. 1090), entitled:

An Act relating to search warrants regulating their issuance execution and return prescribing the powers and duties of justices of the peace aldermen and magistrates issuing them and of officers executing them inflicting penalties for unlawfully procuring unlawfully executing and unlawfully resisting the execution of a search warrant.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1306, entitled:

An Act to amend section one of the act approved the fifth day of April, one thousand nine hundred and twenty-nine (P. L. 170), entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth, and imposing liability for costs upon the county in certain cases," eliminating the requirement for payment of costs by counties in summary proceeding dismissals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1309, entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction, reconstruction or maintenance, under certain terms and conditions, of free bridges across the Delaware River; granting certain powers to the Department of Highways in connection with the construction, reconstruction or maintenance of such bridges and approaches thereto; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1354, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the rivers of the Commonwealth," by defining additional game inland waters and the boundary lakes and boundary fish; providing additional methods of taking game fish, and changing the season and creel limits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1416, entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1460, entitled:

An Act to provide for the nomination of candidates for public office by political parties as herein defined, providing penalties, and abolishing existing primary elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1493 (House Bill No. 2173), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1511, entitled:

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn until tomorrow morning at 12 o'clock noon.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 P. M. until Tuesday, June 4, 1935, at 12 o'clock M.

HOUSE OF REPRESENTATIVES

MONDAY, June 3, 1935.

The House met at 9:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House offered the following prayer:

Our Father and our God, we come to Thee this evening and give all the praise and glory for our being and for the privileges that Thou has given to us. We pray that during the closing weeks of this session Thy Divine Power will guide us; that we may use every opportunity to do good and to bring those things to our fellow men that they desire. In the Master's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, May 28, 1935.

The Clerk proceeded to read the Journal of Tuesday, May 28, 1935, when, on motion of Mr. NOTHNAGLE the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1295. (House Bill No. 2905).

An Act to ratify confirm and validate as debts of the municipality improvement bonds or obligations by any other name issued by cities of the third class for the payment of the cost of public improvements for the purpose of paying or macadamizing or otherwise improving the roadway of any highway street or alley or part thereof in any such city of the third class or for the payment of the cost of construction of any sewer or sewers which improvement bonds or obligations were to rest alone for their security and payment upon assessments upon property for such cost and to authorize the city of the third class to fund such debts by the issuance of bonds to provide for their payment.

Referred to the Committee on Cities.

SENATE BILL No. 66. (HOUSE BILL No. 2906).

An Act to amend section three of the act approved the tenth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred nineteen) entitled "An act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections" as amended by prescribing a cash deposit as a condition precedent to the validity and effectiveness of a nomination paper prescribing the amount of such deposit and the officer with whom it is to be made in each case providing that it shall either be returned to the political body making the same or shall be allocated among and retained by the counties interested depending upon the number of votes polled by the nominee or the most successful nominee presented by such political body imposing duties upon the State Treasurer the Secretary of the Commonwealth county treasurers and county return judges and return boards fixing the date when the act shall become effective and repealing inconsistent legislation.

Referred to the Committee on Elections.

SENATE BILL No. 458. (HOUSE BILL No. 2907).

An Act relating to the playing of the game of polo on Sunday prohibiting such games on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors roviding penalties and repealing inconsistent laws.

Referred to the Committee on Law and Order.

SENATE BILL No. 884. (HOUSE BILL No. 2908).

Authorizing and regulating the reorganization of banks and bank and trust companies.

Referred to the Committee on Banking.

SENATE BILL No. 895. (HOUSE BILL No. 2909).

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Referred to the Committee on Banking.

SENATE BILL No. 935. (HOUSE BILL No. 2910).

An Act limiting the time within which suits for malicious prosecution or false arrest must be brought.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1030. (HOUSE BILL No. 2911).

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," as amended, by removing the exemption in the case of private banks.

Referred to the Committee on Banking.

SENATE BILL No. 1056. (HOUSE BILL No. 2912).

An Act relating to tennis on Sunday in cases where an admission is charged permitting tennis on Sunday for which an admission is charged during certain hours and providing for the licensing of exhibitions of tennis where an admission charge is made.

Referred to the Committee on Law and Order.

SENATE BILL No. 1241. (HOUSE BILL No. 2913).

An Act to amend section four of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1667), entitled " An act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire all real and personal property included in the Conrad Weiser Memorial Park in Heidelberg Township, Berks County, from the Conrad Weiser Memorial Park Association; providing for the control, management, supervision, restoration and improvement thereof; authorizing the commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation therefor," substituting the Secretary of Forests and Waters for the Pennsylvania Historical Commission on the board of trustees of the endowment funr, and adding to said board a member of the Pennsylvania Historical Commission.

Referred to the Committee on Forestry.

SENATE BILL No. 1247. (HOUSE BILL No. 2914).

An Act requiring persons selling attempting to sell or soliciting the Pennsylvania Liquor Control Board to purchase vinous and spirituous liquors for sale in Pennsylvania Liquor Stores to register in a record or book provided for such purposes and providing penalties.

Referred to the Committee on State Government.

SENATE BILL No. 1248. (HOUSE BILL No. 2915).

An Act to amend section nine of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture; and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and

duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties;" extending the time within which certificates of registration may be issued without examination.

Referred to the Committee on Education.

SENATE BILL No. 1299. (HOUSE BILL No. 2916).

An Act making an appropriation to the Roselia Foundling Asylum and Maternity Hospital at Pittsburgh, Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 1305. (HOUSE BILL No. 2917).

An Act to further amend subsection twenty of, and to add subsections twenty-five and twenty-six to, section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to established a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the payment by the Commonwealth of the whole of the minimum salaries of members of the teaching and supervisory staffs of elementary schools and of an additional part of the minimum salaries of the members of the teaching and supervisory staffs of junior high schools, subject to the reduction of taxes on real property by school districts; and imposing duties on school districts.

Referred to the Committee on Education.

SENATE BILL No. 1317. (HOUSE BILL No. 2918).

An Act requiring authorities in charge of State State aid or county institutions offering treatment to mental patients to furnish certain information to the Department of Military Affairs.

Referred to the Committee on Military Affairs.

SENATE BILL No. 1380. (HOUSE BILL No. 2919).

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E. S. Blackburn deceased in favor of her residuary devises and/or heirs-at-law.

Referred to the Committee on State Government.

SENATE BILL No. 1381. (HOUSE BILL No. 2920).

An Act to amend section one of the act approved the nineteenth day of March, one thousand nine hundred and thirty-five, (Act No. 1), entitled "An act authorizing the adjournment and readjournment of any county treasurers' sales of seated and unseated lands to be held in the years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six; validating any action in adjourning or readjourning tax sales taken prior to the effective date of this act, and preserving the lien of all taxes on lands to be sold at such sales," providing that where there was a failure to advertise or hold a tax sale by reason of an order or decree of the court, the action shall be ratified, confirmed and made valid; preserving tax liens in such cases; and providing for the fixing of dates for tax sales in such cases.

Referred to the Committee on Counties.

SENATE BILL No. 1383. (HOUSE BILL No. 2921).

An Act to classify certain surface lands as auxiliary forest reserves, to prescribe the terms and conditions of their continuance in such classification, or removal therefrom defining the duties of the Secretary of Forests and Waters, of the county commissioners and of the county treasurer of the respective counties in connection therewith; providing for the appointment of viewers and appraisers; providing for appeals to the respective courts of common pleas and to the Superior Court and the Supreme Court from reports of said viewers and appraisers, and from the action of the Secretary of Forests and Waters; providing for a tax upon the stumpage value of trees removed from such lands and the method of ascertainment and collection of taxes upon such lands when they have been removed from such classification before the cutting of trees therefrom; permitting the removal of certain trees from lands so classified, by the owners thereof; providing that lands so classified may be sold only subject thereto; prescribing the method of assessment of such lands during their continuance in such classification; making it a misdemeanor to cut, fell and remove trees from lands so classified, and defining the punishment therefor; validating contracts between the Department of Forests and Waters and the State Forestry Reservation Commission and owners of such auxiliary forest reserve lands under prior acts of Assembly; and repealing all acts or parts of acts inconsistent herewith.

Referred to the Committee on Counties.

SENATE BILL No. 1384. (HOUSE BILL No. 2922).

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended further regulating the compensation of and contracts with teachers.

Referred to the Committee on Education.

SENATE BILL No. 1386. (HOUSE BILL No. 2923).

An Act to amend section one thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain department, boards and commissions shall be determined," establishing a board for the determination and payment of minor damages caused by the National Guard.

Referred to the Committee on Military Affairs.

SENATE BILL No. 1387. (HOUSE BILL No. 2924).

An Act authorizing the publication of legal and official advertising and notices in newspapers of general circulation published on Sunday.

Referred to the Committee on Judiciary General.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

Walter S. Pytko
Eighth District
Bridesburg
Philadelphia, Pa.

SENATE OF PENNSYLVANIA

May 31, 1935.

Hon. Wilson G. Sarig, Speaker,
House of Representatives
Harrisburg, Pennsylvania

Honorable Sir:—

It is with a feeling heartfelt gratitude that I acknowledge receipt of the Resolution adopted by the House of Representatives on May twenty-first, wherein sympathy on the death of my father is so kindly tendered.

May I assure the Honorable members of the House of Representatives that I shall be ever appreciative of the kind thought which prompted their action.

Gratefully yours,

Walter S. Pytko.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk:

BLUE LAWS

A resolution from the Fine Arts Department of the Woman's Club of Wilkinsburg.

A communication from the Cooley Mission, Castle Shannon.

A communication from the Pittsburgh Methodist Episcopal Preacher's Meeting.

A communication from citizens of Carmichaels protesting liberalization of Sunday.

A resolution from the Pittsburgh Synod of the Evangelical Lutheran Church.

Referred to the Committee on Law and Order.

BLIND PENSIONS

A communication from P. L. Metz of Philadelphia.

A communicatino from Mrs. Florence S. Maitland, of Philadelphia, urging passage of Blind Pension Law.

Referred to the Committee on Appropriations.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1615.

An Act to amend section four hundred and twelve of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by providing for the assessment of seated lands divided by the boundary line between two townships.

HOUSE BILL No. 1962.

An Act to amend Sections 1 and 2 as amended Sections 70 and 71 to repeal Section 69 of and to add Sections 1.1 1.2 1.3 1.4 1.5 2.1 2.2 2.3 2.4 2.5 70.1 70.2 70.3 and 73 to the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred eighty) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the first class and imposing fines penalties and forfeitures for violation thereof" further regulating the business and work of plumbing and house drainage in such cities and the examination licensure and registration of those engaged in such business or work creating the "Board of Plumbing Supervision of the Department of Health" therein and giving them certain powers and duties relative thereto

HOUSE BILL No. 2491.

An Act to variously amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, three hundred forty-three), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, boards, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivision, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended; further regulating refunds; further regulating the deposits of State moneys and the security therefor; and providing additional penalties for late filing of certain reports.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS NO. 88, 493, 676, 902, 1204, 1209, 1734, 1738, 2175, 2302, 2477, 2601

AND HOUSE RESOLUTIONS NOS. 68 AND 814

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 88, Printer's No. 1025, entitled, "An Act providing for the organization under certain conditions of two colored battalions of infantry and making an appropriation therefor."

House Bill No. 493, Printer's No. 231, entitled, "An Act to amend section thirty-seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth' providing for the sentence of one convicted of fornication and bastardy to pay funeral expenses of infant."

House Bill No. 676, Printer's No. 427, entitled, "An Act to amend sections one and two of the act approved the fifth day of May one thousand nine hundred and thirty-one (Pamphlet Laws ninety-one), entitled 'An act authorizing the Department of Forests and Waters in certain instances and with the approval of the Governor to construct improve or repair at the expense of the Commonwealth portions of roads or highways connecting roads or highways lying within areas of State forest lands with State county or township roads or highways near such areas' extending the provisions of said act to forest protection roads and fire lanes on private property."

House Bill No. 902, Printer's No. 281, entitled, "An Act making a deficiency appropriation to the Department of Military Affairs."

House Bill No. 1204, Printer's No. 972, entitled, "An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania."

House Bill No. 1209, Printer's No. 422, entitled, "An Act prohibiting collection agencies as herein defined from representing cerditors or taking an assignment for the purpose of representing creditors in any action or proceeding or in settlement or adjustment of the affairs of a debtor from soliciting business for attorneys at law and from threatening the debtor with legal proceedings and providing penalties."

House Bill No. 1734, Printer's No. 522, entitled, "An Act providing for the laying out widening extending and relocating by cities of the first class of highways and streets connecting with or used as direct approaches to bridges crossing streams or tunnels under streams which form boundaries between this and any other state and for the construction thereof and of appurtenances thereto authorizing the acquisition by gift purchase or condemnation of land and property therefor and of additional land and property in connection therewith not needed for actual construction providing for the acquisition of a fee simple title authorizing the use sale or leasing subject to restrictions by the city of additional land and property acquired and the erection occupation use sale or leasing of buildings and structures thereon by the city and authorizing and prescribing the procedure for the assessment of damages and benefits."

House Bill No. 1738, Printer's No. 950, entitled, "An Act to amend the title and sections one two three and four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two), entitled 'An act relating to domestic animals and providing for their appraisement when about to be slaughtered to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers' providing for the appraisement of condemned animals denying compensation for dying and dead animals regulating the disposition of appraised animals the payment of salvage and the rendering of statements thereof and empowering the Department of Agriculture to adopt rules and regulations."

House Bill No. 2175, Printer's No. 1077, entitled, "An Act to amend section one of the act approved the twenty-ninth day of May one thousand nine hundred and seventeen (Pamphlet Laws three hundred twenty-two) entitled 'An act to give protection and to regulate the catching or taking or having in possession within this Commonwealth of any bullfrogs tadpoles and terrapin and providing penalties and punishments for violation of any of the provisions of this act and the manner of proceeding to enforce compliance therewith and providing for the disposition of the penalties and fines recovered and received and how and by whom the costs in such cases shall be paid' providing penalties for catching or killing bullfrogs tadpoles or terrapin out of season."

House Bill No. 2302, Printer's No. 907, entitled, "An Act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania with the approval of the Governor to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives and to acquire in exchange a certain tract therefor.' '

House Bill No. 2477, Printer's No. 914, entitled "An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and chaging the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commowealth' by making it unlawful to interfere with dams deflectors retards or similar devices."

House Bill No. 2601, Printer's No. 1059, entitled "An Act to amend sections two and four of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred fifteen) entitled 'An act dedicating and setting aside certain lands in Cameron and Clinton Counties as a public park and pleasure-ground to be known as "Bucktail State Park" and imposing certain powers and duties in connection therewith upon the Department of Forests and Waters and the Department of Justice of the Commonwealth' further defining the control rights of the Department of Forests and Waters over private lands and providing for the acquisition thereof."

House Resolution No. 68, Printer's No. 813.

House Resolution No. 123, Printer's No. 814.

GEORGE H. EARLE.

LEAVE OF ABSENCE

Mr. Hoopes asked and obtained leave of absence for Mrs. WILSON for the remainder of the week on account of illness.

RESOLUTION

REPORT FROM COMMITTEE ON RULES

Mr. RUTH offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, Monday, June 1, 1935.

Resolved, That all bills reported from committees as committed shall be read for the first time on the day they reported.

Wilson G. Sarig
Frank W. Ruth
Roy E. Furman
William Sinwell
Hiram G. Andrews

RESOLUTION

Mr. YOURISHIN offered a resolution and asked unanimous consent that it be read for the information of the House.

The SPEAKER. Will the House give its unanimous consent for the reading of the resolution Are there objections

Mr. RUTH. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and consent is not granted. The resolution will be filed with the Clerk under the rules.

RESOLUTION

CONGRATULATIONS EXTENDED TO HON. ALBERT E. RINN

Mr. WEISS offered the following resolution which was twice read, considered and unanimously adopted.

In the House of Representatives June 3, 1935

Whereas, The voters of the Second District of Lehigh County have for the first time in many years elected a true Democrat known socially and politically throughout this Nation, and other European countries, in the person of the Honorable Al E. Rinn, and

Whereas, We, the Members of the House of Representatives, have come to love and respect this Honorable Gentleman known to all of us as "Al", and

Whereas, The said "Al" Rinn has become an idol to all automobile users as a result of his untiring efforts and ability in promoting legislation to keep truck traffic off the highways on Sundays, and

Whereas, The said "Al" Rinn has become an idol to all first birthday on June 6, 1935, the age at which many men become eligible for old age pension, now therefore be it

Resolved, That this House extend its heartiest congratulations to the gentleman from Lehigh, Honorable Al E. Rinn, upon attaining his seventy-first milestone, and that this House do all rise for a few moments in proper honor, and a copy of this resolution be transmitted by the Chief Clerk to the Honorable Gentleman from Lehigh, Honorable Al E. Rinn.

RESOLUTION NO. 146.

Mr. OMINSKY. Mr. Speaker, I desire to call up at this time Resolution No. 146, Printer's No. 1284.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 13, 1935.

Whereas, Many small business enterprises are conducted in properties which are at the same time used as homesteads, on which under existing Federal laws the Home Owners' Loan Corporation is unable to grant loans; and

Whereas, Such small business enterprises are a necessity in the residential sections of large centers of population; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the President and the Congress of the United States to foster and enact legislation which will enable the Home Owners' Loan Corporation to grant loans on real property erected for the combined use of business as dwellings.

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this House.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, with the early adjournment last week I found it possible to spend a few days up in the Pocono Mountains, in the woods and among the animals and the wild life such as we have at this time of the year. As one gets into the peaceful confines of that beautiful part of our State and has the opportunity to get away from the hurly-burly of the Legislative Session, he gets an opportunity to have a broader vision and to see things perhaps with a different eye than he does here in Harrisburg, in contact with all of the issues and with all of the divergent opinions of the members of this House. So, as I spent those days in the woods and as I listened to the early call of the birds, for it appears that in spite of Supreme Court decisions and of legislation, old Mother Nature was going on just the same; the leaves were coming out on the trees; the native flowers of the woods were in blossom; the birds were building their nests, propagating, that we might have more birds for another year, it seemed to me that perhaps some of the thoughts that ran through my mind might be of interest to the members of the House at this time, as we enter upon the final weeks of the session. So, I am going to ask your indulgence for a few moments while I read to you that which I jotted down while I was in the Poconos.

No matter whether or not one agrees with the Supreme Court decision as it affects the NRA, there must come to all thinking Americans a profound feeling of relief that once more the Constitution has been upheld and that the dangerous practice of evading its restrictions under the guise of necessity has been ended. Where the object sought is proper, the danger in evasion on the ground of necessity, lies in the possibility that tomorrow its provisions may be flouted by the evil and unscrupulous for improper purposes.

No true American will support sweat shops, child labor, starvation wages, and improper labor conditions. Every citizen with any sense of economics wants a fair division of the profits, proper working conditions, and the opportunity for the individual to better his condition. But it must now be patent that these things must be accomplished by orderly processes within the Constitution, and not by broad delegations of power to the Executive by a rubber stamp Congress.

The last 150 years of American history in which the living and wage standards of the working people have been raised far beyond that of any other country in the world; and the life story of not only the very rich but of thousands of people in the great middle class of Americans who have lifted themselves from humble beginnings to places of respect and economic security, are conclusive evidence of the basic soundness of a system which has done more to promote the life, liberty and happiness of a whole people than any other yet devised.

Forgetting the blessings of our free government and the progress made thereunder, many who are trying to lead, have let their sympathies run away with them to such an extent that they are interpreting the present condition of our people as "economic serfdom." With continuous ballyhoo they are creating in the minds of those in want a false picture of themselves and a false sense of the obligations of government to maintain and support them. Prosperity was once said to be just around the corner. In the same sense, these wrong-thinking theorists are envisioning the millenium as being just around the corner. It is cruel to so mislead a people.

Those who would regiment industry or labor under bureaucratic control of a Federal Government, and those who would curtail production and limit expansion in order that the 10% of our people, consisting mostly of the weak and improvident, may be lifted to a higher level, are dooming to economic slavery and mediocrity in the future, the 80% of our people who but desire the opportunity, as free men, to achieve their own station.

This has been called an era of plenty. The end of the pursuit of happiness does not lie in the restriction, regimentation and curtailment of that plenty, but in its wider use and diffusion among a greater number.

Let us hope that the Supreme Court decision, there-

fore, may have a sobering influence upon this Legislature and that it will be realized that the mere wish to accomplish an end by legislative enactment does not justify the passage of bills that are unconstitutional and unsound.

No one who has given thought to our national and state problems arising out of this depression and the demand of many that they shall not return, will deny that there is a need for state legislation. But it was beyond the realm of possibility to expect that these difficult problems could be solved by a new and inexperienced Administration during its first session of the Legislature. It was unfortunate that the Administration and the new majority in the House, lacking legislative background, introduced unconstitutional, illconsidered, and contradictory legislation, most of which would not only have been destructive and harmful to business and industry, but in the end would have meant disaster to our working people. Therefore, this legislation should not be passed. If, as a result, we must for the time being be called "Tories" and "Reactionaries", let us stand steadfast in the knowledge that the experience of the next few months will justify our position.

On March 7th, 1935, I made a statement to this House, advising as to Legislation and pointing out the following facts and reasons in support of my contentions:

(1) As there was likely to be a Constitutional Convention and therefore the possibility of a new Constitution, that much legislation might have only a temporary life and might be out of line with the provisions of such Constitution.

(2) As it was improbable that the Federal Legislation dealing with social security and economic policies affecting the average person would unlikely be passed before the present legislative session ended, that it was foolish to enact laws within these fields which might not be in accordance with the Federal laws.

(3) As no one could predict the requirements for unemployment relief over a long period of time, and as no one could foretell what the situation would be after the Federal Work Relief program was developed, that it was inadvisable to make appropriations for unemployment relief for a period of more than one year.

(4) If a new Constitution were adopted a Special Session of the Legislature would be necessary. And even if this event did not compel a Special Session, the need of coordinating State with Federal laws on social and economic programs, and the requirements of unemployment relief would force and justify the calling of such session.

(5) While it must be apparent that the speeding up of business, thus creating more employment, was one of the prime requisites of the day, most of the legislation introduced was to tax and place further burdens and restrictions upon business, none was to help business.

(6) By allowing business a breathing space from such burdens, confidence would be created, which is perhaps the greatest need of the moment, in the return of business to normalcy.

Since the delivery of that statement it seems assured that the question as to whether there shall be a constitutional convention will be submitted to the people in September.

It has been definitely determined that unemployment relief shall be provided for a period of one year, and a tax program to sustain appropriations for this purpose is in the stages of completion.

The Legislature is to adjourn on the 21st, and as before predicted, the Federal program of so-called social security Legislation has not been enacted into law. In addition, the United States Supreme Court, in finding the NRA unconstitutional, has upset the Federal program and created a situation that will require new plans and new legislation.

While this decision can not directly affect the enactment of State legislation, which would set up codes and regulations as to business, at the same time it must be apparent to any thinking person that the State can not place regulations and restrictions upon Penna. business which might place it in unfair and ruinous competition with business in other states. It has been repeatedly said in defense of NRA that the small percentage of chiselers and price cutters fix prices and regulate wage scales. If this be true nationally, then if one state fail to set up standards in any industry equal to those in other states, industry in the high standard state can not hope to exist. This would be a catastrophe not only for the employers but also for labor, who would be deprived of employment or compelled to work at ruinous wages.

This whole question of social security, hours and wages for labor is so closely inter-woven that no one step should be taken without some consideratioon of the whole picture. One step might not be harmful, but the cumulative effect could be destructive.

The situation today more clearly demonstrates the necessity for legislative study. In less than a year this Legislature will again be in Special Session. Let us hope that it will return prepared to intelligently meet the great problems that are before us. We cannot hope to solve them in the hurry of a legislative session. Time must be taken to study Federal Acts and to develop plans for legislation to meet state requirements.

In the statement of March 7th, I recommended the following committees to make such study:

(a) Committee on State Finance, to study the financial needs and requirements and the reduction of the cost of government.

(b) Committee on State Taxes, to study the available sources of taxation and the equitable distribution of the burden thereof.

(c) Committee on Social Legislation, to study the Federal programs and the necessary coordinating legislation.

(d) Committee on Unemployment and Unemployment Relief.

The gentleman from York, Mr. Cohen, introduced a bill for the appointment of a permanent joint committee on State Government. This is a constructive step. The bill has passed the House and, it is sincerely hoped, will be passed by the Senate and signed by the Governor. In the event that it becomes a law, a resolution should be introduced giving to this Permanent State Government Committee, the right to appoint sub-committees to carry out the above suggestions.

Whether we be called upon to serve on committees or not, let us dedicate ourselves to an intelligent and impartial study of the issues of the day, and let us highly resolve to return to the Special Session, and guided by our experience, secure the passage of legislation to solve our

financial difficulties and to better the social and economic condition of the people of this Commonwealth.

RESOLUTION NO. 133.

Miss BRANCATO. Mr. Speaker, I desire to call up at this time Resolution No. 133, Printer's No. 828.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 18, 1935.

Whereas, The President and Congress, in order to alleviate unemployment, in developing various public works; and

Whereas, In the city of Philadelphia, Pennsylvania, there has been constructed an extension to the Broad Street subway, which extension runs from South Street to Snyder Avenue in the city of Philadelphia, and which was built at a cost of $4,000,000; and

Whereas, The said subway extension was completed several years ago, it never was equipped for operation, because the authorities of the city of Philadelphia could not, or would not, secure the necessary funds for such equipment, all to the great loss and inconvenience to the citizens of Philadelphia: and

Whereas, The work of equipping said subway extension would give employment to many persons now unemployed; and

Whereas, The equipping of said subway extension would result in the full completion of a self-liquidating public enforcement of great importance and usefulness to the citizens of Philadelphia; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the United States to consider the advisibility and feasibility of including within the public works program the equipping of the South Broad Street subway extension; and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House and the Chief Clerk of the Senate, to the President of the United States, the Vice President, and the President of the Senate, and to the speaker of the House of Representatives, and to all the Senators and Representatives in the Congress of the United States from the Commonwealth of Pennsylvania.

Ordered, that the Clerk present the same to the Senate for concurrence.

RESOLUTION NO. 157.

Mr. HERMANSEN. Mr. Speaker, I desire to call up at this time Resolution No. 157, Printer's No. 1285.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 22, 1935.

Whereas, The Luzerne County Unemployed League Inc., an organization of unemployed and employed citizens of Luzerne County, are deeply concerned about the present inadequacy of relief distribution and the manner in which the relief is administered in Luzerne County; and

Whereas, From time to time, the unemployed have tried to assist in the solving of the local economic problems, and to find ways and means to ease the suffering amongst the people, and to a small degree have been successful, but have attained no considerable results; and

Whereas, It is alleged that the relief administration of Luzerne County, supported by the Assistant State Administrator is now subjecting the relief clients to relief cuts, loss of clothing and shoe vouchers, and to loss of Federal surplus commodities that are contributed by the Federal Government, and subjected to a monopoly of relief coal distribution; and

Whereas, It is alleged that the people of the county on relief cannot secure placements on the relief staff, and that the unemployed applicants for these positions are not being considered outside of being given an examination; and

Whereas, Requests have been made from time to time for the removal of various executives, and in a few instances, such requests have been successful, but it is alleged that the fact remains that political influences in the background protect others from removal; and

Whereas, Under the past administration, the General Assembly appointed legislative committees to investigate the operations of the entire State relief setup, but it is believed without tangible results; and

Whereas, It seems to be the feeling of said league that favoritism, politics and inefficiency have brought about the continuance of this unfortunate situation; and

Whereas, It is the belief of the great body of citizens of said county that the matter can only be corrected if properly brought to the attention of the General Assembly, therefore be it

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a committee of five members of the House, whose duty it shall be to thoroughly and impartially investigate the activities and personnel of the Luzerne County Emergency Relief Board and all phases of relief activities in said county, whether State or National, including the so-called re-employment service and the office known as the "Placement Office" in Wilkes-Barre, as well as any other governmental agencies in said county dealing with relief, with a view of ascertaining whether or not the allegations set forth in the preamble of this resolution are true, and to make report to the House of Representatives at the earliest possible date.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer any such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents, as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee, or to produce any papers, books, records, or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Resolved, That said committee shall have the further right and authority to issue a requisition to any Luzerne County relief board, bureau or agency, for such stenographic help or service as it may deem necessary under the circumstances, in the taking of testimony and the conduct of hearings, and such other services as may be necessary.

APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the provisions of Resolution No. 157, Printer's No. 1285, the Chair appoints the following Committee: Messrs Yourishin, Chairman, Hermansen, Roan, Mason and Shortz.

REPORTS FROM COMMITTEES

Mr. ANDREWS, from the Committee on Rules reported as amended, House Resolution No. 155.

Mr. JOHN E. BROWN, from the Committee on Judiciary Local reported as committed, House Resolution No. 160.

CONGRATULATIONS EXTENDED MESSRS. BALDI AND EBERHARTER

Mr. TUMELTY offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 3, 1935.

Whereas, many of our citizens were decorated for bravery during the many wars in which Our Country was engaged, and

Whereas, Word has reached this house that two of our members have recently performed a, beyond a doubt, heroic act, and

Whereas, The vast difference in the districts which they represent proves that heroism extends from border to border of our Great Commonwealth, therefore be it

Resolved, That this House extends its sincere congratulations to the gentleman from Philadelphia, Mr. Baldi and the gentleman from Allegheny, Mr. Eberharter, for their unselfish heroism in taming a Badger on Tuesday, May 28th, 1935 in the City of Harrisburg, and be it further

Resolved That a copy of this resolution be sent to Bring 'em back alive Frank Buck in case he needs any assistance in the future.

SPECIAL ORDER ON RESOLUTION

The SPEAKER. The Chair lays before the House the special order of business fixed for this hour, being a resolution to place House Bill No. 116, Printer's No. 1210 on the calendar, notwithstanding the negative recommendation of the Committee.

The resolution was read by the Clerk as follows:

Resolved That House Bill Number one hundred sixteen Printer's Number one thousand two hundred ten entitled "An act providing for limiting and regulating the suspension removal dismissal and demotion of certain employes of the Commonwealth creating a Personnel Commission defining its powers and duties providing for appeals to the Court of Common Pleas of Dauphin County and making an appropriation" which was reported from the Committee on State Government on May twenty-second one thousand nine hundred and thirty-five with a negative recommendation be placed on the calendar notwithstanding such negative recommendation

On the question,

Will the House adopt the resolution?

Mr. ANDREWS. Mr. Speaker and members of the House, I rise to support the resolution. House Bill No. 116, Printer's No. 1210, is not a civil service measure, it is a tenure bill. It bases tenure upon the faithful performance of duty. The bill provides that persons employed by the state—not cabinet officers, not bureau chiefs, not members of commissions,—but the little people who have served five years shall not be subject to removal except for cause, the cause to be stated in the form of written charges with the person accused accorded the right to be heard.

Every step in this procedure is recognized, is accorded status everywhere except in the political arena.

Who are to be the judges? The members of a personnel commission of three to be appointed by the Governor. But not all those on the state payroll, even among the little people, the minor office holders, are subject to the provisions of this bill.

The terms of the measure, I repeat, apply only to those who have been on the pay roll for five years. This figure was chosen deliberately in order that no one might say that the measure representd an effort to perpetuate the Pinchot pay roll.

During the last five years there has been a tremendous turnover in the personnel employed by the state. Less than twenty-five per cent of the state employes. I am informed, at Harrisburg would be immediately affected if this were to become a law.

A tenure bill of this kind is a step necessarily precedent to civil service. No merit system, whether tenure or civil service, should perpetuate a governmental establishment, wholly Republican or wholly Democratic in its political alliances. The pending measure, House Bill No. 116, represents a compromise, a midway point from which it is possible to begin definitely marching into the midst of a state-wide civil service law.

I am not coming before you tonight with strange doctrines. The Democratic Party has been definitely committed to the merit system since the days of Grover Cleveland. In every national platform of the Democratic Party since eighteen eighty-eight, the party has stated its conviction that Jackson was wrong, that the classified public service is the spoils of political wars. While both the Democratic and the Republican leaders have upon occasion evaded the spirit and even the letter of the merit system they have not dared to repudiate civil service enactments; on the contrary both parties, have extended tenure and have enlarged the scope of civil service laws.

The House in nineteen hundred and thirteen, as some of the old timers may recall, passed a civil service law with teeth in it. Had that bill become a law, both Republican and Democratic leaders would have been spared many present woes.

I am asking this House tonight to recognize in the form of law a principle to which this present administration has so far conformed in practice. I need not call your attention to the long list of appointments which can only be defended upon a strictly merit basis.

I am asking this House definitely to repudiate the theory of the spoils system. And what is that theory? It is this: The spoils system advocates that those state employes who shall have served in all loyalty, shall have served efficiently, shall have been honest, capable and untiringly diligent,—that all of this shall be of no avail. You cannot base sound administration upon any system which fails to recognize honesty, fidelity and efficiency as qualities which deserve consideration, recognition and reward. In this, perhaps our fleeting hour of victory, there is a demand for jobs for Democrats, and every time a deserving Democrat is rewarded, ten fresh Democrats arise. One can well imagine that the spirit of those now departing from public life shall say after the fashion of the epitaph which read:

"As you are now, so once was I.
As I am now, so you will be.
Prepare for death and follow me."

Every successful party builds for power, and building over-reaches and destroys itself, because there comes a time when party leaders forget that all power is inherent in the people. Power is not inherent in the payroll; we only think it is. It is not those who hold public office who control the ultimate destiny of parties. It is the hand that holds the plow, the hammer, the tools of industry and the hands that perform the ministry of the home that make and unmake parties rather than those who hold the jobs. In the end it is the service a party renders and not who renders it that counts. If payrolls were all-powerful George Earle would not be Governor and this House would not be Democratic. From the standpoint of practical politics, the more jobs the more the grief. Patronage makes an organization strong within a party but patronage does not make a party strong within a state or within a nation.

I am not contending that the Democrats should not be proportionately represented upon public payrolls. They should be, and I am agreed that politically minded Republicans should step out when a Democratic administration steps in. Let those who live by the sword perish by the sword, I am agreed—but of the many kinds of loyalty, there is one loyalty that towers above all others: Loyalty to the service of the state. Administrations come and go

but the state remains. The state trooper and the members of the State patrol ride their dangerous ways, serving not party but the state, and we would not have it otherwise. When the snow crews face a biting storm to clear a mountain highway, they are not serving party, they are serving a state, and that is what we want, that is what we should be doing: Building in the midst of all this turmoil, this conflict of ambitions, this rivalry for place, a standard of state service, a standard which we would continually raise higher and higher. We may not all of us be invariably true to our ideals, but we cannot entirely discard them if we are to survive.

Members of the House, the right course is not invariably the practical course. House Bill No. 116 is a stepping stone to continued power, it is one of the measures we should enact if we desire to return, and it is surely one of the measures we should pass if we are transient factors in this political scene. I regard House Bill 116 as a symbol of enlightened selfishness. By its enactment, we will place ourselves in line with the traditional policies of our party; we will place ourselves in line with the practices and the pledges of this administration. By enacting this bill and dealing justly with those not of our political faith we will lay a foundation upon which we can stand in the days to come and demand justice for ourselves.

I ask this House in the interests of sound administration, as a service to the Democratic party of tomorrow, as a service to the state and as a measure of justice to deserving people to place House Bill 116 on the calendar notwithstanding the negative recommendation of the committee.

Mr. ACHTERMAN. Mr. Speaker and Members of the House, I rise for the purpose of supporting the action of the Committee on State Government in reporting this bill with a negative recommendation. I also rise to oppose the resolution of the gentleman from Cambria, Mr. Andrews.

I point to the members of this House the fact that the bill provides only for the retention of those individuals holding office who have been in office for a period of five years or more. I point to the Democratic members the fact that it is not a bill in line with the theories of Grover Cleveland or of the Democratic Party, for efficiency and ability are not mentioned in this bill. I point to you all the fact that there are many people serving here in Harrisburg today who have served for a period of less than five years who are both efficient and able, but they, of course, could be removed.

If I did not know the gentleman from Cambria, Mr. Andrews, so well, I could not help but conclude that the bill perhaps was drawn only for the purpose of protecting some individual or individuals. I do not make that claim here, but I do make this claim to the members, that it will not protect the large bulk of individuals who have affiliations with the Republican party but who were appointed in the last administration, and by the same token it will not protect those individuals who may be appointed by the Governor of the present administration.

I say to you that it is nothing but a hybrid child. It retains every one of the faults of our present system and it does not add one good feature of a civil service bill. If we are to have any legislation along this line, let us have legislation along the line of civil service that will bring efficient and capable people into office and will not be based alone on a five year tenure, which means absolutely nothing.

I ask the members of this House to vote "no" on th resolution.

Mr. WITKIN. Mr. Speaker, I would like to interroga the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, M Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, may I ask the gentlema from Berks, as the majority leader of this House, wheth the administration, the Democratic administration, is f or against placing this bill upon the calendar?

Mr. RUTH. Mr. Speaker, I cannot speak for the ad ministration, because they have not talked to me abo this bill

Mr. WITKIN. Mr. Speaker, is the gentleman from Berk able to tell us whether the Democratic majority of th House is for or against the placing of this bill upon th calendar?

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I rise to a point order.

The SPEAKER. The gentleman from Allegheny, M Eberharter, will state his point of order.

Mr. EBERHARTER. Mr. Speaker, I think the gentle man from Philadelphia, Mr. Witkin, is out of order whe he asks that question.

The SPEAKER. The question is for the member tha is being interrogated, whether he wishes to answer it o not.

Mr. RUTH. Mr. Speaker, I will answer that by sayin that apparently a majority of the Committee was not i favor of this bill. I cannot speak for the majority in th House.

Mr. WITKIN. Mr. Speaker, I desire to further interro gate the gentleman from Berks, Mr. Ruth.

The SPEAKER. Will the gentleman from Berks, M Ruth, permit himself to be further interrogated?

Mr. RUTH. Yes, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, do I understand that upo this measure there has been no expression of opinion fro the administration as to whether or not the administratio is backing this measure in the House or whether they ar opposing this measure in this House?

Mr. RUTH. Mr. Speaker, will the gentleman from Phila delphia, explain what he means by the "administration"?

Mr. WITKIN. Mr. Speaker, if I am being interrogate and the gentleman is asking me the question, I can onl refer to the fact that I have asked that question on number of occasions and that the answer that I got, as understood it, was that the Democratic administration con sisted of the Democratic Party that won the election i November of nineteen thirty-four, and my question i directed to that party which is now in control of thi House. I am merely inquiring as to whether or not th Democratic administration represented by the Democrati members of this House stand as a unit or are divided whether they are opposed to House Bill No. 116.

Mr. RUTH. Mr. Speaker, I think the gentleman wi find out when the vote is taken.

Mr. WITKIN. Mr. Speaker, may I ask the gentlema whether he is in favor of putting this bill on the calendar

Mr. RUTH. Mr. Speaker, the answer is just what I stated before: The gentleman will find out when the vote is taken.

Mr. WITKIN. Mr. Speaker and members of the House, I can take a joke but it seems to me that the Democratic majority of this House —

POINT OF ORDER

Mr. EROE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Lawrence, Mr. Eroe, will state his point of order.

Mr. EROE. Mr. Speaker, the gentleman is not discussing this resolution.

Mr. WITKIN. Mr. Speaker, I have not said a word.

The SPEAKER. The gentleman will proceed and will confine himself to the resolution now before the House.

Mr. WITKIN. Mr. Speaker, when the point of order was made, I had merely said "it seems to me that the Democratic majority of this House"—I will now proceed from that point. It seems that the Democratic majoriy of this House when they are in what we might call a tight spot resort to evasion and refuse—

POINT OF ORDER

Mr. EROE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Lawrence will state his point of order.

Mr. EROE. Mr. Speaker, the gentleman is not discussing the resolution. He is discussing the Democratic party.

The SPEAKER. The gentleman from Philadelphia will confine himself to the resolution now before the House.

Mr. WITKIN. Mr. Speaker, it appears to me that the Democratic majority of this House when they find themselves in a position upon a resolution that is before the House, where they are asked to give to the people of Pennsylvania and to the Legislature here their views as to whether or not they are for or against placing a bill—

POINT OF ORDER

Mr. EROE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. EROE. Mr. Speaker, the gentleman is still discussing the Democratic party.

The SPEAKER. The Chair has several times requested the gentleman from Philadelphia to confine himself to the resolution and the Chair hopes that he will do so.

Mr. WITKIN. Mr. Speaker, I cannot confine myself anymore definitely to the subject than I am now doing. I am discussing the attitude of a party, one of the parties there being three in the House—upon a particular resolution and I have said—

POINT OF ORDER

Mr. RUTH. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Berks will state his point of order.

Mr. RUTH. Mr. Speaker, the gentleman from Philadelphia is referring to me. He insulted me the night of the baseball game and he is trying to do the same tonight, and I object to it.

The SPEAKER. The gentleman will confine himself to the resolution.

Mr. WITKIN. Mr. Speaker, I regret that the gentleman is so easily insulted when academic discussions are being had. My remarks were not intended as an insult, they are intended as common, ordinary commonsense debate, and if they cannot be so understood by the Democratic floor leader, then I am sorry.

Mr. Speaker and members of the House, we have an issue here. The issue appears to be whether or not you are going to put this bill on the Calendar.

We have listened to the gentleman from Cambria. Mr. Andrews, the gentleman from Monroe, Mr. Achterman. They have discussed the merits and the demerits of this bill. Latitude was given to them to discuss it. I don't ask for latitude and I won't discuss the merits of the bill. I am going to discuss the question as to whether this bill ought to be put on the calendar or whether it ought not be put on the calendar, and I seek no favors or latitude from either the Speaker or from the majority members of this House, but I do seek this, I seek information. I have a right to seek information, whether I be in the minority or in the majority. When I was in the majority, I gave information, I never refused to answer a question, and as a minority member I ask for information.

The information I seek is now, do the democrats of this House stand upon the principle as to whether or not a bill of such great importance ought to be voted upon by the membership of the House, not whether you are for the bill or whether you are for the contents of the bill, not whether you believe that five, ten, fifteen or one year is the proper provision in the bill, but I am merely seeking light as to whether or not you believe this bill to be one of sufficient importance in the carrying out or in the failure to carry out the platform of the Democratic party. I say to the membership of this House whether you want to vote for it or whether you want to vote against it, you ought to have the courage to put the bill in the position where you are either going to say to the people of Pennsylvania, "When we campaigned upon the issue, we were only campaigning, we were only fooling," or whether or not you are going to say to the people of Pennsylvania "We really meant what we said, when we campaigned the State from one end of it to the other."

We have a precedent in this House for putting bills upon the calendar, which had been reported with a negative recommendation. You did it on a bill that was introduced by the gentleman whose county I cannot recall at the moment—Mr. VanSickle. I ask you to do it in this particular case; I ask you to do it for this reason: I object to your hiding behind the screen. I want you to be able to come out in the open. I want you to vote on this measure. I want the people back home to know whether or not the campaign pledges that you made were sincere or whether, to use common vernacular, they were hokum. A vote to put this bill on the calendar will enable you and enable me to express our thoughts on this bill.

I am frank to say to this House that were this bill on the calendar as far as I am concerned I would vote against it, and that is a frank statement from me, but I have the courage to vote against it. All I ask of you is that you have equal courage. If you are opposed to it, then let your vote be recorded, but I object to evasion, I object to men getting offended too easily. We are here as a parliamentary body. We are here to enact laws. We are here to stop laws from being enacted. You can be as critical as you want of me, you can oppose my methods, you can dislike me, you can dislike my attitude—that makes no

difference to me politically; perhaps it does on the outside. but there is one thing that I insist upon; I insist upon my rights for my party, whether I be in the minority or in the majority. I gave those rights when I was in the majority and I want them when I am in the minority. I am going to ask you to have the courage of your convictions and let the people know how you stand, whether you are hypocritical, endeavoring to avoid an unpleasant task, in order to avoid showing up the people in your party who pledged their support to this kind of legislation.

Mr. RUTH. Mr. Speaker and members of the House, I just want to make a statement: The Democratic Party did not campaign on civil service and it was not one of the party pledges.

Mr. COHEN. Mr. Speaker, I think this is the second time that the gentleman from Philadelphia is trying to draw the issue upon which the importance of the votes and the intention of that vote should be drawn.

In defining the issue that is before the membership of this House, as the gentleman from Philadelphia has intimated, this is a parliamentary body and we expect to be governed by the rules of parliamentary debate.

The issue presented is a simple one: Do we wish to place this bill on the active calendar or to allow it to die with its negative recommendation.

I for one, and I feel sure the membership of this House have just as much courage as the gentleman from Philadelphia, I will vote "no" on this bill whether it is presented in this form or in any other form.

In addition thereto I defy the gentleman from Philadelphia or any of the members of the minority to indicate in one of the Democratic platforms where we intimated that this was a party doctrine. When the Senator from Philadelphia, Dr. Woodward, immediately after the victory in November presented similar ideas to those contained in this bill, the entire state heralded that presentation as bad sportsmanship.

We won the victory in November and we expect to have the fruits and we expect to have those fruits where they will aid the Commonwealth of Pennsylvania.

Up until the present time there have been a number of efficient, valuable servants of this Commonwealth adhering to the Republican party who have been maintained on our state payrolls—

POINT OF ORDER

Mr. WITKIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia, Mr. Witkin, will state his point of order.

Mr. WITKIN. The gentleman is discussing the merits of the bill and not the motion.

The SPEAKER. The point of order is not well taken. The gentleman is entitled to discuss the merits of the bill and the resolution to place a bill on the calendar notwithstanding the negative recommendation. The gentleman will proceed.

Mr. COHEN. Mr. Speaker, up to the present time as I have indicated, a number of valuable Republican employes of this Commonwealth have been continued on the payroll. In not one dismissal that I have seen has the Governor of this Commonwealth violated any of the statements that he has made. Also, and I wish to impress this upon the gentleman from Philadelphia, and the members of the minority, up to the present time there is still maintained any number of Republicans on the State payroll, who campaigned up and down the State in direct violation of their pledge and their promise, and I say to the gentlemen of the minority that if this bill in any manner or by any means attempts to perpetuate their continuance on the payroll, I am against it.

Mr. OMINSKY. Mr. Speaker and members of the House, I do not think any one will be fooled by a vote on this Resolution, because a vote on this resolution is practically a vote on the merits of the bill.

I rise to oppose this resolution and also this bill, because, in my opinion at this time, with the great change in liberalization in the State administration, I believe that the heads of the departments and the executives should be given wide latitude in the selection of their personnel, so that those policies, which the administration wishes to foster, may be carried out more liberally for the benefit of the citizens of this Commonwealth.

Most of the employes cannot help being imbued with the reactionary administration which preceded this liberal one and, therefore, a resolution or a bill of this nature would not be in place.

Mr. ANDREWS. Mr. Speaker and members of the House, I wish to thank the gentleman from Monroe. Apparently he endorses the principles of the measure affected by the resolution. He is hesitant about supporting the resolution, because the bill is weak and does not go as far in the direction of civil service as he would go. I call the gentleman's attention to the fact that only by placing this bill upon the calendar will be able to offer those amendments that would give the measure the vigor necessary in order to secure his support and in order that he may give free play to all his civil service sentiments, I hope that he will support the resolution to put the bill upon the calendar.

I am also indebted to the gentleman from York who frankly says that we wage political campaigns for jobs. That is a vastly different statement than the statement with which we went before the people prior to the last election. If we waged that campaign only for jobs, I am sorry I was in the fight, and I, knowing the gentleman from York as I do and knowing the strong idealism that animates his public utterances, I know that it is only an after thought that causes him to return to the Jeffersonian days, forgetting the days of Wilson and Cleveland and Roosevelt.

Mr. Speaker, it is true that the Democratic party in the last campaign, as I recollect the platform, did not have a civil service plank, but it is also true that the candidate for Governor said that no faithful, honest employe in the service of the State need fear for his job. I am proposing by means of this resolution that we do legally what the present administration is actually doing and which might be done capriciously. If we are going to save some of the Republicans and cast others of them into outer darkness, let us have a rule in law to go by, a rule in law that will test their fitness.

This present administration, as the gentleman from York has said, has continued many Republicans in office. Why? Presumably because they are efficient, because they are needed, and I, by means of this measure, simply take from the Governor's desk and from the desk of the Democratic State Chairman the decisions regarding personnel and place that responsibility in the hands of a personnel commission appointed by the Governor and legally re-

sponsible and subservient to the Governor and that is sound organization doctrine.

Mr. MOOMAW. Mr. Speaker and members of the House, I feel, as chairman of the sub-committee considering this measure, that I should come to the defense of what I term the abuse placed upon our our leader by the gentleman from Philadelphia, Mr. Witkin.

As Chairman of the sub-committee considering this measure, we did not feel that it was necessary to consult any administration leaders concerning the change. I do not think any member of this House should feel it necessary as a member of the sub-committee or as a member of a major committee to run to the administration to get their viewpoint on any particular measure. I believe every member of this House is sent here to use his own brains and to consider the merits of any particular measure. I therefore, in answer to the gentleman from Philadelphia, will say that as chairman of the sub-committee, no one can the administration on this measure. It was reported back to committee with an open recommendation, and if I recall correctly, it came out with practically a unanimous vote on a negative recommendation.

Furthermore, referring to this particular measure, while it says a personnel commission, if you will refer to section four, page four, you will readily see that it gives the right to any employe to appeal to the personnel commission of the Dauphin County Court, and I submit to you gentlemen, minority side of the House as well as those on the majority side of the House, that we do not believe that any particular common pleas court in any county should have jurisdiction over His Excellency, the Governor of the Commonwealth or of the State government in saying who should or should not remain upon the State payroll.

Mr. KANE. Mr. Speaker and members of the House, the debate that has gone so far with regard to this bill, with the exception of the remarks of the gentleman from Cambria, Mr. Andrews, has been remarkable for its lack of constructive ideas in the furtherance of good government.

I am sorry that this bill has been injected into the field of partisan politics, because it should not be a partisan matter, and I am confident it is intended by the sponsor to be in the interests of good government.

I have not heard from any member of the committee or from the gentlemen who represented the sub-committee any ideas which they had which would have improved this bill.

The sponsor has very ably pointed out that the only opportunity for the members of the House to improve any defects they may find will be to vote in favor of the motion to place it on the calendar. There is no member of this House who has shown more willingness and courtesy in considering amendments to his bills, who has consented to have them placed upon the postponed calendar, to have them passed over in order and all that sort of thing to oblige other members than the gentleman from Cambria.

We have heard a great deal of talk on both sides of the House with regards to social legislation. Possibly this is not part of anybody's platform, but if we are going to have social legislation we might as well begin at home, start right here in Harrisburg and afford some measure of protection to those loyal servants of the government who were not elected for two years but who in many cases have been serving the state for twenty years and trying to make a career in serving this Commonwealth.

If this bill is not perfect there will be an opportunity, I am sure, afforded by the sponsor for its improvement. Those of you who wish to hide behind the committee's recommendation and not go on record and show your hand with regard to where you stand should vote against this resolution. All of you who know where you stand and have the courage to express your convictions, as two or three people have already done, should certainly vote to place this bill on the calendar whether you are for or against the bill on its merits.

Mr. ACHTERMAN. Mr. Speaker and members of the House, in answering the gentleman from Cambria, Mr. Andrews, I have already stated that the bill was a hybrid. If I did not state the last time, I now state that it is incapable of amendment. In order to have a Civil Service Bill, it will be necessary to rewrite the entire bill. I am certain that the gentleman from Cambria desires to place before this House his own particular thoughts rather than mine. It is for that reason that we allowed it to come out with a negative recommendation. We certainly had the expression of the members of this House and I believe soon will understand their entire attitude on the bill.

To the gentleman from McKean, Mr. Kane, I might add, since he said he heard nothing constructive, that certainly this bill is not constructive. It cannot be claimed that the only reason for the retention of an employe should be that the service of five years is constructive. I submit that this bill is incapable of amendment, so that you can have anything constructive on it. For that reason I again ask you to vote no.

Mr. WITKIN. Mr. Speaker and members of the House, I want to reply to the gentleman from York, Mr. Cohen, and to the gentleman from Franklin, Mr. Moomaw. To the gentleman from York, Mr. Cohen, as to every statement he made as to what has been done by the administration in the firing and hiring of employes I thoroughly agree. There is no question that the statements that he makes and has made are correct. However, the gentleman from Cambria, Mr. Andrews, has so-well answered him on that question that for me to reiterate any reply would be surplusage.

The gentleman from Cambria, Mr. Andrews, has likewise answered the query of the gentleman from York with respect to the campaign pledges made by His Excellency the Governor. I do not want to be considered as having accused the Governor of the Commonwealth of Pennsylvania of improperly hiring and firing employes. So much for the gentleman from York, Mr. Cohen.

As to the gentleman from Franklin, Mr. Moomaw, I must say that his answer sort of amuses me. The Democratic administration, as we call it, has been able to put through this House most unpopular measures in which the administration was interested. I take the gentleman's word beyond any question that as chairman of the sub-committee he did not see fit to consult the administration. Whether he acted wisely and judiciously or not is his business and not my business, but I cannot help but direct the attention of this House and the attention of the people of the Commonwealth of Pennsylvania that were the administration interested in the passage of this resolution, the administration having been able to force through this Democratic House many more unpopular measures than

this, it would have been the easiest thing in the world for the administration to have put this resolution through this House. So that the failure of this bill to come out with a positive recommendation, and the failure, if there is a failure, to place this bill on the calendar is purely and simply the act and deed of the Democratic administration, and nobody can deny that fact.

On the question recurring,

Will the House adopt the resolution?

The yeas and nays were required by Mr. Witkin and Mr. White and were as follows

YEAS—72

Altenburg,	Harkins,	Nothnagle,	Stott,
Andrews,	Hefferon,	Parks,	Surface,
Atkins,	Hermansen,	Perry,	Tahl,
Baker, F. T.,	Hoffner,	Peters,	Terry,
Baldi,	Hoopes,	Phillips,	Trout,
Barnhardt,	Horst,	Rhys,	Turner,
Bernhard,	Jackson,	Roan,	Van Allsburg,
Boose,	Jones,	Schrock,	Wall,
Boyer,	Kane,	Shortz,	Wasserman,
Brennan,	Kelder,	Shreiner,	Weidemann,
Castor,	Linderman,	Simpson,	White,
Cordier,	Longaker,	Sloan,	Wickersham,
Davies,	Mallen,	Snyder, F. E.,	Winner,
Flynn,	McCreary,	Snyder, J. L.,	Witkin,
Forrest,	McDevitt,	Spangler,	Wood,
Gates,	McKinney,	Sproul,	Woodside,
Gillette,	Merrell,	Stewart,	Yeakel,
Habbyshaw,	Muir,	Stockham,	Zimmerman,

NAYS—113

Achterman,	Dilley,	Long,	Robinson,
Alexander,	Downey, G. E.,	Lovett,	Ruffennach,
Allen,	Downey, J. J.,	Lynch,	Ruth,
Arnold,	Eroe,	Male,	Sarraf,
Aukerman,	Falkenstein,	McDermott,	Scanlon,
Baine,	Finnerty,	McElroy,	Schrope,
Baker, J. J.,	Fitch,	McHenry,	Schwab,
Barber,	Flanagan,	Melchiorre,	Shaw,
Bradley,	Flinchbaugh,	Mentzer,	Shepard,
Brancato,	Furman,	Moomaw,	Shugarts,
Brown, H. S.,	Gerard,	Mooney,	Siegel,
Brown, J. E.,	Haberlen,	Moran,	Simon,
Brownfield,	Hagerty,	Moul,	Sinwell,
Brumbaugh,	Haluska,	Munley,	Smith, J. A.,
Burke,	Hamilton, F. P.,	Murrin,	Smith, W. G.,
Cannon,	Harmuth,	Nagel,	Stank,
Caputo,	Hartman,	O'Keefe,	Stevens,
Carr,	Hetrick,	Ominsky,	Stone,
Carson,	Hindman,	O'Neill,	Sumney,
Chervenak,	Hirsch,	Panton,	Tumelty,
Coakley,	Holland,	Patterson, C.,	Van Sickle,
Cochran,	Holstrum,	Patterson, J. W.,	Walker,
Cohen,	Kelso,	Pearson,	Weiss,
Coleman,	Kilroy,	Pfaff,	Welliver,
Condon,	Kinney,	Piole,	Welsh,
Coolahan,	Klingler,	Powers,	Westrick,
Decker,	Kobelak,	Reising,	Yourishin,
Dent,	LaRue,	Rinn,	Sarig,
Diehl,			

So the question was determined in the negative and the resolution was not adopted.

CONSENT REFUSED TO MAKE STATEMENT.

Mr. WITKIN. Mr. Speaker, I ask unanimous consent of the House to make a statement.

The SPEAKER. Will the House give its unanimous consent to the gentleman from Philadelphia to make a statement? Are there objections?

Mr. JOHN E. BROWN. Mr. Speaker, I object.

The SPEAKER. Does the gentleman from Washington insist upon his objection?

Mr. JOHN E. BROWN. Mr. Speaker, I do.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. WITKIN. Mr. Speaker, I move that the House give me consent to make a statement.

The SPEAKER. The only way the gentleman can obtain consent is to suspend Rule 14.

Mr. WITKIN. Mr. Speaker, I withdraw my motion.

HOUSE BILL NO. 775 TAKEN FROM TABLE

Mr. STOTT. Mr. Speaker, I move that House Bill No. 775, Printer's No. 821, entitled:

An Act relating to the sale delivery weighing and importation of manure for mushroom growing making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

recalled from the Governor and laid upon which was the table be taken from the table.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. STOTT. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. STOTT. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. STOTT. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by inserting after the word "the" the following: "furnishing"

Amend title, page 1, line 1 of title, by inserting after the word "of" the following: "unmanufactured horse"

Amend title, page 1, line 2 of title, by striking out the words "for mushroom growing"

Amend Sec. 1, page 1, line 4, by inserting after the word "whenever" the following: "unmanufactured horse"

Amend Sec. 1, page 1, line 4, by inserting after the word "is" the following: "furnished"

Amend Sec. 1, page 1, line 5, by striking out the words "to be used in the growing of mushrooms"

Amend Sec. 1, page 1, line 7, by inserting after the word "stable" the following: "together with the straw bedding"

Amend Sec. 1, page 2, line 1, by inserting after the word "act" the following: "unmanufactured horse"

Amend Sec. 1, page 2, line 5, by inserting after the word "is" the following: "intentionally"

Amend Sec. 1, page 2, line 7, by inserting after the word "permitting" the following: "water or any other substance to flow or seep into, or otherwise become a part of"

Amend Sec. 1, page 2, line 7, by inserting after the word "such" the following: "unmanufactured horse"

Amend Sec. 1, page 2, line 8, by striking out the words "to stand" and inserting in lieu thereof: "while standing"

Amend Sec. 1, page 2, lines 9 and 10, by striking out all of said lines.

Amend Sec. 2, page 2, line 12, by inserting after the word "to" where it first appears in said line, the following: "furnish"

Amend Sec. 2, page 2, line 13, by striking out the words "to any grower of mushrooms"

Amend Sec. 2, page 2, line 14, by inserting after the word "any" the following: "unmanufactured horse"

Amend Sec. 3, page 2, line 18, by striking out the words "fit for growing mushrooms" and inserting in lieu thereof: "unmanufactured horse manure"

Amend Sec. 4, page 2, line 20, by inserting after the word "any" the following "unmanufactured horse"

Amend Sec. 4, page 2, line 25, by inserting after the word "any" the following: "unmanufactured horse"

Amend Sec. 4, page 2, line 28, by inserting after the word "such" the following: "unmanufactured horse"

Amend Sec. 5, page 3, line 3, by inserting after the word "any" the following: "unmanufactured horse"

Amend Sec. 5, page 3, line 4, by striking out the words "for use in growing mushrooms"

Amend Sec. 7, page 3, line 16, by striking out the word "Secretary" and inserting in lieu thereof: "Department"

Amend Sec. 7, page 3, line 17, by inserting after the word "act" the following: "and in connection therewith, the department, its employes or agents are authorized to enter any storehouse, warehouse, stable, railroad yard, railroad car, or any other building or place where unmanufactured horse manure is kept, stored, dealt in or transported for delivery within this Commonwealth."

Amend Sec. 8, page 3, lines 21, 22 and 23, by striking out all of said lines.

Amend Sec. 9, page 3, line 24, by striking out the figure "9" and inserting in lieu thereof: "8"

Amend Sec. 10, page 4, line 3, by striking out the figure "10" and inserting in lieu thereof: "9"

Amend Sec. 11, page 4, line 5, by striking out the figure "11" and inserting in lieu thereof: "10"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 953.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 953, Printer's No. 1076, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. JACKSON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

The motion was agreed to.

Mr. JACKSON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 9 of the title, by striking out after the word "are" and before the word "withdrawn" the word "[refused]"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

QUESTION OF PERSONAL PRIVILEGE

Mr. WITKIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. WITKIN. Mr. Speaker and members of the House, in the debate that ensued with respect to Resolution 116, my ability to comprehend answers to the questions that were made seemed to be questioned and the gentleman from Berks, Mr. Ruth, very properly stated that when the vote was taken on House Bill No. 116 I would find how the administration stood. I merely want to say that he was right.

The SPEAKER. The remarks of the gentleman under his question of person privilege will be spread upon the journal.

HOUSE BILL AND SENATE MESSAGE TAKEN FROM TABLE

Mr. STEVENS. Mr. Speaker, I move that House Bill No. 1885, together with the message of the Senate be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1885.

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

Mr. STEVENS. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL NO. 1220

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1220, Printer's No. 212, entitled "An Act to amend clause (e) of section five of the act approved the eighteenth day of July one thousand nine hundred and nineteen (Pamphlet Laws one thousand forty-five) entitled 'An act providing for the establishment of a Bureau of Renabilitation in the Department of Labor and Industry and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations providing for the appointment of a chief of the bureau subordinate officers and employes and furnishing suitable accommodations and making an appropriation' by providing for furnishing artificial limbs to children over ten years of age."

This bill would permit the Department of Labor and Industry to furnish artificial limbs to children over ten years of age.

Under the present law the Department of Labor and Industry furnishes such appliances only to persons who have reached an age permitting them to be employed in the State.

On the other hand, the Department of Health has, at the present time, a service for physically handicapped children under sixteen years of age, which is conducted by its Bureau of Public Health Nursing. A special appropriation of $50,000 is available this biennium to the Department of Health to provide not only artificial appliances for children, but also braces, casts and orthopedic shoes and the services of orthopedic surgeons. The Department of Health has a staff specially trained for work in the physical rehabilitation of crippled children.

If this bill were to become a law, it would result in an over-lapping of the work of the two departments. This would be unnecessary and undesirable.

For this reason the bill is not approved.

GEORGE H. EARLE.

On the question,

Shall the bill become a law, the veto of the Governor to the contrary notwithstanding?

Mr. HIRSCH. Mr. Speaker, I move that the communication, together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL NO. 1147

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1147, Printer's No. 760, entitled "An Act creating a right to proceed upon appeals to the Supreme and Superior Courts without printing briefs and/or records or portions thereof under circumstances of poverty and providing penalties for falsehood in applying for the benefits thereof."

This bill would make it the duty of the Supreme and Superior Courts, upon a petition being filed in the manner and in the form prescribed by the bill, to permit the petitioner to proceed in forma pauperis and to omit printing in whole or in part his record and brief which would otherwise be required to be printed by the rules of the court. Where the printing of the record would be dispensed with, the manuscript record would be used by the court, and where the printing of the brief would be dispensed with, typewritten briefs would be used.

While it is true that the present rule is of the Supreme and Superior Courts require records and briefs to be printed, it is also true that both the Supreme and the Superior Courts make it a practice to waive this printing requirement in cases where it is shown by petition that a party to the proceeding is financially unable to defray the cost of printing. In other words, both the Supreme and the Superior Courts, in the exercise of their sound discretion, customarily do just what this bill would require them to do.

Moreover, the effect of this bill would be to suspend in certain cases rules of the appellate courts, which were adopted pursuant to an inherent power which resides in the judicial branch of government. Consequently, a serious constitutional question is presented whether the Legislature may by statute suspend a judicial rule not prescribed by statute.

While I am wholeheartedly in favor of the principle of the bill, I do not believe that it is necessary or advisable in view of the above circumstances.

For these reasons the bill is not approved.

GEORGE H. EARLE.

On the question,

Shall the bill become a law, the veto of the Governor to the contrary notwithstanding?

Mr. WEISS. Mr. Speaker, I move that the communication, together with the bill be laid upon the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

VETO OF HOUSE BILL No. 1281

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, May, 29, 1935.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I return herewith, without my approval, House Bill No. 1281, Printer's No. 1120, entitled "An Act To further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the

number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined by adding thereto clause (k) providing for the leasing or sale of gas and oil under lands of the Pennsylvania Training School at Morganza."

This bill would amend section 2402 of The Administrative Code of 1929 (Act of April 9, 1929, P. L. 177) by authorizing the Department of Property and Supplies, with the consent and approval of the Governor, to lease to private enterprise State lands in possession of the Pennsylvania Training School at Morganza for the purpose of extracting oil and gas from such lands. The money arising from such leasing would be required to be paid into the General Fund of the State Treasury.

Undoubtedly the bill would likely bring additional revenue into the coffers of the Commonwealth. However, the resultant effects of the bill would far outweigh its revenue phase.

Inasmuch as the drainage area for the water supply of the institution constitutes part of the grounds of the institution, it is more than probable that the drilling for oil on such lands would contaminate the water supply of the institution,—a result that would be to the detriment of the health of the inmates and personnel and the economic status of the institution.

Moreover the resultant fumes from the oil and gas would be obnoxious and detrimental to the health of the inmates and personnel of the school.

The unsightliness of numerous derricks on the grounds of the school would be far from being desirable.

Also the presence upon the grounds of the institution of employes of private enterprise would make it most difficult to maintain the proper discipline so vital to the needs of a correctional institution such as the Pennsylvania Training School.

For the above reasons the bill is not approved.

GEORGE H. EARLE.

On the question,

Shall the bill become a law, the veto of the Governor to the contrary notwithstanding?

Mr. JOHN E. BROWN. Mr. Speaker, I move that the communication, together with the bill be laid upon the table.

The motion was agreed to.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL NO. 2117.

An Act to amend section two hundred and fifty-four of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by authorizing the Board of Fish Commissioners to close streams or parts thereof for a certain period after stocking the same

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1587 entitled

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1031 entitled

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomanettes and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 928, entitled:

An Act to amend section seven hundred twenty-two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of the Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as amended; exempting the Sons of Veterans Reserve from the payment of fees for registration and certificates of title of motor vehicles owned and used by them.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2189, entitled:

An Act to amend sections one and eight, and sections nine, ten, eleven and twelve, as amended, of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia, prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," by providing for the election of an additional associate judge of the Municipal Court, who with one other associate judge shall form the Family Court; and providing for the jurisdiction thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2190, entitled:

An Act to amend sections one and two of the act approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith," giving jurisdiction over houses of detention to the Family Court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House of House Bill No. 2470, entitled:

An Act to amend the title and to further amend clauses (a) and (f) of section six of the act approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be use; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts; providing for the payment of expense incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by changing the method of collecting and disbursing fees received or collected for examinations of voting machines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2026, entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth, one thousand nine hundred and nineteen (P. L. 1003), entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties," as amended, providing for the method of reimbursement to such licensees; and making an appropriation therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2278, entitled:

An Act to provide for sexual sterilization of mental defectives providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1591, entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 805, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania Military College Chester Pennsylvania for the training and education of students

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2423, entitled:

An Act to amend section one of the act, approved the seventeenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred and twenty-seven), entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit, without the necessity of entering liens for such claims, and repealing existing laws," by extending the right of action conferred thereby to the assignees of cities, boroughs, incorporated towns, and first class townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1593, entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1895, entitled:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 564, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2875, entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2595, entitled:

An Act providing for priority and the attaching of the lien of mortgages judgments and other liens according to the date and time the same are filed for record

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 477, entitled

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1133, entitled

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2871 (Senate Bill No. 1232), entitled

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) uniform the law relating thereto" as amended further entitled "An Act concerning conditional sales and to make defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2435 (Senate Bill No. 820), entitled

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1501 (Senate Bill No. 399), entitled

An Act to amend sections two and fifteen of the act approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (P. L. 381), entitled "An Act Concerning Arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements; and conferring certain powers and imposing certain duties upon the courts with reference thereto"; by prescribing the time for making application to stay proceedings pending arbitration, by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration, and regulating such appeals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2870 (Senate Bill No. 1296), entitled

An Act to amend the title and to reenact and amend the act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2883 (Senate Bill No. 1235), entitled:

An Act to further amend section ten of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highways Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointetes; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several

townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township. or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the construction, reconstruction and maintenance of foot bridges over certain bridges by the Department of Highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2855 (Senate Bill No. 1246), entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured solely by liens and imposing on municipal liability.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2008, entitled:

An Act requiring weighers of cargo of ships at ports in cities and to be licensed and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2865 (Senate Bill No. 657), entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (P. L. 212) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2793 (Senate Bill No. 876), entitled:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1603, entitled:

An Act to amend section two hundred and four of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended; further regulating the establishment and maintenance of branch banks, offices and agencies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2864 (Senate Bill No. 656), entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (P. L. 201) entitled "An act to provide for the publication of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this Commonwealth by persons having their principal places of business therein.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2515, entitled:

An Act to amend the title and to amend sections three four six seven eight nine eleven and fifteen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel revising certain penalties imposing filing fees on distributors eliminating certain discounts changing date for reports and payment further clarifying and defining the procedure under the act and imposing certain duties on persons transporting liquid fuel

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of ennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" is amended to read as follows

An Act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers [common carriers] persons transporting liquid fuel county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation

Section 2 That section three of the said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred and seventeen) is hereby amended to read as follows

Section 3 Liquid Fuels Permit Bond or Deposit of Securities (a) On and after the effective date of this act it shall be unlawful for any distributor to continue to engage in or thereafter to begin to engage in the use or sale and delivery of liquid fuels within this Commonwealth unless a liquid fuels permit or permits shall have been issued to him as hereinafter prescribed

Penalty Each day in which any distributor shall engage in the use or sale and delivery of liquid fuels within this Commonwealth without a liquid fuels permit or permits as required by this act shall constitute a separate offense and for each such offense such distributor shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than two hundred dollars ($200.00) and not more than two thousand dollars ($2000) and costs of prosecution or undergo imprisonment for not more than two years or both in the discretion of the court

(b) Every person desiring to operate as a distributor shall file an application for a liquid fuels permit or permits with the department which application shall be accompanied by a filing fee of twenty-five dollars ($25.00) The application for a liquid fuels permit or permits shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person in the case of an association by a member of partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority

Upon approval of the application and the bond hereinafter required the department shall grant and issue to each distributor a liquid fuels permit for each place of business within the Commonwealth set forth in his application In the event that any application for permit shall be filed by a person whose permit shall at any time theretofore have been cancelled for cause by the department or in case the department shall be of the opinion that such application is not filed in good faith or that such application is filed as a subterfuge for the real person in interest whose permit shall theretofore have been cancelled for cause by the department then and in any of said events after a hearing of which the applicant shall have been given five days' notice in writing at which hearing said applicant shall have the right to appear in person or by counsel and present testimony the department shall have the right to refuse to issue to such person a liquid fuels permit Liquid fuels permits shall not be assignable and shall be valid only for the distributors in whose names issued and for the transaction of business at the place designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of May next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the secretary

(c) A liquid fuels permit shall not be granted and issued until the person applying therefor has filed with the department a surety bond payable to the Commonwealth of Pennsylvania in such amount as shall be fixed by the department except that the amount shall never be less than two thousand five hundred dollars ($2.500) Every such bond shall have as surety a duly authorized surety company to be approved by the department conditioned that the distributor will faithfully comply with the provisions of this act during the effective period of his permit The department may require any distributor to furnish such additional acceptable corporate surety bond as shall be necessary to secure at all times the payment by him to the Commonwealth of all taxes penalties and interest due under the provisions of this act If any distributor shall fail to file such additional bond within ten days after written notice from the department the department may forthwith suspend or revoke the permit or permits issued to him and collect all taxes penalties and interest due by him For the purpose of determining whether an existing bond or bonds are sufficient the department may at any time by written notice require any distributor to furnish a financial statement in such form as it may prescribe Upon failure of any distributor to furnish a financial

statement within thirty (30) days of such written notice the department may forthwith suspend or revoke the permit or permits issued to him and shall collect all taxes penalties and interest due by him

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the Commonwealth accruing on such bond after the expiration of sixty (60) days from the date upon which surety shall have lodged with the department a written request to be released and discharged but this provision shall not operate to relieve release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty (60) day period The department shall promptly upon receiving any such request notify the distributor who furnished the bond and unless the distributor shall on or before the expiration of the sixty (60) day period file with the department a new bond with corporate surety approved by and acceptable to the department the department shall forthwith cancel the distributor's permit or permits Whenever a new bond shall be furnished by a distributor as aforesaid the department shall cancel and surrender the old bond of the distributor as soon as it and the Department of Justice shall be satisfied that all liability under the old bond has been fully discharged

(d) Permits issued under the provisions of this act may be renewed annually before the first day of June upon an application as aforesaid being made to the department but no permit shall be renewed until the applicant shall file with the department a new surety bond in such amount as shall be fixed by the department and conditioned that the distributor will faithfully comply with the provisions of this act

(e) Nothing contained in this act shall require the filing of any aplipcation or bond or the possession and display of a liquid fuels permit for the use or sale and delivery of liquid fuels in interstate or foreign commerce not within the taxing power of the Commonwealth or for the use of liquid fuels by the United States government

(f) Any person required by the provisions of this section to file a surety bond may in lieu thereof deposit with the State Treasurer bonds of the United States or of the Commonwealth of Pennsylvania the par value thereof to be of the amount of the surety bond required of such person The treasurer shall issue to such person a certificate of such deposit which he shall file with the Department of Revenue Such securities deposited with the State Treasurer shall be held as a guarantee that the holder of the permit shall faithfully comply with the provisions of this act during the effective period of his permit The said securities shall be retained by the State Treasurer for a period of sixty (60) days after the termination of the permit of such person whether by his own act or by action of the department and such securities shall not be released from any liability to the Commonwealth already accrued or which shall accrue before the expiration of the sixty-day period At the end of such sixty-day period the said securities shall be returned to their owner only if all claims of the Commonwealth guaranteed by such deposit have been fully satisfied

Penalty Any person assigning or attempting to assign a liquid fuels permit or who shall fail to display conspicuously his permit at the place for which it is issued shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten days

The third section was read as follows:

Section 3 That section four of said act be amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commmonwealth excepting liquid fuels delivered to the United Etates government on presentation of a duly authorized United States government exempting certificate or other evidence satisfactory to the department and such liquid fues used or sold and delivered as are not within the taxing power of the Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

[Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage exportation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month]

On the question,

Will the House agree to the section?

Mr. EBERHARTER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 3, page 9, line 22, by striking out the word "the" before the word "Commonwealth" and insert in lieu thereof the word: "this."

Amend Sec. 3, page 10, line 7, by striking out after the word "shrinkage" the word "exportation" and inserting in lieu thereof the word "evaporation."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth, fifth, sixth, seventh, eighth, ninth and tenth sections and the title were separately read and agreed to as follows:

Section 4 That section six of said act be amended to read as follows

Section 6 Distributor's Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every distributor on or before the [last] tenth day of each month to [transmit to] provide the department [upon a form presribed prepared and furnished by the department] with a report under oath or affirmation of the liquid fuels used or delivered by him within this Commonwealth during the preceding month upon a form prescribed prepared and furnished by the department Such report shall show the number of gallons of liquid fuels used or sold and delivered within the Commonwealth during the period for which it is made and such further information as the department shall prescribe A distributor having more than one place of business within this Commonwealth shall combine in each report the use or delivery of liquid fuels at all such separate places of business

Every distributor at the time of making every report required by this section shall compute and pay to the department the tax due to the Commonwealth on liquid fuels used or sold and delivered by him during the preceding month less a [two] one per centum discount if the report is filed and the tax paid on time The amount of all taxes imposed under the provisions of this act for each month shall be due and payable on the [last] tenth day of the next succeeding month and shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid

If any distributor shall neglect or refuse to make [any report and] payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided and in addition thereto the liquid fuels permit of such distributor may be suspended or revoked by the department

Section 5 That section seven of said act be amended to read as follows

Section 7 Determination and Redetermination of Tax Penalties and Interest Due (a) If the department is not satisfied with the report and payment of tax made by and distributor under the provisions of this act it is hereby authorized and empowered to make a determination of the tax due by such distributor based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such distributor Within thirty (30) days after the date of any such determination such distributor may file with the department a petition for redetermination of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the department within ninety (90) days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the distributor against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the and Revenue shall dispose of such petitions filed with it facts therein set forth are true The Board of Finance within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the determination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

(e) If any distributor shall neglect or refuse to [make any] provide the department with the report [and payment of tax] required by section six of this act the department shall estimate the tax due by such distributor and determine the amount due [by him] for taxes [penalties] and interest thereon [as prescribed herein] from which determination there shall be no right of review or appeal and to the amount so due on account of taxes ten per centum thereof shall be added by the department as penalty and the department may [Upon] upon any such neglect or refusal suspend or revoke the liquid fuels permit or permits issued to such distributor and may [be suspended or revoked by the department and required to be surrendered] require the surrender to the department of such permit or permits

Section 6 That section eight of said act be amended to read as follows

Section 8 Examination of Records and Equipment The department or any agent appointed in writing by it is hereby authorized to examine the books papers records storage tanks meters pumps and any other equipment of any distributor dealer or any person [pertaining to the use or sale and delivery of liquid fuels taxable under this act] to verify the accuracy of any report or payment made under the provisions of this act or to ascertain whether or not the tax imposed by this act has been paid but any information gained by the department as the result of the reports investigations or verifications herein required to be made shal be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment of not more than one year or both but nothing herein contained shall be construed to prohibit the Secretary of Revenue at his discretion from furnishing to the taxing officials of the Federal government of other States foreign governments and the political subdivisions of the Commonwealth and other States such information obtained hereunder as the Secretary may deem proper

Section 7 That section nine of said act be amended to read as follows

Section 9 Retention of Records by Distributors and Dealers Each distributor shall maintain and keep for a period of two years such record or records of liquid fuels produced or purchased used or sold and delivered within this Commonwealth by such distributor together with invoices bills of lading and such other [pertinent] papers as may be required by the department

It shall be the duty of every person purchasing liquid fuels taxable under this act from a distributor for the purpose of resale to maintain and keep for a period of one year a record of liquid fuels received sold and delivered the amount of tax paid to the distributor as part of the purchase price together with delivery tickets invoices and bills of lading and such other records as the department shall require

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 8 That section eleven of said act be amended to read as follows

Section 11 Discontinuance or Transfer of Business Whenever a distributor engaged in the use or sale and delivery of liquid fuels ceases to be a distributor by reason of the discontinuance sale or transfer of his business or for any other reason it shall be his duty to notify the department in writing within ten days after the discontinuance sale or transfer takes effect His notice shall give the date of discontinuance and in the event of a sale or transfer of his business the name and address of the purchaser or transferee thereof It shall also be the duty of any such distributor within ten days after [the discontinuance sale or transfer takes effect] ceasing to be a distributor to make a report and pay all taxes interest and penalties that may be due by him and to surrender to the department the permit or permits theretofore issued to him by the department

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than fifty dollers ($50.00) nor more than three hundred dollars ($300.00) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 9 That section fifteen of said act be amended to read as follows

Section 15 Reports from [Common] Carriers Every person including railroad companies street suburban and interurban railway companies pipe line companies and water transfortation companies transporting liquid fuels in any manner as a common carrier or otherwise either

in interstate or intrastate commerce to a point within or without this Commonwealth from a point within or without the Commonwealth shall report under oath and affirmation to the department on or before the [last] tenth day of each month for the preceding month all deliveries of liquid fuels made to points within this Commonwealth The department shall have the discretion to remove such deliveries of liquid fuels as it may deem advisable from the requirement of this section

Every person required to make a report under this section shall plainly designate each carrier transporting liquid fuels in a fashion prescribed by the department and no liquid fuel shall be transported within the Commonwealth without being accompanied by delivery tickets setting forth such information concerning the origin and destination of such liquid fuel as shall be required by the department

Such reports shall be on forms prescribed prepared and furnished by the department and shall state the names and addresses of the consignor and consignee the number or gallons of liquid fuels transported and any other information which the department may require

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 10 Effective Date The provisions of this act shall be in force on and after the first day of June one thousand nine hundred and thirty-five

An Act to amend the title and to amend sections three, four, six, seven, eight, nine, eleven and fifteen of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain cost on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel; revising certain penalties; imposing filing fees on distributors; eliminating certain discounts; changing date for reports and payment; further clarifying and defining the procedure under the act; and imposing certain duties on persons transporting liquid fuel.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2151, entitled:

An Act relating to the sale furnishing delivery weighing and importation of unmanufactured horse manure for agricultural purposes including mushroom growing floriculture and other intensive forms of agriculture establishing standards thereof providing for inspections and tests and the issuing and effect of certificates by the Department of Agriculture and by inspectors licensed by it conferring powers and imposing duties on the Department of Agriculture prescribing penalties and requiring the payment of fines and other moneys collected into the State Treasury

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "manure" as used in this act shall except where a different meaning is clearly intended mean only unmanufactured horse manure for agricultural purposes including mushroom growing floriculture and other intensive forms of agriculture

The word "department" as used in this act shall mean the Department of Agriculture of the Commonwealth

The word "person" shall include individuals copartnerships associations and corporations

Manure shall be deemed "adulterated" for the purposes of this act if it contains more than seventy per centum moisture by weight or if any other manure or any foreign substance whatsoever is mixed therewith to an extent greater than one per centum of its weight

On the question,

Will the House agree to the section?

BILL DROPPED FROM CALENDAR

Mr. HOFFNER. Mr. Speaker, I move that this bill be dropped from the calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2220, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by prescribing uniform policy provisions for industrial life insurance as herein defined

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto a new section to read as follows

Section 420B Uniform Industrial Life Insurance Policy Provisions Industrial life insurance means that form of life insurance either (a) under which the premiums are payable weekly or (b) under which the premiums are payable monthly or oftener if the face amount of insurance provided in the policy is less than one thousand dollars ($1,000)

The words "industrial policy" must be printed in prominent type upon the face of every policy of Industrial life insurance

After January first one thousand nine hundred and thirty-six no policy of industrial life insurance shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company unless the same shall contain in substance the following provisions

(a) A provision that the insured is entitled to a period of grace of four weeks where premiums are payable weekly of any premium after the first may be made and where premiums are payable monthly the insured shall be entitled to a period of grace of thirty days During such period of grace the policy shall continue in full force but in case the policy becomes a claim during said grace period before the overdue premiums are paid the amount of overdue premiums may be deducted in any settlement under the policy

(b) A provision that the policy shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties

(c) A provision that the policy shall be incontestible after it has been in force during the lifetime of the insured two years from its date of issue except for nonpayment of premiums and except for violation of the conditions of the policy relating to naval or military service in time of war and except as to provisions and conditions relating to benefits in the event of total and permanent disability and those granting additional insurance specifically against death by accident

(d) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(e) A provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the third policy year the company will annually determine the portion of the divisible surplus accruing on the policy and indicating the conditions under which the company shall apportion such dividends to the policyholder

(f) A provision that in event of default in premium payments after premiums shall have been paid for three full years there shall be available a stipulated form of insurance effective from the due date of the defaulted premium and in event of default in premiums payments after premium shall have been paid for five full years there shall be available in addition a specified cash value the net value of which stipulated form of insurance or specified cash value shall not be less than the reserve on the policy at the end of the last completed quarter of the policy year for which premiums shall have been paid and on dividend additions thereto if any (the policy to specify the mortality table rate of interest and method of valuation adopted for computing such reserves) less a specified maximum sum of not more than two and one-half (2½%) per centum of the amount insured by the policy and of existing dividend additions thereto if any and less any existing indebtedness to the company on or secured by the policy Provided however That the said percentage shall be specified for each year for which required values are not included in the policy The policy may be surrendered to the company at its home office within the period of grace after the due date of the defaulted premium for the specified cash value And provided further That the company may defer payment for not more than six months after the application therefor is made In the event that such application is not made within the required period it shall be provided that a stipulated form of insurance shall automatically become effective

(g) A table showing in figures the non-forfeiture options available under the policy each year upon default in premium payments during at least twenty years of the policy such table to begin with the year in which such values become available and providing that the company will furnish upon request an extension of such table beyond the years shown in the policy

(h) A provision that the policy may be reinstated within two years from the date of default in payment of premiums upon payment of all overdue premiums and the presentation of satisfactory evidence of the insurability of the insured

(i) A provision that when a policy shall become a claim by death of the insured settlement shall be made upon receipt of due proof of death and not later than two months after the receipt of such proof

(j) A title on the face of the policy clearly and correctly describing its form

Any of the foregoing provisions or parts thereof not applicable to non-participating or term policies shall to that extent not be incorporated therein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2376, entitled:

An Act to amend sections five hundred six and five hundred seven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" providing procedure in the dissolution and liquidation of companies et cetera and conferring additional powers and duties upon courts the Insurance Commissioner and the Attorney General providing for joint action in case of foreign companies

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred six and five hundred seven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" are hereby amended to read as follows

Section 506 Orders for Dissolution and Liquidation of Affairs of Companies Et Cetera [Insurance Commissioner to Act as Receiver] Powers and Duties of Liquidator If on a like application by the Attorney General to the Court of Common Pleas of Dauphin County or to the court of any County in which the principal office of such domestic insurance company association exchange society or order is located and order to show cause and after a full hearing the court shall order the dissolution and liquidation of the [business of such] company association exchange society or order [such] the liquidation of its business shall be made by and under the direction of the Insurance Commissioner who shall be the Liquidator thereof and shall be vested by operation of law with title to all of the property contracts and rights of action of such company association exchange society or order as of the date of

the order [so directing him to liquidate] of dissolution and liquidation which shall take effect upon the entry of such order in the office of the Prothonotary of the County wherein made The filing or recording of a certified copy of such order in any record office of the State shall impart the same notice that a deed bill of sale or other evidence of title duly filed or recorded by such company association exchange society or order would have imparted and the Liquidator shal forthwith file such a copy for record in the Office of the Recorder of Deeds in the county wherein such company association exchange society or order had its principal office for the transaction of business [The order of liquidation shall unless otherwise directed by the court provide that the dissolution of the company association exchange society or order shall take effect upon the entry of such order in the office of the clerk of the county wherein such company association exchange society or order had its principal office for the transaction of business]

The Insurance Commissioner as Liquidator of such company association exchange society or order shall take possession of all the property and records thereof and liquidate its business and assets and accounts for the proceeds thereof less the necessary expenses of liquidation as hereinafter provided and shall give such notice as the court may prescribe to all policy holders members and creditors that they shall present any claims against such company association exchange society or order to such Liquidator with proof thereof satisfactory to him within six months after the date of said order of dissolution and liquidation or else be barred from sharing in the distribution of its assets in the absence of any lien of record thereon and such Liquidator shall examine such claims and allow or reject the same in whole or in part subject to the filing of exceptions to his action thereon by any party in interest with him within such time as he shall reasonably allow before filing his account in accord with section five hundred and ten (510) of this act If any exceptions to this action on any claim are filed with him he may take testimony regarding same or otherwise review the claim and report his findings to the Court for confirmation with his account unless exceptions to such findings are filed with the court in accord with its rules relating to accounts of receivers All exceptions filed with the court shall be heard and disposed of in such manner as the court shall direct

The Insurance Commissioner may in his name as Liquidator of any such company association exchange society or order without leave of court prosecute or defend any action at law or in equity in any court in this Commonwealth or elsewhere relating to or affecting the property contracts or business of such dissolved company association exchange society or order but no action pending against it shall be continued against it or him after such dissolution in any court without leave of the court which made the order of liquidation nor shall such Liquidator be subject to suit in any other court without such leave unless he consents to appear therein upon advice of counsel The court making the order of liquidation may upon application of the Attorney General or the Liquidator issue such restraining orders or injunctions as it may deem proper to prevent any interference with the performance of the duties of the Liquidator or to assist him in the same or to prevent any attachment levy or other execution on property or funds in the hands of the Liquidator

The Insurance Commissioner as Liquidator of any such company association exchange society or order having any right to levy assessments upon its members policyholders or stockholders may levy such assessments in accord with its powers for the payment of its debts and claims against it and the reasonable expenses of Liquidation as estimated by the Liquidator as often as may be necessary to secure sufficient funds to pay the same and bring suits to recover and enforce such assessments which shall be presumed to be legal and regular unless the contrary be shown by those thus assessed or such Liquidator may apply to the court for an order levying an assessment upon such members policyholders or stockholders

The Insurance Commissioner as Liquidator of any such company association exchange society or order shall have the power to make reasonable adjustments and compromises with its debtors of any claim against them and with its policyholders and creditors of any claims against it in order to avoid litigation and shall not be surcharged for any such action performed in good faith with the advice of counsel or for making any sale of any of its assets at reputed market prices or at public auction for the purpose of liquidation but he shall not make any private sale of property of uncertain value without the approval of the court which made the order of liquidation and such court may approve any such sales provided notice of the application therefor be given by mail to at least ten of the persons having claims against such company association exchange society or order at any time after the order of liquidation is made

The Insurance Commissioner as Liquidator of any such company association exchange society or order shall have the foregoing powers and duties in addition to all those of a Receiver in Equity and any conferred or imposed elsewhere in this act although he is described merely as a Receiver in other sections of this act and the Attorney General may appoint or approve the appointment by the Liquidator of special counsel to assist him at the expense of the Commonwealth if the funds of the company association exchange society or order in the hands of the Liquidator shall not be sufficient to pay for the expenses of any litigation that shall appear to him to be beneficial to the policyholder and creditors thereof

The court making the order of liquidation may authorize the Insurance Commissioner as Liquidator of any such company association exchange society or order to enter into such contracts as the court may approve with any Ancillary Receivers or Receivers in Equity appointed in any other states or countries to conserve any property of rights of such company association exchange society or order therein regarding the liquidation of the same

Section 507 Insurance Commissioner to Supersede Other Receivers Whenever a receiver of an insurance company association exchange society or order is appointed by any court of this Commonwealth on motion of the Attorney General at the instance of the Insurance Commissioner such receiver shall forthwith supersede any received previously appointed by the decree of any court of this Commonwealth and shall likewise supersede any assignee or trustee previously appointed by such insurance company association exchange society or order

Whenever the Insurance Commissioner is appointed a Receiver for the property and business of a foreign or alien company association exchange society or order doing business in this Commonwealth the court appointing him shall have power to authorize him to permit any part of such liquidation to be carried on by any Liquidator or Receiver appointed under the laws of the State or country in which such insurer was organized if such action appears to be for the benefit of policyholders members and creditors within this Commonwealth provided that proper assurances are given that their claims if allowed shall share pro-rata with claims of the same class in all the assets received by such foreign or alien Liquidator and that arrangements satisfactory to said Court are made regarding the necessary expenses of such Ancillary Receivership including the mailing of proper notices to domestic policyholders members or creditors regarding the manner of filing and proving their claims with such receiver and his expenses of investigating the same and reporting his recommendations regarding allowance thereof to such foreign Liquidator or Receiver

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. FLINCHBAUGH. Mr. Speaker, I move that this bill be recommitted to the Committee on Insurance for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2583 entitled

An Act to amend sections 102 203 as amended section 209 sections 492 410 411 as amended section 505 602 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 903 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescrbed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

The first, second, third, fourth, fifth, sixth, seventh, and eighth sections were separately read and agreed to as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following definitions appearing in section one hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that rcords are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one Pamphlet Laws seven hundred fifty-one are hereby further amended to read as follows

"Commercial Motor Vehicle" Any motor vehicle designed for carrying freight or merchandise Provided however That a motor vehicle originally designed for passenger transportation [with] to which has been added a removable box body without materially altering said motor vehicle when owned and used by a farmer shall not be deemed a "commercial motor vehicle" for the purpose of this act And further provided That any motor vehicle of the bus type operated under contract with or owned by any school district of this Commonwealth for the transportation of school children shall be deemed a "commercial motor vehicle"

"Motor Cycle" Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contract with the ground except any such vehicle as may be included within the term "tractor"

"Tractor" Every vehicle of the tractor type [excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks] as defined in the Tractor Code

Section 2 That section one hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-two) is hereby further amended by adding the following definition

"Flammable Liquid" Any liquid which has a flash point of seventy degrees Fahrenheit or less as determined by a tabliabue or equivalent closed cup test device

Section 3 That subsection (b) of section two hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follofs

Section 203 Contents Delivery and Life of Certificate of Title

(b) Where there are no liens or encumbrances upon the motor vehicle the certificate of title shall be delivered to the owner but otherwise the certificate of title shall be delivered to the person holding the first lien or encumbrance is fully paid by the owner of said motor vehicle Upon the final payment being made of any lien or encumbrance the certificate of title shall be delivered immediately to the owner of said motor vehicle with proper evidence of satisfaction of same A corrected certificate of title without statement of liens or encumbrances shall be issued by the department upon request of the owner when original certificate of title is returned with proper evidence that all said liens or encumbrances have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens or encumbrances have been satisfied

Penalty Any person failing to deliver upon demand a satisfied certificate of title as required by the provisions of subsection (b) of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for a second offense be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 4 That subsection (a) of Section two hundred nine of said act be and the same is hereby amended to read as follows

Section 209 Records of Stolen Motor Vehicles

(a) It shall be the duty of the secretary whenever he receives report of the theft of a motor vehicle whether the same has been registered or not and whether ownd in this or any other State together with the name and manufacturer's serial number thereof to make a distinctive record thereof and file the same in numerical order of the manufacturer's serial number with the records of the vehicles of such name already titled Such records may at the discretion of the Secretary be destroyed after three (3) years

Section 5 That subsection (a) of Section four hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 402 Application for Registration

(a) Application for the registration of a motor vehicle trailer or semitrailer shall be made to the department upon a form furnished by the department The application shall contain the full name and the actual or bona fide address of the owner or owners together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of commercial motor vehicles the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body if so constructed or the gross weight of the trailer or semitrailer exclusive of the load to be transported and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certificate of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by said corporation copartnership or association to sign the same and shall be accompanied by the fee provided in this act

Section 6 That section four hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 410 Registration Shall Be Refused

The department shall not register any vehicle in any of the following events

1 When the applicant therefor is not entitled thereto under the provisions of this act

2 When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department

3 When the fees required therefor by law have not been paid

4 When the vehicle is not constructed or equipped as required by this act

[5 When evidence of recent inspection and approval of a used motor vehicle by an official inspection station is not presented as required by this act]

Section 7 That subsection (c) of Section four hundred eleven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 411 Transfer of Registration

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horse power or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certification of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

Section 8 That subsection (d) of Section five hundred five of said act be and the same is hereby amended to read as follows

Section 505 Lost Defaced or Substituted Registration Plates

(d) Upon the receipt of new plate or plates it shall be the duty of the owner to return immediately to the department for cancellation the old registration plate or plates unless lost or destroyed

Penalty Any person violating any of the provisions of subsection (a) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

The ninth section was read as follows:

Section 9 That section six hundred two of said act be and the same is hereby amended to read as follows

Section 602 Persons Exempt from License

Every person in the service of the Federal Government or in the service of the Pennsylvania National Guard when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this act

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 9, page 10, line 3, by inserting after the word "two" the following: "and seven hundred twelve"

On the question,

Will the House agree to the amendment?

It was agree to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read as follows

Section 10 That section seven hundred sixteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 716 Certificates of Title Duplicate Certificates of Title

The fee for each certificate of title shall be two ($2) dollars except in the case where a certificate of title is issued in the name of manufacturer jobber or dealer then the fee shall be fifty ($.50) cents The fee for a duplicate certificate of title shall be [fifty ($.50) cents] one ($1) dollar

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 10, page 10, by inserting between the lines 10 and 11 the following:

Section 712. Lighting Equipment.—

The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty ($150) dollars for each type approved.

The fee for approval and registration of rear lamps, signal lamps, reflectors, and mechanical signal devices shall be fifty ($50) dollars for each type approved.

The fee for approval and registration, incident to the renewal of a certificate of approval for head lamps, shall be fifty ($50) dollars.

The fee for approval and registration, incident to the renewal of a certificate of approval for auxiliary driving lamps, rear lamps, signal lamps, reflectors, and mechanical signal devices, shall be twenty-five ($25) dollars.

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The eleventh, twelfth and thirteenth sections were separately read and agreed to as follows:

Section 11 That section seven hundred seventeen of said act be and the same is hereby amended to read as follows

Section 717 Certified Copies of Records

The fee for certified copy or certified photostat copy of any department record shall be one ($1) dollar for each form or supporting document comprising such record

Section 12 That section seven hundred nineteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 719 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for cancelling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 13 That subsection (e) of section seven hundred twenty-two of said act as amended by the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws eleven hundred thirty-seven) is hereby further amended to read as follows

Section 722 Exemptions From Fees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles trailers and semitrailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) and city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force hospital humane society or anticruelty society in this Commonwealth (f) [by] the American Red Cross (g) [by] churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux (l) mine industrial ambulances (m) ambassadors ministers consular representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semitrailers

(e) No fee shall be charged for special hauling permits issued to the Commonwealth of Pennsylvania any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section seven hundred twenty-two (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

The fourteenth section was read as follows:

Section 14 That section eight hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 801 Required Lighting Equipment

(a) When Lights Must be Displayed Every vehicle upon a highway within this Commonwealth during the period from one (1) hour after sunset to one (1) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible [any person] persons and vehicles on the highway at a distance of [two] five hundred [(200)] (500) feet ahead shall be equipped with lighted [front and rear] lamps and illuminating devices as in this section respectively required for different classes of vehicles

(b) Head Lamps on Motor Vehicles Every motor vehicle other than a Motorcycle or Bicycle with motor attached shall be equipped with two (2) head lamps and no less at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of their use are approved by the secretary

(c) Head Lamps on Motorcycles Every motorcycle shall be equipped with at least one (1) head lamp and not more than two (2) which shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of its use is approved by the secretary

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semitrailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear a lamp of a type which at the time of its use is approved by the secretary and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle [and] Either such rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear lamp said two (2) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted

(e) [Clearance Lamps Every vehicle having a width at any part in excess of ninety (90) inches shall carry at least one (1) clearance lamp on the left side of such vehicle and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle and displaying a red light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle Provided That motorcycles having more than two (2) wheels or with side car equipment shall display a clearance lamp in such a manner as to indicate the right lateral extension of the vehicle Every combination of vehicles couples together having an overall length in excess of thirty-five (35) feet shall carry at least one (1) clearance lamp on both the right and left sides of such vehicles and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front and rear of such vehicles]

Reflectors Every commercial motor vehicle trailer or semitrailer when operated on a highway shall also carry at the rear either as a part of the rear lamp or separately a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever red or green reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed forty-two (42) inches not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when directly in front of or opposed to a motor

vehicle displaying lawfully lighted head lamps as provided in this act

(f) Every commercial motor vehicle trailer or semitrailer or every motor omnibus or motor bus except motor buses or motor omnibuses operated entirely within municipalities when their interiors are illuminated shall display lighted lamps at the times mentioned in subsection (a) when and as required in this section except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of five hundred (500) feet

1 Clearance Lamps Every such vehicle having a width at any part in excess of eighty (80) inches shall be equipped with two (2) clearance lamps located on the extreme left side of such vehicle one located at the front and displaying a green light visible from a distance of five hundred (500) feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a red light visible from a distance of five hundred (500) feet to the rear of the vehicle and said rear clearance lamp shall be in addition to the red rear lamp hereinbefore required Provided however that vehicles equipped with acetylene headlamps may in lieu of such clearance lights be equipped with a green reflector in front and a red reflector in the rear which shall be so designed and maintained to meet the requirements as to reflectors provided in this section

2 Identification Lamps Front and Rear Every motor vehicle trailer or semitrailer or combination of such vehicles having a length in excess of thirty (30) feet or a width in excess of eighty (80) inches shall be equipped with lamps on the front displaying three (3) green lights and lamps on the rear displaying three (3) red lights and the lights in each such group shall be evenly spaced not less than six nor more than twelve (12) inches apart along a horizontal line near the top of the vehicle and said lights shall be visible from distances of five hundred (500) feet to the front and rear respectively of the vehicle Provided however that vehicles equipped with acetylene headlamps may in lieu of such identification lamps be equipped with red and green reflectors

3 Side Marker Lamps Every such vehicle or combination of such vehicles which exceeds twenty (20) feet in overall length shall be equipped with at least four (4) side marker lamps one (1) on each side near the front and one (1) on each side near the rear Said lamps near the front shall display green lights and said lamps near the rear shall display red lights each visible from a distance of five hundred (500) feet to the side of the vehicle on which it is located If the clearance lamps on the left side of a vehicle as hereinbefore required display lights visible from a distance of five hundred (500) feet at right angles to the left of the vehicle they shall be deemed to meet the requirements as to left marker lamps in this paragraph In lieu of such side marker lamps any such vehicle may be equipped with four (4) reflectors two (2) on each side and otherwise meeting the requirements of this act

[(f)] (g) Lamps on Bicycles Every bicycle and every bicycle with motor attached shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least [two] five hundred [(200)] (500) feet in front of such bicycle or bicycle with motor attached and shall also be equipped with a [reflex mirror] red reflector or lamp on the rear exhibiting or reflecting a red light visible under like conditions from a distance of at least [two] five hundred [(200)] (500) feet to the rear of such bicycle or bicycle with motor attached

[(g)] (h) Lights on Other Vehicles All vehicles not required in this act to be equipped with specific lighted lamps shall carry one (1) or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front and with a lamp or lantern displaying a red light visible from a distance of five hundred (500) feet to the rear of such vehicles except for vehicles other than motor vehicles loaded with hay or straw in bulk

[(h)] (i) Lights on Parked Motor Vehicles Whenever a motor vehicle is parked or stopped upon a highway or shoulder adjacent thereto whether attended or unattended during the time when lights are required by this section may in lieu of the lighting equipment specified show one (1) white or green light carried on the left side of the motor vehicle visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear Provided That local authorties may by ordinance establish ones within which motor vehicles may remain standing without lights Any lighted headlamps upon a parked vehicle shall be depressed or dimmed

Penalty Any person violating any of the provisions of subsection (a) (b) (c) (d) or (e) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsection (f) [or] (g) (h) or (i) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of two ($2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The Speaker. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 14, page 15, line 3, by inserting after the word "Every" the following: "motor bus, motor omnibus"

Amend section 14 page 15, line 4, by striking out the following: "also carry" and inserting in lieu thereof the word "display"

Amend section 14 page 15, line 5, by striking out after the word "rear" the following: "either as a part of the rear lamp or separately"

Amend section 14 page 15, line 10, by inserting after the word "(42) inches" the following: "and"

Amend section 14 page 15, line 12, by inserting after the words "shall be" the following: "of a type which at the time of its use is approved by the Secretary and shall be"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to,

The fifteenth section was read as follows:

Section 15 That section eight hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 802 Additional Permissible Lights and Devices

(a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed [two (2)] one (1) spot [lamps except that a motorcycle shall not be equipped with more than (1) spot lamp] lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the [center of the highway] prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle

(b) Auxiliary Driving Lamps Any motor vehicle may be equipped with not [less than two (2)] to exceed three (3) auxiliary driving lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which

the vehicle stands which lamps shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary

(c) Signal Lamps and Mechanical Signal Devices 1 Whenever a motor vehicle is equipped with a signal lamp or a signal device [the signal lamp shall be] so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow or red [or green] in color [which] and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front and rear of the vehicle but shall not project a glaring or dazzling light except that a stop signal need be visible only from the rear and all such signals shall be of a type which at the time of [its] their use [is] are approved by the secretary

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be [so constructed and located on the vehicle as to give a signal plainly visible from a distance of one hundred (100) feet to the rear of the vehicle] self illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of a type which at the time of its use is approved by the secretary

[(d) Reflector Any vehicle may be equipped with a reflector so located as to reflect rays of light thrown upon such reflector]

Penalty any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 15, page 20, line 14, by striking out the word 'and" and inserting in lieu thereof the word "or"

Amend Section 15, page 20, line 15, by striking out after the word "light" the following: "except that a stop signal need be visible only from the rear"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixteenth, seventeenth, and eighteenth sections were separately read and agreed to as follows:

Section 16 That the said act is hereby amended by adding to Article eight the following section eight hundred two and one-tenth eight hundred two and two-tenths eight hundred two and three-tenths and eight hundred two and four-tenths

Section 802.1 Multiple Beam Road Lighting Equipment Except as hereinafter provided the headlamps or the auxiliary driving lamps or combinations thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations subject to the following requirements and limitations

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading The maximum intensity of this uppermost distribution of light or composite beam one (1) degree of arc or more above the horiontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand (8000) apparent candlepower and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand (75,000) apparent candlepower

(b) There shall be a lowermost distribution of light or composite beam so aimed that

1 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of ten (10) inches below the level of the center of the lamp from which it comes

2 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme life side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes

3 In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(c) Where one intermediate beam is provided the beam on the left side of the road shall be in conformity with subsection (b) one of this section except when arranged in accordance with the practice specified in subsection (e)

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead

(e) All road lighting equipment manufactured and installed on and after January first one thousand nine hundred thirty-six shall be so arranged that whenever any beam is used which is not in conformity with subsection (a) of this section two (2) white or yellow lights one (1) on each side of the vehicle visible to an oncoming driver and to the driver of said vehicle shall be lighted except that other suitable alternate means may be provided for indicating to the driver behind the light when such beams are on Indicator lights shall not be connected otherwise than as required in this paragraph Beam indicator lights and front parking lights shall be so connected that neither of said lights shall be lighted when a beam is in use which conforms with subsection (b) one of this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.2 Use of Multiple Beam Road Lighing Equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section eight hundred one (801) the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.3 Single Beam Road Lighting Equipment Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold

prior to one (1) year after the effective date of this act in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations

(a) The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet

(c) Any motor vehicle may be operated under the conditions specified in section eight hundred one (801) when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps otherwise required Provided however that at no time shall be it operated at a speed in excess of twenty (20) miles per hour.

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.4 Number of Driving Lamps Required or Permitted

(a) At all times specified in section eight hundred one (801) at least two (2) lighted lamps shall be displayed one on each side at the front of every motor vehicle exceept when such vehicle is parked subject to the regulations governing lights on parked vehicles

(b) Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway

(c) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle

(d) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare

(e) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare

(f) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion

(g) No person shall operate or move any vehicle except fire department and fire patrol apparatus upon a highway with a red light displayed on the front thereof

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 17 That section eight hundred three of the said act is hereby repealed [Section 803 Requirements as to Head Lamps and Auxiliary Driving Lamps]

[(a) The head lamps or head lamp of motor vehicles shall be so constructed arrangeed adjusted and attached that except as provided in this act they will at all times mentioned in this act and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible all vehicles persons or substantial objects one hundred sixty (160) feet ahead but shall not project a glaring or dazzling light to persons in front of such head lamps or head lamp Provided That for motorcycles the distance at which vehicles persons or substantial objects shall be clearly discernible shall be one hundred fifteen (115) feet]

[(b) Head lamps or head lamp shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if no part of the main bright portion of the headlamp beam rises above a horizontal plane passing through the lamp centers parallel to the level of the highway upon which the loaded vehicle stands and in no case higher than forty-two (42) inches at a distance seventy-five (75) feet ahead of the vehicle]

[(c) Whenever a motor vehicle is being operated upon a highway or a portion thereof which is sufficiently lighted to reveal vehicles persons or substantial objects on such highway at a distance of two hundred (200) feet ahead of motor vehicle it shall be permissible to dim the headlamps or headlamp or to tilt the beams or beams downward or to substitute therefor the light from side lights or auxiliary driving lamps subject to the restrictions as to tilted beams and auxiliary driving lamps as provided in this act]

[(d) Restrictions on Lamps Bulbs and Reflectors Any device other than lamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than twenty-five (25) candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty (50) feet from the vehicle]

[Every electric lamp or bulb used in any head lamp or auxiliary driving lamp on any motor vehicle shall not exceed the mean spherical candlepower designated in certificate of approval as issued by the secretary]

[Every electric lamp or bulb used in any side light shall not exceed four (4) mean spherical candlepower]

[Every reflector which is used as a part of any head lamp shall have a highly polished silvered or glass or other reflecting surface and shall be free from dents rust and other imperfections]

[(e) Whenever a motor vehicle meets another vehicle an any highway it shall be permissible to tilt the beams or beams of the headlamps or headlamp downward or to substitute therefor the light from auxiliary driving lamps subject to the requirement that he tilted beams or beam or the beams from the auxiliary driving lamps shall give sufficient illumination under normal atmospheric conditions and on an approximately level highway to render clearly discernible vehicles persons or substantial objects seventy-five (75) feet ahead of the motor vehicle but shall not project a glaring or dazzling light to persons in front of the motor vehicle Provided That at all times required in this act at least two (2) lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle which shall display at least one (1) light as provided in this act]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecuion and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 18 That section 804 of the said act is hereby repealed [Section 804 Acetylene Lights]

[Motor vehicles may be equipped with two (2) acetylene headlamps of aproximately equal candlepower when equipped with clear plain glass fronts bright spherical or Mangan mirrors not to exceed six (6) inches in diameter and standard acetylene five-eights (⅝) foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching persons except that motorcycles may be equipped with one (1) acetylene headlamp of these specifications]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

The nineteenth section was read as follows:

Section 19 That section 807 of said act is hereby amended to read as follows

Section 807 Revocation of Certificates of Approval of Lighting Devices

(a) Any certificate of approval however heretofore or hereafter issued may be revoked by the secretary after a hearing before the secretary or his representative of which the person named therein or his successor in interest shall be given reasonable notice or opportunity to hear or to be heard upon the ground that the lighting device or mechanical signal device does not comply with the provisions of this act regulations adopted or is not being supplied in production in accordance with specifications original blueprint assemblies or sample devices originally submitted However revocation of certificates of approval of devices heretofore or hereafter approved shall not take effect until three (3) months after decision of the secretary revoking same

(b) The secretary may adopt uniform standard specifications for head lamps auxiliary driving lamps rear lamps signal lamps and may promulgate certain rules and regulations not inconsistent with this act to govern his decision in approving any lighting device or mechanical signal device or revoking any certificate of approval issued for such devices

(c) Certificates approving each type of head lamp device hereafter issued by the secretary will expire and be void after [two (2)] four (4) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of such certificate furnishing two (2) pair of samples for test purposes in accordance with this act together with the fee provided in this act and new certificate of approval has been issued

(d) Certificates approving each type of auxiliary driving lamp rear lamp mechanical signal device and signal lamp hereafter issued by the secretary will not expire [and be void after two (2) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of any such certificate furnishing two (2) samples for test purposes in accordance with this act together with fee provided in this act and new certificate of approval has been issued] until revoked for cause by the secretary

(e) When no renewal application is made and when an application for renewal of certificate of approval is refused the head lamp auxiliary driving lamp rear lamp mechanical signal device or signal lamp will become illegal for use on motor vehicles after [two (2)] six (6) years from date of expiration of certificate Provided however new motor vehicles will not be title unless the lighting devices are of an approved type for which certificates of approval are in effect at the time of application for title

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 19, page 30, line 22, by inserting after the word "device" the word "reflector"

Amend Section 19, page 31, line 5, by inserting after the words 'signal lamps" the word "reflectors"

Amend Section 19, page 31, line 7, by inserting after the word "device" the word "reflector"

Amend Section 19, page 31, line 19, by inserting after the word "device" the word "reflector"

Amend Section 19, page 32, line 2, by inserting after the word 'device" the word "reflector"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth sections were separately read and agreed to as follows:

Section 20 That subsection (a) of section eight hundred eight of said act be and the same is hereby amended to read as follows

Section 808 Enforcement and Authority to Refuse Title or Registration

(a) A head lamp or auxiliary driving lamp arranged to provide a single distribution of light will be presumed to project a glaring or dazzling light if the top of any main beam of ligh projected by it is at a distance of twenty-five (25) feet ahead of the motor vehicle on an approximately level stretch of highway projected on the body of a person or on a motor vehicle or on any object at a height greater than the distance of the centers of the lamps from the highway A head lamp or auxiliary driving lamp arranged to provide a single distribution of light and mounted on a motor vehicle at a height higher than forty-two (42) inches above the highway will be presumed to project a glaring or dazzling light if the top of the beam of light projected by it on an approximately level stretch of highway be higher than forty-two (42) inches above the highway seventy-five (75) feet ahead of the vehicle

Section 21 That subsections (c) (d) (e) (f) (g) (h) and (i) of section eight hundred eleven of said act be and the same is hereby amended to read as follows

Section 811 Brakes

(c) [all such brakes shall be maintained in good working order and shall conform to regulations further provided in this act] Every trailer or semitrailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle for at least fifteen (15) minutes and so designed as to be applied by the driver of the towing motor vehicle from its cab and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied

(d) [On and after July first one thousand nine hundred and thirty-one all new motor vehicles titled or registered in this Commonwealth shall be equipped with brakes as respectively required in this act for different classes of motor vehicles capable of conforming to braking requirements further provided in this act] Every new motor vehicle trailer or semitrailer sold in this Commonwealth on and after January first one thousand nine hundred thirty-six and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle except any motorcycle and except that any semitrailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes

(e) On a dry hard approximately level stretch of highway free from loose material [the service brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet at or a rate which corresponds to such performance] where the grade does not exceed one (1) per centum the service brakes upon any motor vehicle or combination of vehicles except as herein provided shall be adequate to stop such vehicle or vehicles when traveling at a speed of twenty (20) miles per hour within a distance of thirty (30) feet or at a rate corresponding to such performance

(f) [On a dry hard approximately level stretch of highway free from loose material the emergency brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of seventy-five (75) feet or at a rate which corresponds to such performance] Under the above conditions the emergency brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet and said emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which operated

(g) [Commercial motor vehicles and truck tractors with semitrailers attached exceeding seven thousand (7000) pounds gross weight shall be capable of stopping

on a dry hard approximately level stretch of highway free from loose material within the following distances or at rates corresponding in each instance to the several performances specified

Within fifty (50) feet from twenty (20) miles per hour upon simultaneous application of the service and emergency brakes

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the service brake alone

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the emergency brake alone] Under the above conditions the service brakes upon a motor vehicle equipped with two wheel brakes only and when permitted hereunder shall be adequate to stop the vehicle within a distance of forty (40) feet and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet

(h) [When any motor vehicle with trailer attached is operated in combination the application of brakes shall be construed to mean the application of all brakes on the motor vehicle and trailer which are normally capable of being operated simultaneously by the operator] All braking distances specified in this section shall apply to all vehicles mentioned whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act

(i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 22 That section eight hundred twelve of said act be and the same is hereby amended to read as follows

Section 812 Brake Enforcement

(a) [The brakes on a motor vehicle will be presumed to be unsafe and to require immediate attention if on a dry approximately level stretch of highway free from loose material the service brake will not be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the emergency brake under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance except that the brakes on commercial motor vehicles and truck tractors with semitrailers attached exceeding seven thousand (7000) pounds gross weight will be presumed to be unsafe and to require immediate attention if on a dry hard, approximately level stretch of highway free from loose material both brakes applied simultaneously will not be capable of stopping such vehicles from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the service and emergency brakes applied separately under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance or when on a descending grade not exceeding ten (10) per centum motor vehicle will drift with either service or emergency brake applied singly] It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of this Commonwealth with brakes not conforming with the requirements of this act

(b) It shall be unlawful for any person to operate a motor vehicle without required number of brakes in good working condition The owner or operator of any motor vehicle who is notified by a peace officer that such brake or brakes are improperly adjusted or are unsafe or unfit or in need of correction adjustment or repairs shall be allowed forty-eight (48) hours within which to correct adjust or repair such brakes to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official brake adjusting station showing that within forty-eight (48) hours after such notification the brakes have been corrected adjusted or repaired to conform with the requirements of this act shall relieve the owner or operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the brakes have been corrected adjusted or repaired as required in this act information for arrest will be made Provided That when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this act or hold a motor vehicle or combination of vehicles [on a descending grade not exceeding ten (10) per centum] stationary on any grade upon which operated the owner or operator may be required to make temporary correction adjustment or repairs before being permitted to proceed with the motor vehicle or combination of vehicles

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 23 That subsections (f) (g) (h) and (i) of section eight hundred thirteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 813 Official Inspection Stations

(f) It shall be unlawful for any [such designated official inspection station] person to furnish give or sell to any owner or operator of a motor vehicle trailer or semitrailer or to place in or on any motor vehicle trailer or semitrailer a certificate of inspection and approval unless an official inspection of its mechanism and equipment shall have been made and the motor vehicle trailer or semiltrailer with the provisions of this act It shall be unlawful for any such designated official inspection station to furnish loan give or sell a certificate or certificates of inspection and approval to any other such designated official inspection station or any other persons except those entitled to receive them under the provisions of this act

[(g) It shall be unlawful in case of transfer of ownership of any used motor vehicle for the owner to submit with his application for registration a certificate of inspection and approval unless an official inspection shall have been made and the vehicle found to conform with the provisions of this act]

[(h)] (g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semitrailer and require the owner or operator to demonstrate that such vehicles conform with the provisions of this act If such demonstration discloses the necessity for corrections adjustments or repairs to such vehicle the owner shall be notified that unless a certificate issued or executed by a representative of an official inspection station is submitted within five (5) days to the peace officer indicating that the necessary corrections adjustments or repairs have been made information for the arrest of the owner or operator will be made for the specific violation or violations of this act noted at the time of modification Provided That when service and emergency brakes applied simultaneously will not stop a motor vehicle trailer or semitrailer within distance defined in this act or hold a motor vehicle trailer or semitrailer on a descending grade not exceeding ten (10) per centum or when the lighting equipment is glaring or insufficient or not in operation or is not equipped with a mirror or windshield wiper as defined and required in this act the owner or operator may be required to correct the faulty condition before being permitted to proceed with the vehicle and may be prosecuted for the specific violation of this act

[(i)] (h) An official inspection station and the records thereof shall be open for inspection by any peace officer or department employe The owner of an official inspection station shall file with the department on a form prescribed and furnished by the department such information relating to daily inspections as the secretary may require

Section 24 That subsections (b) and (g) of section eight hundred twenty-three of said act as amended by

the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 823 Official Inspections

(b) If such inspections disclose the necessity for adjustments corrections or repairs in order to bring the motor vehicle in conformance with the provisions of this act it shall be compulsory upon the owner to have such adjustments corrections or repairs made within the [period designated in the hereinbefore mentioned proclamation] periods required in this act

(g) During the period designated in the hereinbefore mentioned proclamation any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle and require the owner or operator to display an official certificate or other satisfactory proof of inspection for the motor vehicle being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle conforms to the provisions of this act

Section 25 That section eight hundred twenty-four of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand sixty-four) is hereby further amended to read as follows

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over when operated upon a highway outside of a business or residence district at any time from one (1) hour after sunset to one (1) hour before sunrise shall be equipped with [at least two red or yellow burning danger or caution signals with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brilliant red or yellow light for not less than fifteen (15) minutes

Whenever any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway the red or yellow-burning danger or caution signals as herein required in such manner as to prevent personal injuries loss of life and damage to property by collision] a sufficient number of flares not less than three (3) or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours except that vehicles transporting flammables may carry red reflectors in place of the other signals hereinbefore mentioned

Every such flare lantern signal or reflector shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

(b) Whenever any such vehicle and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such flares lanterns or other signals to be lighted and placed upon the highway one (1) at a distance of approximately one hundred (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables three (3) red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle

(c) No person shall at any time operate a vehicle transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a migstrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 26 That subsection (f) of Section nine hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 902 Size of Vehicles and Loads

(f) It shall be unlawful for any person to transport on a motor vehicle trailer or semitrailer operated for the carriage of passengers for hire a load [in excess] of twenty-five (25) per centum in excess of the registered seating capacity or for any person to cause or permit any such operation Provided however That a child under the age of six years shall not be counted as a person when computing load on any such vehicle

The twenty-seventh section was read as follows:

Section 27 That subsection (a) of Section 905 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 905 Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size [and] or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit [including] The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be deemed necessary by the authority granting such permits] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways this Commonwealth or to any person having collision with or suffering injury from such vehicle

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 27, page 44, line 22, by inserting after the word "responsible" the following: "When a permit

has been issued by the Secretary of Highways, no other authorities shall require any further or additional permit for any portion of the route specified therein."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth and forty-fifth secetions were separately read and agreed to as follows:

Section 28 That section 906 of said act be and the same is hereby amended to read as follows

Section 906 Special Limitations

(a) No vehicle shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when appropriate signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and mentioned in the posted signs erected and maintained in accordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [ten ($10)] fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [five (5)] ten (10) days

Section 29 That subsection (b) and (c) of Section 1002 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1002 Restrictions as to Speed

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children are going to or leaving school during opening or closing hours

3 Twenty (20) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the [proper] Department of Highways or local authorities on the righthand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (⅛) of a mile An additional sign shall be placed at intervals not greater than one-eighth (⅛) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where sign erected by the proper authorities is displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officers or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

4 Forty (40) miles an hour speed limit

All vehicles except those otherwise restricted by this act to lower maximum speeds

(c) Subject to the provisions of subsections (a) and (b) of this section it shall be unlawful for the following kinds of types and classes of vehicles to [exceed the maximum speed limits] be operated at a greater speed than hereinafter provided

For determining the maximum speed of a combination of vehicles the lower speed provided for either of the vehicles in the combination shall govern

[1 Ten (10) miles an hour speed limit

Tractors

Commercial motor vehicles and truck tractors with solid rubber tires Class Z VZ WZ YZ and ZZ]

[2 Twelve (12) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class Y]

[3 Fifteen (15) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class V W and UZ]

[4 Eighteen (18) miles an hour speed limit]

[Commercial motor vehicles and truck tractors with solid rubber tires Class U SZ and TZ]

[5 Twenty (20) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class S T and RZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class W Y Z UZ VZ WZ YS and ZZ]

[6 Twenty-four (24) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class R

Commercial motor vehicles and truck tractors with pneumatic tires Class Y Z VZ WZ YZ and ZZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class U V SZ and TZ]

[7 Thirty (30) miles an hour speed limit

Motor buses and omnibuses with solid rubber or cushion rubber tires Class B C D and E

Commercial motor vehicles and truck tractors with pneumatic tires Class V W SZ TZ and UZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class R S T and RZ]

[8 Thirty-five (35) miles an hour speed limit

Commercial motor vehicles and truck tractors with pneumatic tires Class R S T U and RZ

Motor buses and omnibuses with pneumatic tires Class C D and E]

CLASS OF VEHICLES Commercial Motor Vehicles and Truck Tractors (Four-Wheeled) (2 Axles)	MILES PER HOUR When Equipped With Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
R	24	30	35
S	20	30	35
T	20	30	35
U	18	24	35
V	15	24	30
W	15	20	30
Y	12	20	24
Z	10	20	24

CLASS OF VEHICLES	MILES PER HOUR When Equipped With		
Commercial Motor Vehicles and Truck Tractors	Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
(Six-Wheeled) (3 Axles)			
RZ	20	30	35
SZ	18	24	30
TZ	18	24	30
UZ	15	20	30
VZ	10	20	24
WZ	10	20	24
YZ	10	20	24
ZZ	10	20	24
(Semitrailer)			
(Two-Wheeled)			
A	24	30	35
B	20	30	35
C	20	30	35
D	20	30	35
E	18	24	30
F	18	24	30
G	15	24	30
Trailer or Semitrailer			
(Four-Wheeled) (2 Axles)			
A	24	30	35
B	20	30	35
C	20	30	35
D	18	24	30
E	15	20	30
F	12	20	24
G	10	20	24
Trailer			
(Six-Wheeled) (3 Axles)			
AZ	20	30	35
BZ	18	24	30
CZ	15	20	30
DZ	10	20	24
EZ	10	20	24
FZ	10	20	24
GZ	10	20	24
Motor Buses and Omnibuses			
B	30	30	
C	30	30	35
D	30	30	35
E	30	30	35

Section 30 That subsection (b) of section 1010 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1010 Following too Closely

(b) The operator of any motor bus motor omnibus commercial motor vehicles truck tractor or tractor not being part of any military convoy in the military service of the United States or of this Commonwealth when traveling upon a highway outside of a business or residence district shall not follow another such vehicle within five hundred (500) feet but this shall not be construed to prevent one such vehicle overtaking and passing another such vehicle

Section 31 That subsection (b) of section one thousand seventeen of said act be and the same is hereby amended to read as follows

Section 1017 Passing Street Cars

(b) No operator of a vehicle who meets or overtakes a street passenger car or school bus that has stopped for the purpose of taking on or discharging passengers shall pass said car or school bus on the side on which the passengers get on or off until the car or school bus has started and until any passengers who may have alighted have reached the side of the highway except that where a safety zone has been established or at an intersection where traffic is controlled by a peace officer or a traffic signal a vehicle need not be brought to a full stop before passing any such railway interurban [or] street car or school bus but may proceed past such car or school bus at a speed not greater than is reasonable or proper and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians

Section 32 That section one thousand twenty of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended by adding thereto paragraph fifteen

Section 1020 Parking Prohibited in Specified Places

15 Except when necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted the operator of a vehicle shall not stop stand or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway headed in the direction of traffic and with the curb side of the vehicle within six (6) inches of the edge of the highway or curb Vehicles which because of type or construction cannot load or unload parallel to the curb shall be exempt while loading or unloading only from the requirements of standing parallel to the curb

Section 33 That subsection (c) of Section 1023 of said act be and the same is hereby amended to read as follows

Section 1023 Persons Tampering with Vehicles

(c) No person shall throw any missile circular or pamphlet at the occupants of any vehicles or throw or place any substance upon any public highway injurious or damaging to the highway or a vehicle or the tires thereof

Section 34 That subsection (g) of section one thousand twenty-six of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1026 Traffic Signal Interpretation

(g) Flashing Red Signal In cities boroughs incorporated towns or townships a signal when illuminated by rapid intermittent red flashes shall require the operators of all vehicles and street cars and trackless trolleys to observe the same regulations as for through traffic stop signs and signs at stop intersections as provided in this act

Section 35 That section one thousand twenty-seven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1027 Certain Vehicles to Stop at Railway Grade Crossings

All motor buses and motor omnibuses engaged in the transportation of passengers for compensation and all motor vehicles used in the transportation of school children either on contract with the school district authorities or owned by school districts and vehicles transporting explosives or flammable liquids as a cargo or part of a cargo shall come to a complete stop immediately before crossing a railway grade crossing

Section 36 That subsection (a) of Section one thousand one hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1103 Powers of Local Authorities

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace or traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent

with this act and designate certain streets upon which such vehicles may be operated

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 37 That subsection (c) of Section one thousand one hundred five of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1105 Uniformity and Control of Signs and Markings

(c) The Secretary of Highways and local officials in their respective jurisdictions shall have the authority to cause the removal of all colored or flashing light signs or other lights [or] signs or marking so located as to interfere with traffic or to be confused with or to obstruct the view or effectiveness of official signs traffic signals or markings

Section 38 That Section one thousand one hundred eight of said act be and the same is hereby amended to read as follows

Section 1108 Defacing signs

It shall be unlawful for any person to deface damage knock down [or] remove obstruct or interfere with any sign posted as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 39 That section one thousand one hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signals

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain traffic signals Before local authorities in counties or townships shall erect or cause to be erected traffic signals on a State Highway they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Traffic signals electrically operated shall conform to the following

1 Where a three-color system is used the yellow light following the red light shall not exceed three (3) seconds in length The timing of all lights shall be determined by the volume of traffic and other conditions

2 Where three colored lights are used the yellow shall be in the center

3 The light shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of not less than eight (8) feet above the pavement to the bottom of the signal if on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January [the] first [nineteen] one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

(c) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "Stop" plainly visible thereon and the go vanes a green field with the word "Go" plainly visible thereon

2 When used at night they shall be equipped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

(d) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated

(e) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top or left side the yellow lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it shall be located below or to the right of the green lens

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operated a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 40 That section one thousand two hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before [the magistrate nearest to the point where the alleged violation occurred or] a magistrate within the city borough incorporated town or township where the alleged violation occurred within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered

(b) Where the offense committed is designated a felony or misdemeanor information may be filed as now provided by law

Section 41 That section one thousand two hundred nine of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1209 Registration Number Prima Facie Evidence

In any proceeding for a violation of the provisions of this act or any local ordinance rule or regulation the registration plate displayed on such [motor] vehicle shall be prima facie evidence that the owner of such [motor] vehicle was then operating the same If at any hearing or proceeding the owner shall testify under oath or affirmation that he was not operating the said [motor] vehicle at the time of the alleged violation of this act or any local ordinance rule or regulation and shall submit himself to an examination as to who at that time was operating such motor vehicle and reveal the name of the person if known to him or if the information is made in a county other than that of his own residence shall forward to the magistrate an affidavit setting forth these facts then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted

Section 42 That subsection (b) of section one thousand two hundred twelve of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1212 Enforcement of Local Ordinances

(b) Prosecutions brought under any local ordinance rule [or] regulation or for common law offenses which are based on a violation for which there is a specific penalty provided in this act shall be deemed and considered as having been brought under this act and the disposition of the fines and forfeitures shall be so governed

Section 43 That section one thousand two hundred eighteen of said act is amended by adding thereto a subjection (d) as follows

Section 1218 Signals and Investigation by Officers

(d) It shall be unlawful for any operator of a vehicle to refuse to comply with any lawful order signal or di-

rection of a peace officer who shall be in uniform and shall exhibit his badge or other sign of authority

Section 44 Constitutional Construction

The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed as affecting or impairing any other provision of this act or the act as a whole It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 45 Effective Dates

(a) The following amendments shall become effective on and after January one one thousand nine hundred thirty-six

The definition of "commercial motor vehicle" as amended by section 1 of this amending act the provisions of section 14 insofar as they affect subsections (e) and (f) of section 801 of the act to which this is an amendment the provisions of section 15 insofar as they affect subsection (d) of section 802 of the act to which this is an amendment the provisions of sections 16 and 17 the provisions of section 21 insofar as they affect subsections (c) and (d) of section 811 of the act to which this is an amendment the provisions of sections 25 and 32

(b) All other provisions of this act shall be effective immediately upon the approval of this act by the Governor

The title was read as follows:

An Act to amend sections 102 203 as amended section 209 sections 402 410 411 as amended sections 505 602 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

On the question,

Will the House agree to the title?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title of the act by inserting after the numeral "602" the following: "712"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2184, entitled

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their contsruction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

The first section was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" are hereby amended to read as follows

[Route 04008 Beginning at a point on the Beaver Borough line about 0.25 of a mile east of the Dutch Ridge Road thence in a northwesterly direction to an intersection with Farmers Lane thence in a westerly direction across the Dutch Ridge Road to an intersection with Two-mile Run Road near Klingelhoffer farm in Beaver County a distance of about 1.0 mile]

Route 06116 Beginning at a point on Route 157 near the north borough line of Temple Borough thence in a southerly direction in Muhlenberg Township for a distance of about 0.07 of a mile on the Kutztown Road to the Temple Borough-Muhlenberg Township line beginning again at a point on the easterly boundary line of Temple Borough thence easterly through Muhlenberg and Alsace Townships to a point of road intersection about 0.5 of a mile east of the Muhlenberg-Alsace Township line thence southeasterly through Alsace Township to a point of road intersection about 0.5 of a mile southwest of the Ruscombmanor-Alsace Township line and about 1.8 miles northwest of Basket in Berks County a distance of about 3.7 miles

Route 06122 Beginning at a point of road intersection on the Ontelaunee-Maiden Creek Township line on Legislative Route 06002 about .3 of a mile northwest of its intersection with Legislative Route 506 thence northeasterly northwesterly northeasterly and easterly through Maiden Creek Township to a point of road intersection [about .4 of a mile northeast of South Evansville] with Legislative Route 06123 approximately 3,400 feet west of Evansville

Station thence beginning again at Evansville Station thence southeasterly through Maiden Creek Richmond and Ruscombmanor Township by way of Molltown and crossing Route 157 about .4 of a mile southwest of its intersection with the Richmond-Maiden Creek Township line and thence by way of Walnuttown to a point of road intersection about .4 of a mile south of the Ruscombmanor Richmond Township line thence southerly southwesterly and southeasterly through Ruscombmanor Township to a point of road intersection about one mile southwest of the northern terminus of State Aid Application 7202 in Ruscombmanor Township in Berks County a distance of about [8.7] 8.1 miles

Route 06123 Beginning at a point of road intersection with Legislative Route 06122 in Maiden Creek Township approximately 3,400 feet west of [near] Evansville Station northerly northeasterly and northwesterly through Maiden Creek and [Richmond] Perry Townships to a point of road intersection with Legislative Route 06124 approximately 8,700 feet west of [near] Moselem Station [in Richmond Township] in Berks County a distance of about [2] 2.1 miles

Route 08019 Beginning at a point on State Highway Route 17 about 1.25 miles south of the Monroeton Borough line thence easterly through Monroe Township about [three] 3.5 miles [thence northeasterly through Monroe Township] to the Asylum Township line [thence southeasterly through Asylum Township about one mile] thence northeasterly through Asylum Township about 0.6 of a mile to a road intersection thence southeasterly through Asylum Township about [one mile] 0.5 of a mile thence northeasterly through Asylum Township along Bennett's Creek to the intersection of State Highway Route 13 at Durell in Bradford Couny a distance of about [6.8] 7.3 miles

Route 10047 Beginning at a point [on Route 72 at Graham Terrace] at the Butler City Line on Roosevelt Boulevard thence [northeasterly] southeasterly and easterly via McQuiston School to State-aid Application 405 at a point about 100 feet south of the Butler City line in Butler County a distance of about [1] 1.5 miles

Route 11007 Beginning at a point on the west borough line of Ferndale approximately .25 of a mile south of the city line of Johnstown in Upper Yoder Township thence northwesterly through Upper Yoder Township to a point on State aid Application 5802 on the Southmont Borough and Upper Yoder Township line thence easterly through Upper Yoder Township on Hershberger Street and Hershberger Road to a point on the west line of Johnstown City in Cambria County a distance of about [1.9] 2.65 miles

Route 11011 Beginning at a point on State-aid Application 5802 on the Southmont Borough-Upper Yoder Township line in Southmont Borough and Upper Yoder Township thence northerly through Upper Yoder Township to the intersection of Elknud Lane and Crystal Way thence through Upper Yoder Township on Crystal Way to a point on the south line of Westmont Borough in Cambria County a distance of about 0.8 of a mile

Route 11028 Beginning at a point [on Route 276 approximately 0.5 of a mile north of Lilly Borough] on the north line of Lilly Borough at Portage Street in Washington Township Cambria County thence [easterly] northerly through Washington Township to a point on the Washington-Cresson Township line thence northeasterly through Cresson Township to the village of Dysartown thence northeasterly to a point on Route 53 [to] in the village of Summit thence northeasterly to [a point on the Cresson-Gallitzin Township line thence northerly through Gallitzin Township to a point on the southern borough line of Gallitzin and Tunnelhill] Union Cemetery approximately 0.3 of a mile north of Route 53 in Cambria County a distance of about [5.5] 3.6 miles

Route 19070 Beginning at a point on the northern borough line of Stillwater Borough thence northeasterly through Fishing Creek and Benton Township along Raven Creek to the intersection with State Highway Route 235 about 2.5 miles west of the Luzerne Couny line in Columbia Couny a distance of about [2.7] 3.1 miles

Route 22021 Beginning at a point in Swatara Township [about one-half mile east of Rutherford Station] on Route 139 near Boyd Station thence easterly and northerly through Swatara and Lower Paxton Townships to a point intersecting Route 22008 thence from a point in Lower Paxton Township intersecting Route 22008 northerly to a point intersecting Route 140 about one mile east of the Lower Paxton-Susquehanna Township line thence from a point intersecting Route 140 about one-half mile east of the Lower Paxton-Susquehanna Township line northerly through Lower Paxton Township to a point intersecting Route 22006 about one mile east of the Lower Paxton-Susquehanna Township line in Dauphin County a distance of about [6.65] 8.69 miles

Route 27007 Beginning at the east borough line of Tionesta being the German Hill Road extending easterly in Tionesta Township to a point on the Tionesta-Green Township line thence northeasterly in Green Township through Kiser's Corners and continuing eastwardly in Green Township to a point on the dividing line between Green and Kingsley Townships and continuing in a northeasterly direction in Kingsley Township by way of Starr to intersecting road about 0.8 of a mile northeast of Starr [,] and continuing in a northeasterly direction crossing Ross Run to a point of intersection with Route 27009 at Whig Hill Corners in Forest County a distance of about [6.2] 10.3 miles

Route 30001 Beginning at the West Virginia State line approximately [.5 of a] one mile southwest of Ned in Springhill Township thence northerly through Springhill Aleppo and Richhill Townships by way of Deep Valley Aleppo Ryerson Station Durbin and Crabapple to the line between Greene and Washington Counties at Majorsville in Green County a distance of about 25.0 miles

Route 30037 Beginning at intersection of Bissett Run Road and Barger Road thence easterly by way of Barger School House to [the New Freeport Borough line] a point on Route 111 also from a point on [this route] Route 30037 near the Pleasant Hill Church south to the West Virginia State line in Greene County a distance of about [1 mile] 4.05 miles

Route 35018 Beginning at a point on State Highway Route 9 at Chinchilla in South Abington Township thence in a westerly and southerly direction in South Abington Township [crossing] to a point on State Highway Route 671 about 0.9 of a mile southwest of the southwest borough line of Clarks Summit Borough beginning again on Route 671 about 0.5 of a mile southwest of the aforesaid borough line thence through South Abington and Newton Townships to a point where it intersects State Highway Route 440 approximately 0.5 of a mile southwest of Scranton Poor Farm in Lackawanna County a distance of about 3.2 miles

Route 36084 Beginning at a point in [Manor] Conestoga Township at the New Safe Harbor Station of the Columbia and Port Deposit Branch of the Pennsylvania Railroad thence northerly to a point intersecting Route 36005 [about one-eight mile west of the Manor-Conestoga Township line] in Lancaster County a distance of about [.94] .35 of a mile

Route 38001 Beginning at a point in South Londonderry Township on the Lebanon-Lancaster County boundary line about three miles [west] east of the Lebanon-Dauphin County line thence northwesterly through South Londonderry Township to a point intersecting Route 624 at Upper Lawn thence from a point intersecting Route 624 about one-half mile west of Upper Lawn northerly by way of Plainville to a point intersecting Route 501 at Campbellstown thence from a point intersecting Route 501 about one-half mile east of Campbellstown through South Londonderry and North Londonderry Township to a point on the southern boundary line of Palmyra Borough thence from a point on the northern boundary line of Palmyra through North Londonderry and North Annville Townships to a point intersecting Route 651 about one mile south of Bellegrove thence from a point in North Annville Township intersecting Route 651 at Bellegrove northerly through North Annville and East Hanover Townships by way of Harpers Tavern Indiantown and Indiantown Gap to a point intersecting Route 38039 [near] about one mile east of Saint Joseph Springs in Lebanon County a distance of about 20.8 miles

Route 38003 Beginning at a point in North Londonderry Township on Route 38001 about one-half mile east of the eastern line of Palmyra Borough thence westerly to a point on the eastern boundary line of Palmyra Bor-

ugh thence from a point on the northen boundary line f Palmyra Borough through North Londonderry and ast Hanover Townships by way of Valley Glen thence ortheastwardly from a point 1.4 miles north of Valley len intersecting Route 140 at a point about .5 of a mile est of East Hanover thence from a point intersecting oute 140 about one and one-half miles east of the Leba-on-Dauphin County line northerly and easterly through ast Hanover Township to a point intersecting Route 8001 about 0.1 of a mile north of Murray School thence ver Routes 38001 and 38023 to a point about 0.6 of a iles west of the East Hanover-Union Township line hence easterly and northeasterly through East Hanover nd Union Townships [by way of Rankstown] to a point ntersecting Route 141-Spur at Bordnersville in Lebanon ounty a distance of about [15.9] 15.5 miles

Route 38021 Beginning at [a point in Heidelberg Township intersecting] the Lebanon-Lancaster County line at he end of State-aid Application 7069 thence in a northerly direction through Heidelberg Township to an intersection with State-aid Application 6893 about one mile outh of Schaefferstown thence northerly to a point intersecting Route 38002 at Schaefferstown in Lebanon ounty a distance of about [1.0] 3.29 miles

Route 38023 Beginning at a point in East Hanover ownship intersecting Route 38001 about one-half mile outhwest of East Hanover-Union Township line thence ortheasterly through East Hanover [and Union Townships to a point intersecting Route 38003 about one-half ile east of Rankstown] Township to a road intersection bout 0.4 of a mile southwest of East Hanover-Union ownship line in Lebanon County a distance of about 1.0] 0.4 of a mile

Route 41029 Beginning at a point on State Highway oute 20 at the line between Old Lycoming and Lycoming Townships thence westerly on the Beauty's Run Road o a point about 0.75 of a mile from the Lycoming-Anhony Township line thence northwesterly through Lyoming Township to the intersection with Route 41030 bout [.75] 0.6 of a mile [southwest] north of the intersection of Route 41031 in Lycoming County a distance of bout [5] 5.5 miles

Route 41057 Beginning at a point on State Highway oute 19 at Glen Mawr thence northerly along Lick Run hrough Shrewsburg Township to a point about one mile outh of the Lycoming-Sullivan County line thence by elocation to a point on the Sullivan County line [at the nd of Route 56004 in Sullivan County] about 0.21 of a ile northwest of the point at which the present road rosses said county line in Lycoming County a distance f about [2.9] 3.0 miles

Route 44018 Beginning at a point in Wayne Township n the Huntingdon-Mifflin County line at the Juniata iver Bridge near Kistler Borough and leading along he northern line of Kistler Borough in a southeasterly nd then in a northeasterly direction through Wayne ownship to a point on the western boundary line of ewton Hamilton Borough in Mifflin County a distance f about 2.88 miles

Route 46069 Beginning at a point in Lower Merion ownship the intersection of Roberts Road and [Montomery Avenue] Route 142 thence northeasterly through ower Merion Township over Roberts Road and Swamp oad to a point the intersection of Swamp Road and ount Pleasant Road thence southeasterly through Lower erion Township to a point the intersection of Mount leasant Road and Waverly Road thence northeasterly hrough Lower Merion Township to a point the intersecion of Waverly Road with Youngs Ford Road thence orthwesterly and northerly still through Lower Merion ownship to a point on the Schuylkill Road about 8 of mile southeast of Woodlane Station on the Reading ailroad in Montgomery County a distance of about 4.4 iles

Route 55013 Beginning at a road intersection about .75 f a mile south of White Oak Churches in Larimer Townhip thence northwesterly through Larimer Township to he village of Deal thence northwesterly to a point on the arimer-Summit Township line on State-aid Application 384 in the village of Keystone beginning again at a oint on State-aid Application 6483 about 0.39 of a mile northwest of the Larimer-Summit Township line thence continuing in a northwesterly direction through Summit Township for a distance of about 0.1 of a mile to another point on State-aid Application 6483 in Somerset County a distance of about [6.2] 6.3 miles

Route 56004 Beginning at a point on the Sullivan-Lycoming County line about 3.0 miles north of Mawrglen and about 0.21 of a mile northwest of the present road crossing the county line thence by relocation northeasterly through Shrewsbury Township to a point on the existing road about 0.3 of a mile north of the county line thence in a general northwesterly direction through Shrewsbury Township and Hillsgrove Township to the intersection with State Highway Route 291 at Ogdonia in Sullivan County a distance of about [6.2] 6.0 miles

Route 60027 Beginning at the crossroads in Hill City and running easterly through Cranberry Township by way of J B Blauser Farm to a point on the dividing line between Cranberry and Pine Grove Townships thence northeasterly through Pine Grove Township by way of O B Perry Corners to the intersecting road at Centerville thence in a general northeasterly direction to Goodman's Corners thence in a general easterly direction in Pine Grove Township to an intersection with Route 60029 south of the village of Venus in Venango County a distance of about [4.1] 10.1 miles

Route 66009 Beginning at a point in Manheim Township intersecting Route 60007 about .5 of a mile south of the Manheim-Heidelberg Township line thence northeasterly through Manheim and Codorus Townships to a point on the western boundary line of Jefferson Borough thence from a point [in North Codorus Township intersecting State-aid Application 2003 near the Codorus-North Codorus Township line] at the northern end of State-aid Application 2003-A at the North Codorus Township-Jefferson Borough line thence westerly through North Codorus and Heidelberg Townships to a point intersecting Route 66007 at Porters thence from a point intersecting Route 66007 about .25 of a mile northwest of Porters northerly through Heidelberg and Jackson Townships by way of Iron Bridge intersecting Route 230 to a point in Jackson Township into Route 66008 about .5 of a mile west of Spring Grove Borough in York County a distance of about 12.75 miles

On the question.

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, Page 6 by inserting after Line 3, ending with the word "miles" and before Line 4, the following:

Route 15057. Beginning at a point [of road intersection in East Marlboro Township] about [one mile east of Upland] 1.5 miles west of Unionville; thence northerly through East Marlboro and Newlin Townships about [two] 1.1 miles [crossing Route 360 near Station 440,] to a point of road intersection; thence northeasterly and northerly through Newlin Township to a point of road intersection on the south bank of Brandywine Creek; thence westerly through Newlin Township along the Brandywine Creek to a point of road intersection about .25 of a mile west of Laurel; thence northwesterly through Newlin and East Fallowfield Townships, following the Brandywine Creek, to a point on the eastern boundary line of Modena Borough in Chester County, a distance of about [8] 6.56 miles.

Route 18020. Beginning at the north end of State-aid Application 5551 near Gleasonton; thence north through Chapman Township to [connect with the Forestry road] Elk's Country Club along Young Woman's Creek, in Clinton County, a distance of about [1.5] 5.46 miles.

Amend Section 1, Page 6 by inserting after Line 9 ending with the word "miles" and before Line 10, the following:

Route 22003. Beginning at a point on Route 1 in Halifax Township, 1.5 miles north of Matamoras; thence easterly and northerly through Halifax, Wayne [and] Jefferson and Jackson Townships, via Waynesville, Enterline, Carsonville, to a point [in Jefferson Township at the intersection of two township roads approximately three and one-half miles east of Jefferson-Wayne Township line] on the south line of Lykens Borough, in Dauphin County, a distance of about [12.66] 16.91 miles.

Route 22018. Beginning at a point [in] on the Steelton Borough-Swatara Township line at Pine Street, thence in a general northeasterly direction intersecting Route 618 about one mile northwest of Oberlin; thence easterly through Swatara Township to a point intersecting Route 139 about one mile west of Hummelstown Borough; thence from a point intersecting Route 139 about one and one quarter miles west of Hummelstown Borough, northerly through Swatara, South Hanover, and Lower Paxton Townships, to a point intersecting Route 140 about one mile west of the Lower Paxton-West Hanover Township line, in Dauphin County, a distance of about [10.13] 10.78 miles.

Amend Section 1, Page 6 by inserting after Line 23 ending with the word "miles" and before Line 24, the following:

Route 22026. Beginning at a point in Middle Paxton Township intersecting Route 1 about one-half mile northwest of Speeceville; thence easterly through Middle Paxton Township to a point intersecting Route 22004 about two miles north of Dauphin Borough; thence from a point intersecting Route 22004 about one mile north of Dauphin Borough; thence from a point intersecting Route 22004 about one mile north of Dauphin Borough easterly through Middle Paxton [Township for a distance of 1.54 miles, from the last named intersection] and Rush Townships to a point opposite the water company's dam on Clark Creek, in Dauphin County, a distance of about [5.18] 13.18 miles.

Route 25001. Beginning at a point in the Erie-Crawford County line about 2.5 miles east of the Ohio State line; thence northerly in Conneaut [Township] and Springfield Townships through Tracy to a point on Route [709 at Richard's Corners, about 0.75 of a mile east of Ackerly's Corners] 85 near its intersection with Route 25003, in Erie County, a distance of about [2.8] 5.9 miles.

Route 25010. Beginning at a point on the north line of Crawford County, being the Pageville-Crossingville Road; thence northwesterly and northerly in Elk Creek Township through Pageville [to a point on Route 709 at] and Murphy's Corners, [about one mile northwest of Pageville] to the intersection of Routes 25011 and 25012, in Erie County, a distance of about [2.2] 4.7 miles.

Route 25025. Beginning at a point on Route 272 about .3 of a mile west of Walnut Creek, being the Dutch road; thence north approximately parallel with Walnut Creek in Fairview Township to a point on Route 86 at Manchester School, thence northwesterly, northerly and southeasterly to a point on Route 86, about .25 of a mile [west] east of Walnut Creek, in Erie County, a distance of about [1.2] 2.6 miles.

Route 25044. Beginning at Darrow's Corners, and extending east in Concord Township to Haynes School Corners; thence north to Drake's Corners; thence northeast to a point on Route [567 near Casey farm] 25076 about [.6] .4 of a mile south of the Corry City line, in Erie County, a distance of about [3.4] 4.6 miles.

Route 25079. Beginning at a point on Route 85 about 2.5 miles south of Albion Borough, at Cross Corners; thence westerly through Conneaut Township, via Pennside, for about 2.0 miles; thence northerly, through Conneaut and Springfield Townships, via Carter's Corners, [to an intersection with Route 85 at] Knapp's Corners, [about 2.0 miles west of Albion Borough] and Kidder's Corners to a point on Route 25004 near Sherman's Corners, in Erie County, a distance of about [5.0] 7.7 miles.

Amend Section 1, page 7 by inserting after line 22 ending with the word "miles" and before line 23, the following:

Route 31007. Beginning at a point on the Huntingdon-Fulton County line approximately one-half mile west of the Clay-Wood Township line, in Wood Township, Huntingdon County; thence northerly through Wood [Township] and Todd Townships along Sideling Hill Creek to a point on [the Wood-Todd Township line] Route 310 approximately one-half mile west of the Wood-[Clay] Todd Township line, in Huntingdon County, distance about [4.1] 5.0 miles.

Amend Section 1, page 10 by inserting after line 14 ending with the word "mile" and before line 15, the following:

Route 40044. Beginning at a point on the present northerly end of county road in Jenkins Township approximately one mile southeast of Laflin Borough line; then northerly through Jenkins Township to [the southeastern borough line of Yatesville near] an intersection with State Highway Route 515; beginning again at a point on the Yatesville Borough-Jenkins Township line at Stout Street thence northwesterly through Jenkins Township to an intersection with Route 40038, in Luzerne County, a distance of about [2] 2.6 miles.

Amend Section 1, page 11 by inserting after line 26 ending with the word "miles" and before line 27, the following:

Route 48025. Beginning at a point on [State Highway Route 166 at Chestnut Hill in Forks Township; thence northerly through Forks Township] the northern line of the city of Easton; thence northerly through Forks and Lower Mt. Bethel Townships to a point, where it intersects Route 48025 approximately .25 of a mile east of the Forks-Lower Mt. Bethel Township line, in Northampton County, a distance of about [4.35] 4.45 miles.

Amend Section 1, page 12 by inserting after line 9 ending with the word "miles" and before line 10, the following:

Route 55064. Beginning at a point on Route 186 about 1.75 miles east of the village of Lavanville, Somerset Township; thence northerly through Somerset Township to a point on the Somerset-Jefferson-Lincoln Township line; thence northwesterly along Jefferson-Lincoln Township line, in Jefferson and Lincoln Townships, to a point near Gillette; thence northwesterly in Lincoln Township via Zufall, to a point on the Somerset-Westmoreland County line, at Laurel Summit, in Somerset County, a distance of about [8.7] 10.0 miles.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 That said act is hereby amended by adding thereto the following routes

ADAMS COUNTY

Route 01054 Beginning at a point on Route 298 immediately south of Greenmount and extending in a southeasterly northeasterly and easterly direction through Cumberland Township to a point on Route 01003 about 0.2 a mile south of an intersection with Route 375 in Adams County a distance of about 4.1 miles

Route 01055 Beginning at a point on Route 01027 about 1.0 mile northeast of an intersection with Route 010 and extending in a general easterly director through Mount Joy and Germany Townships to a point on State aid Application 111 about 0.3 of a mile southwest of St John's Church in Adams County a distance of about 4 miles

Route 01056 Beginning at a point on State-aid Application 3412 about 0.5 of a mile north of the Maryland State line and extending in an easterly direction through Germany Township by way of Kingdale and Georgetown to a point on Route 42 about 0.2 of a mile north of the Maryland State line in Adams County a distance of about 3.0 miles

Route 01057 Beginning at a road intersection about 3 miles northwest of Marshalls and extending in a northeasterly direction through Hamiltonban Township to the Hamiltonban-Franklin Township line thence northeast

·ly easterly southerly and southeasterly through Frank-n and Hamiltonban Townships by way of Mt Carmel hurch to a point on Route 01001 in Orrtanna in Adams ounty a distance of about 5.2 miles

Route 01058 Beginning at a point on Route 231 about 1 of a mile west of an intersection with Route 01003 and rtending in a northerly and northwesterly direction rough Mt Pleasant and Straban Townships to a point n Route 126 at or near Granite in Adams County a dis-nce of about 3.3 miles

Route 01059 Beginning at a point on Route 01005 at entennial and extending in a northerly northwesterly nd northeasterly direction through Mt Pleasant and Ox-rd Townships to a point on State-aid Application 6810 bout 0.4 of a mile south of Irishtown in Adams County a stance of about 1.85 miles

Route 01060 Beginning at a road intersection about 0.7 a mile north of Centennial and extending in an easterly rection through Mt. Pleasant and Conewago Townships a point on State-aid Application 5510 about 0.4 of a mile utheast of the Oxford-Conewago Township line in dams County a distance of about 1.0 mile

Route 01061 Beginning at a point on State-aid Applica-on 6810 about 1.0 mile southeast of Irishtown and ex-nding in a general northerly direction through Oxford ownship to a point on State-aid Application 6810 about 5 of a mile northeast of Irishtown in Adams County a stance of about 1.4 miles

Route 01062 Beginning at the intersection of Routes 31 and 01034 and extending in an easterly direction rough Conewago Township by way of Midway to the dams-York County line in Adams County a distance of bout 0.6 of a mile

Route 01063 Beginning at a point on Route 01001 just rth of Brysonia and extending in a northeasterly direc-on through Menallen Township to the Bendersville Bor-ugh-Menallen Township line in Adams County a distance about 3.9 miles

Route 01064 Beginning at the northern borough line of endersville Borough and extending in a northwesterly nd northeasterly direction through Menallen Township ast Cottage Hill School to a point on Route 01006 at Mt. abor in Adams County a distance of about 3.0 miles

Route 01065 Beginning at a point on Route 01047 im-ediately east of Gargol and extending in a northerly rection through Huntingdon Township to a point on oute 01012 about 0.1 of a mile east of the Adams-Cumber-nd County line in Adams County a distance of about 2.1 iles

ARMSTRONG COUNTY

Route 03097 Beginning at a point at Eleventh Street n the east borough line of Apollo Borough thence in a eneral northeasterly direction through Kiskiminetas ownship on the Sugar Hollow Road to a point on Route 3041 about 0.7 of a mile northwest of the intersection of outes 188 and 03041 in Armstrong County a distance of bout 3.5 miles

Route 03098 Beginning at a point on the east borough ne of Leechburg Borough thence in a northeasterly di-ection through Gilpin Township to a road intersection ience in a northwesterly direction to a point on Route 3036 about 1.5 miles northeast of its intersection with oute 203 in Armstrong County a distance of about 1.5 iles

Route 03099 Beginning at a point on Route 203 about 5 miles north of Leechburg thence in a southeasterly di-ection through Gilpin Township to a point on Route 3036 about 1.5 miles northeast of its intersection with oute 203 in Armstrong County a distance of about 1.6 iles

Route 03100 Beginning at a point on Route 03054 at irty thence in a southeasterly direction through South end Township along the north side of Crooked Creek to point on Route 319 at or near South Bend in Armstrong ounty a distance of about 2.8 miles

Route 03101 Beginning at a point on Route 03054 near irty thence southwesterly through South Bend and Kiski-inetas Townships to a point on Route 03046 near Shady lain in Armstrong County a distance of about 2.9 miles

Route 03102 Beginning at a point on Route 69 at its in-rsection with Route 03004 thence in a general north-westerly direction through South Buffalo Township by way of Iron Bridge to a point on the Armstrong-Butler County line in Armstrong County a distance of about 2.8 miles

Route 03103 Beginning at a point on Route 03060 at Pyrna thence northeasterly and southeasterly through Kiskiminetas and Plum Creek Townships to a point on Route 03058 about 1.25 miles southwest of the intersection of Routes 67 and 03058 in Armstrong County a distance of about 2.2 miles

Route 03104 Beginning at a point on Route 03050 in the village of Heilman thence in a southeasterly direction through Kittanning Township along Garrett Run and North Run to a point on Route 03060 about 0.5 of a mile northwest of Rockville in Armstrong County a distance of about 3.5 miles

Route 03105 Beginning at a point on Route 03010 in the village of North Buffalo thence in a northeasterly easterly and northeasterly direction through North Buffalo Township to the southwestern terminus of Route 03018 in Armstrong County a distance of about 2.1 miles

Route 03106 Beginning at a point on Route 69 at McHaddon thence in a northwesterly direction through North Buffalo and West Franklin Townships to a point on the southeast corner of Worthington Borough in Armstrong County a distance of about 4.4 miles

Route 03107 Beginning at a point on the north borough line of Applewold thence in a northwesterly direction through East Franklin Township to a point on Route 251 about 0.1 of a mile south of the intersection of Routes 71 and 251 in Armstrong County a distance of about 1.0 mile

Route 03108 Beginning at a point on Route 03052 at Tunnelville thence in a general northwesterly direction through Bethel and Manor Townships to a point on Route 203 about 1.5 miles south of Ford Cliff in Armstrong County a distance of about 3.0 miles

Route 03109 Beginning at a point on Route 03076 about 0.8 of a mile east of Bryan thence in a southeasterly direction through Cowanshannock Township to a point on Route 534 about 1.5 miles southwest of Barnards in Armstrong County a distance of about 2.2 miles

Route 03110 Beginning at a point on Route 534 about 0.5 of a mile north of the Wayne-Cowanshannock Township line thence in a general southwesterly direction through Wayne and Cowanshannock Townships to a point on Route 03109 about 1.1 miles northwest of the intersection of Routes 03109 and 534 in Armstrong County a distance of about 3.3 miles

Route 03111 Beginning at a point on Route 03078 at or near Mateer School thence in a general northeasterly direction through Boggs Township to an intersection with Route 703 about 2.0 miles west of Gohenville in Armstrong County a distance of about 2.9 miles

Route 03112 Beginning at a point on Route 03023 about 0.5 of a mile southwest of Reesdale thence in a southwesterly direction through Washington Township to the end of Route 03024 about 0.7 of a mile north of Dickey in Armstrong County a distance of about 1.3 miles

Route 03113 Beginning at a point on Route 03029 about 0.4 of a mile east of its intersection with Route 03030 thence in a general northeasterly direction through Perry Township to Millers Eddy in Armstrong County a distance of about 1.5 miles

Route 03114 Beginning at the southern end of Route 03085 at Deanville thence in a southeasterly direction through Madison Township to a road intersection in Armstrong County a distance of about 1.8 miles

Route 03115 Beginning at a point on Route 03075 at or near Putneyville thence in a northeasterly direction through Mahoning Township to a road intersection at or near the Mahoning-Redbank Township line in Armstrong County a distance of about 1.0 mile

Route 03116 Beginning at a point on Route 66 about 0.5 of a mile northeast of Oakland (Distant Post Office) thence in an easterly and southeasterly direction through Mahoning Township to a road intersection at or near the Mahoning-Redbank Township line in Armstrong County a distance of about 3.4 miles

Route 03117 Beginning at a point on Route 03084 about 0.7 of a mile west of the Madison-Mahoning Township line thence in a northerly direction through Madison Township

to the Armstrong-Clarion County line at the village of St. Charles in Armstrong County a distance of about 2.5 miles

Route 03118 Beginning at a point on Route 03029 about 0.7 of a mile northwest of the village of Queenstown thence in a general northeasterly direction through Perry Township to a road intersection in the village of Hillville in Armstrong County a distance of about 2.8 miles

Route 03119 Beginning at a point on Route 534 about 0.5 of a mile south of Dayton Borough thence easterly through Wayne Township to the Armstrong-Indiana County line in Armstrong County a distance of about 1.4 miles

BEAVER COUNTY

Route 04088 Beginning at a point on Route 115 about 0.5 of a mile south of the intersection of Routes 115 and 04046 thence in a southeasterly and easterly direction through Hanover Township to a point on Route 538 about 0.9 of a mile southeast of the intersection of Routes 538 and 115 in Beaver County a distance of about 1.1 miles

Route 04089 Beginning at the Ambridge Borough-Harmony Township line about 0.25 of a mile north of the Allegheny-Beaver County line and extending in a northeasterly and northerly direction through Harmony Township to a point on Route 04011 about 0.1 of a mile west of the Economy-Harmony Township line in Beaver County a distance of about 1.2 miles

Route 04090 Beginning at a point on State-aid Application 4846 about 0.6 of a mile southeast of an intersection with Route 04025 and extending in a northeasterly and northerly direction through Economy Township to a point on Route 04018 about 0.6 of a mile south of the Economy-New Sewickley Township line in Beaver County a distance of about 2.4 miles

Route 04091 Beginning at a point on Application 892 approximately 0.2 of a mile southeast of the intersection of Routes 04066 and 972 with Application 892 thence in a southerly and southeasterly direction through Brighton Township to a point at the intersection of Brighton and Borough Townships and Beaver Borough in Beaver County a distance of about 2.9 miles

Route 04092 Beginning at a point on State-aid Application 892 about 1.0 mile southeast of the intersection of Routes 972 and 04066 with Application 892 thence northeasterly through Brighton and Patterson Townships to an intersection with Route 04004 near the Patterson Township-Fallston Borough line in Beaver County a distance of about 1.34 miles

Route 04093 Beginning at a point on Route 532 about 0.6 of a mile east of the New Sewickley Township-Freedom Borough line and extending in a northerly direction through New Sewickley Township to a point on Route 04085 about 1.0 mile northeast of the Rochester-New Sewickley Township line in Beaver County a distance of about 2.5 miles

Route 04094 Beginning at a point on Route 04081 about 0.5 of a mile east of the Daugherty-Pulaski Township line thence in a northeasterly direction through Daugherty Township to a point on Route 04076 about 0.5 of a mile west of the intersection of Routes 04076 and 04063 in Beaver County a distance of about 2.5 miles

Route 04095 Beginning at a point on Route 04062 about 0.5 of a mile southeast of an intersection with Route 04081 and extending in a northeasterly direction through New Sewickley and Marion Townships to a point on Route 04030 immediately north of the Marion-New Sewickley Township line in Beaver County a distance of about 1.8 miles

Route 04096 Beginning at a point on Route 04062 about 1.0 miles northwest of the Butler-Beaver County line and extending in a northerly direction through New Sewickley Township to the southern terminus of Route 04039 in Beaver County a distance of about 1.4 miles

Route 04097 Beginning at a point on Route 640 about 1.2 miles west of its intersection with Route 04001 thence in a northerly direction through South Beaver and Darlington Townships to a point on Route 481 about 1.5 miles east of the Ohio-Pennsylvania State line in Beaver County a distance of about 2.6 miles

Route 04098 Beginning at a point on Route 04032 approximately 0.5 of a mile north of its intersection with Route 204 thence in a northerly direction through Chippewa and Big Beaver Townships to a point on Route 04057 approximately 0.5 of a mile south of the crossing of the Pennsylvania Railroad in Beaver County a distance of about 2.3 miles

Route 04099 Beginning at a point on Route 04012 immediately north of its crossing with the Pennsylvania Railroad thence in an easterly direction through Big Beaver Township along Clarks Run a distance of approximately 0.5 of a mile thence in a northerly direction to a point on Route 354 at or near its intersection with Route 04086 in Beaver County a distance of about 2 miles

Route 04100 Beginning at a point on Route 04078 about 0.3 of a mile northwest of an intersection with Route 04087 and extending in a general northwesterly direction through North Sewickley Township to a point on Route 482 about 0.25 of a mile south of the Connoquesnessing Creek in Beaver County a distance of about 1.5 miles

Route 04101 Beginning at a point at the eastern terminus of Route 04026 and extending in a southerly and easterly direction through Marion Township Beaver County to the Beaver-Butler County line thence in an easterly direction through Jackson Township Butler County to a point on Route 78 about 0.1 of a mile east of the Beaver-Butler County line a distance of about 2.3 miles

BEDFORD COUNTY

Route 05092 Beginning at a point on Route 05017 approximately 0.25 of a mile east of the village of Patience on Route 48 thence northerly through Cumberland Valley Township along the eastern road to the Cumberland Valley-Bedford Township line thence northerly through Bedford Township to a point on Route 48 approximately 0.5 of a mile east of the intersection of Route 05029 in Bedford County a distance of about 7.5 miles

Route 05093 Beginning at a point on a public road approximately 0.9 of a mile south of its intersection with Route 05039 just west of Route 286 thence northwesterly through West Providence Township to a point on Route 05039 approximately 0.25 of a mile east of its intersection with Route 05034 in Bedford County a distance of about 0.9 of a mile

Route 05094 Beginning at a point on Route 05033 approximately 1.0 mile north of the village of Mench thence easterly through West Providence Township to the West Providence-East Providence Township line thence easterly through East Providence Township to a point on Route 05021 near Cedar Grove Church in Bedford County a distance of about 2.2 miles

Route 05095 Beginning at a point on Route 05009 approximately 1.0 mile east of the village of Mattie thence northeasterly and northerly through East Providence Township to a point on Route 05031 approximately 1 mile west of the village of Gapsville in Bedford County a distance of about 4.2 miles

Route 05096 Beginning at a point on Route 356 where it intersects Route 05043 then in a general westerly direction through Napier Township to a point on the Bedford Somerset County line in Bedford County a distance of about 4.4 miles

Route 05097 Beginning at a point on Route 05026 about 0.2 of a mile southeast of Manns Choice Borough thence in a northwesterly direction through Harrison Township to the Harrison Township-Manns Choice Borough line a distance of about 0.2 of a mile beginning again on the north borough line of Manns Choice Borough thence in a northwesterly direction through Harrison Township to the Harrison Township-Manns Choice Borough line a distance of about 0.2 of a mile beginning again on the north borough line of Manns Choice Borough thence continuing in a northwesterly direction through Harrison Township crossing Route 49 for a distance of about 0.2 of a mile to the Harrison-Napier Township line thence northerly through Napier Township to a point on Route 119 thence northeasterly to a point on Route 05045 thence from another point on Route 05045 near Amick School northerly to the Napier-East St. Clair Township line thence northerly through East St Clair Township to a point on Route 222 approximately 0.75 of a mile west of

t[illegible]t St Clair-Bedford Township line in Bedford C[illegible]y a total distance of about 8.3 miles

Route 05098 Beginning at a point on Route 05065 approximately 0.5 of a mile east of the intersection with Route 356 in West St Clair Township thence northeasterly through West St Clair Township along Dunning Creek to a point on Route 222 approximately 1.0 mile northwest of the village of Spring Meadow in Bedford County a distance of about 3.1 miles

Route 05099 Beginning at a point on Route 222 approximately 1.0 mile southeast of Fishertown thence northerly through East St Clair Township to a point on Route 222-A approximately 0.25 of a mile west of the village of Reynoldsdale in Bedford County a distance of about 2.4 miles

Route 05100 Beginning at a point on Route 05051 at or near the village of Imlertown thence northerly through Bedford Township by way of the village of Cobler and westerly to Route 05052 then westerly along Oppenheimer Run to the Bedford-East St Clair Township line thence westerly through East St Clair Township to a point on Route 47 approximately 0.75 of a mile north of the village of Cessna in Bedford County a distance of about 4.5 miles

Route 05101 Beginning at a point on Route 05062 approximately 0.75 of a mile southeast of the village of Salemville thence northerly through South Woodbury Township to a point on Application 1169 at or near the village of New Enterprise in Bedford County a distance of about 2.3 miles

Route 05102 Beginning at the intersection of Routes 593 and 05058 approximately 0.5 of a mile east of the village of Langdondale thence northeasterly through Broad Top Township by way of the village of Kearney to a point on Route 05061 approximately 0.5 of a mile west of the village of Finleyville in Bedford County a distance of about 4.1 miles

Route 05103 Beginning at a point on the Bedford-Blair County line west of the village of Baker's Summit thence northeasterly through Bloomfield Township to a point on Route 674 approximately 0.25 of a mile south of the intersection of Route 674 and Route 674-A in Bedford County a distance of about 2.0 miles

BERKS COUNTY

Route 06147 Beginning at a point on Route 149 in Heidelberg Township approximately 0.5 of a mile east of Womelsdorf Borough thence in a southerly and southeasterly direction through Heidelberg Township to a point on the line dividing Berks and Lebanon Counties approximately 0.8 of a mile northwest of a point at the intersection of the Lebanon Berks and Lancaster County lines in Heidelberg Township Berks County a distance of about 3.3 miles

Route 06148 Beginning at a point on the Wernersville Borough-Lower Heidelberg Township line thence in a northeasterly direction through Lower Heidelberg Township to a point on Route 06058 in Berks County a distance of about 0.6 of a mile

Route 06049 Beginning at a point on Route 06038 at State Hill in Lower Heidelberg Township thence easterly and northeasterly through Lower Heidelberg and Bern Townships to a point on Route 06039 about 0.7 of a mile south of Leinbachs in Berks County a distance of about 2.8 miles

Route 06150 Beginning at a point on Route 06038 in Spring Township at the west borough line of Wyomissing Hill Borough thence extending northeasterly 1.8 miles thence extending northwesterly westerly and southwesterly about 0.6 of a mile to a point of road intersection in Spring Township thence northwesterly by way of a covered bridge over the Tulpehocken Creek into Bern Township thence extending northerly through Bern Township about 0.6 of a mile to a point on Route 310 at Station 219+72 also from the aforesaid covered bridge in a westerly and southerly direction through Spring Township to a point on Route 06039 at Van Reed's Paper Mill in Berks County a total distance of about 3.8 miles

Route 06151 Beginning at a road intersection in the southwestern corner of Alsace Township about 0.25 of a mile east of Route 06113 and at the most northerly point of what is known as the Skyline Boulevard thence northeasterly and northerly through Alsace Township to a point on Route 06113 approximately 2.5 miles northeast of the Reading City line in Berks County a distance of about 1.8 miles

Route 06152 Beginning at an intersection with Route 147 at the village of Gibraltar in Robeson Township and extending in a northerly easterly and northerly direction through Robeson and Exeter Townships to an intersection with Route 146 in Berks County a distance of about 1.7 miles

Route 06153 Beginning at a point on Route 147 at Gring's Gas Station thence southwesterly for a distance of about 1.4 miles thence northwesterly to a point on Route 06097 about 0.5 of a mile south of the intersection of Routes 06097 and 06099 in Union Township Berks County a distance of about 2.7 miles

Route 06154 Beginning at a point on Route 06101 about 0.4 of a mile southeast of the intersection of Routes 06101 and 06102 near Pine Forge thence in a southeasterly direction through Douglass Township to a point on Route 06103 about 0.4 of a mile northwest of the Montgomery-Berks County line in Berks County a distance of about 0.4 of a mile

Route 06155 Beginning at a point on State-aid Application 1031 in Douglass Township about 0.4 of a mile southwest of the village of Greshville extending in a southerly and southwesterly direction through Douglass Township to an intersection with Route 06102 about 0.7 of a mile southwest of the village of Pine Forge thence again from an intersection with Route 06102 south of Manatawny Creek in a southerly and easterly direction through Douglass Township to an intersection with Route 06101 about 0.5 of a mile north of Route 146 in Berks County a distance of about 5.8 miles

Route 06156 Beginning at a point on Route 06034 in Earl Township approximately 0.7 of a mile north of Earlville thence northwesterly and northerly through Earl and Oley Townships to a point on Route 197 about 0.7 of a mile southeast of Pleasantville in Berks County a distance of about 4.1 miles

Route 06157 Beginning at a point on Route 06098 about 1.5 miles west of the Pike-Washington Township line at Hill Church thence in a northerly and northeasterly direction through Pike Township to a point on the Pike-District Township line about 1.25 miles northwest of the Pike-Washington Township line thence in a general northerly direction through District Township to a point on Route 06095 near Landis Store beginning again on Route 06095 near Landis Store thence in a northeasterly direction through District and Hereford Townships to a point on Route 06140 about 0.1 of a mile west of Huff Church in Berks County a distance of about 6.3 miles

Route 06158 Beginning at a point on Route 06140 about 1.9 miles east of Stony Point in Rockland Township thence northwesterly through Rockland and Maxatawny Townships to a point on Route 06119 near Bowers in Berks County a distance of about 2.8 miles

Route 06159 Beginning at a point on Route 06008 in Rockland Township about 0.4 of a mile north of Stony Point thence northeasterly through Rockland and Maxatawny Townships to a point on Route 06119 and 0.3 of a mile south of Bowers in Berks County a distance of about 1.2 miles

Route 06160 Beginning at a point on the Topton Borough-Longswamp Township line in Longswamp Township thence northeasterly and northerly by way of Ringtown Schweyers and Kline's Corner to a point on Route 157 about 0.25 of a mile west of the Berks-Lehigh County line in Berks County a distance of about 3.4 miles

Route 06161 Beginning at a point on Route 06004 approximately 0.6 of a mile southwest of the Berks-Schuylkill County line in Bethel Township thence southwesterly and westerly through Bethel Township to a point on the Berks-Lebanon County line approximately 1.5 miles northwest of Route 141 also from a road intersection about one mile southwest of Route 06004 at Gerhart's Mills thence southerly through Bethel Township to a point on Route 06001 at Meckville in Berks County a distance of about 3.2 miles

Route 06162 Beginning at a point on Route 06020 in Jefferson Township near the intersection of Mill and Tulpehocken Creek thence westerly and southwesterly through Jefferson and Tulpehocken Townships to a point on Route 382 at Host in Berks County a distance of about 2.8 miles

Route 06163 Beginning at a point on Route 06036 about 0.5 of a mile northwest of Dauberville in Center Township thence northwesterly and northeasterly through Center Township to a point on Route 06031 near Centerport Borough in Berks County a distance of about 2.8 miles

Route 06164 Beginning at a point on the southmost end of Route 06046 at Berne in Tilden Township thence southerly and southwesterly through Tilden and Center Townships to a point of road intersection about 2.6 miles northwest of Centerport Borough thence southerly and southeasterly through Center Township to a point where it intersects the northern borough line of Centerport borough in Berks County a distance of about 3.7 miles

Route 06165 Beginning at a point on Route 06032 in Tilden Township about 0.6 of a mile southwest of Upper Bern thence southeasterly through Tilden and Center Townships by way of the United Brethren Church to a road intersection about 0.1 of a mile south of the Tilden-Center Township line in Berks County a distance of about 1.6 miles

Route 06166 Beginning at a point on Route 06126 approximately 0.3 of a mile southeast of its intersection with Route 06125 thence in a westerly and northwesterly direction through Perry and Windsor Townships to a point on Route 06125 at Windsor Castle in Berks County a distance of about 1.6 miles

Route 06167 Beginning at a point on Route 06125 in Windsor Township approximately 0.7 of a mile east of Hamburg Borough thence southeasterly and easterly through Windsor Township to a point on Route 06125 about 0.6 of a mile northwest of the village of Windsor Castle in Berks County a distance of about 1.1 miles

Route 06168 Beginning at a point on Route 06125 in Perry Township approximately 0.3 of a mile northwest of Virginville thence northerly through Perry Windsor and Greenwich Townships to a point where it intersects the eastern borough line of Lenhartsville Borough in Berks County a distance of about 3.6 miles

Route 06169 Beginning at a point on Route 06139 about 0.1 of a mile west of the Richmond-Maxatawny Township line in Richmond Township thence northwesterly and southerly through Richmond Township by way of Crystal Cave to a point on Route 06139 about one mile east of Virginville in Berks County a distance of about 3.4 miles

Route 06170 Beginning at a point on Route 06130 about two miles west of the intersection of Route 06130 and 06131 thence in a general southerly southeasterly and southerly direction through Albany Township by way of the farms of Elton Trexler and Jefferson Snyder and the New Bethel Union Church to a point on Route 06129 about one mile west of Albany in Berks County a distance of about 2.5 miles

Route 06171 Beginning at a point on Route 06134 in Albany Township approximately 0.1 of a mile northwest of Wessnerville thence northeasterly and easterly through Albany Township to a point on the Berks and Lehigh County line about 0.3 of a mile southeast of Route 06133 in Berks County a distance of about 0.7 of a mile

Route 06172 Beginning at a point on Route 06133 near Kempton Station thence in a northwesterly direction through Albany Township to a point on Route 285 near Trexler Station in Berks County a distance of about 0.7 of a mile

Route 06173 Beginning at a point on Route 06120 at Henningsville thence in a southeasterly direction through Longswamp and District Townships to a point on Route 06140 at Peter Smith Corner about 1.3 miles east of the point of intersection with Route 06095 in Berks County a distance of about 1.3 miles

Route 06174 Beginning at a point on Route 06031 about 0.5 of a mile southeast of Centerport thence in a northeasterly direction through Center Township to the Center Township-Shoemakersville Borough line in Berks County a distance of about 2.1 miles

BLAIR COUNTY

Route 07036 Beginning at a point on Route 47 at the intersection of Application 5732 thence easterly through Greenfield Township to a point on the Blair-Bedford County line east of the village of Sproul in Blair County a distance of about 1.8 miles

Route 07037 Beginning at a point on Route 47 approximately 1.5 miles north of Claysburg thence northwesterly through Greenfield Township along Polecat Run to the Greenfield-Freedom Township line thence through Freedom Township to a point on Route 07006 approximately 0.6 of a mile east of the Freedom-Juniata Township line in Blair County a distance of about 5.1 miles

Route 07038 Beginning at a point on Route 07002 approximately 3.5 miles west of the village of Fredericksburg in Greenfield Township thence northerly through Greenfield Township to the Greenfield-Juniata Township line thence northerly through Juniata Township to a point on Route 07006 in the village of Blue Knob in Blair County a distance of about 1.2 miles

Route 07039 Beginning at a point on the east borough line of Williamsburg Borough on Front Street in Woodbury Township thence northeasterly along the Frankstown Branch of the Juniata River through Woodbury Township to a point on Route 07013 about 0.3 of a mile north of the village of Fisherville a distance of about 1.7 miles thence beginning again at a point on Route 07013 about 0.7 of a mile north of the village of Fisherville thence easterly and northeasterly through Woodbury Township for a distance of about 2.7 miles to a point on the Blair-Huntingdon County line approximately 0.8 of a mile northwest of the Walker-Porter Woodbury Township line in Blair County a total distance of about 4.4 miles.

Route 07040 Beginning at a point on Route 860 immediately south of the village of Homer and extending in a northeasterly direction through Logan Township to an intersection with Route 07026 in Blair County a distance of about 2.1 miles

Route 07041 Beginning at an intersection with Route 07027 about 0.2 of a mile south of the Bellwood Borough-Antis Township line and extending in an easterly direction through Antis Township to an intersection with Route 55 in Blair County a distance of about 0.7 of a mile

BRADFORD COUNTY

Route 08121 Beginning at a point on Route 08008 about 0.4 of a mile west of the Overton-Albany Township line thence in a northeasterly direction through Overton and Albany Townships to a point on the west borough line of New Albany in Bradford County a distance of about 2.6 miles

Route 08122 Beginning at a point on Route 08013 about 0.5 of a mile east of Wilmot thence in a general southerly direction through Wilmot Township to Route 08118 at Kauffman's Cross Roads in Bradford County a distance of about 2.4 miles

Route 08123 Beginning at a point on Route 08040 about 1.0 miles northeast of Minnequa thence in a southerly direction through Canton Township to a point on Route 299 about 1.5 miles west of East Canton in Bradford County a distance of about 1.3 miles

Route 08124 Beginning at a point on Route 17 about 0.5 of a mile north of Stevenson thence in a general northesterly direction through Albany and Terry Townships to a point on Route 08020 about 0.5 of a mile east of the Asylum-Terry Township line in Bradford County a distance of about 5.5 miles

Route 08125 Beginning at a point on Route 08017 about 0.75 of a mile northeast of its intersection with Route 13 thence in a northeasterly direction through Wilmot Township to a road intersection at Quicks Bend in Bradford County a distance of about 1.5 miles

Route 08126 Beginning at a point on Route 241 near its intersection with Application 1043 thence in a northeasterly direction through Wyalusing Township to a point on Route 08031 about 0.1 of a mile east of Merryall in Bradford County a distance of about 2.9 miles

Route 08127 Beginning at a point on Route 08076 at Bacon Forks thence in a southerly direction through Asylum Township to a point on the Asylum-Wyalusing

Township line in Bradford County a distance of about 1.4 miles

Route 08128 Beginning at a point on Route 08032 about 0.5 of a mile northeast of its intersection with Route 08102 thence in a general southeasterly direction through Tuscarora Township to a point on Route 559 at Silvara in Bradford County a distance of about 3.9 miles.

Route 08129 Beginning at a point on Route 20 about 0.7 of a mile south of Troy thence southeasterly through Troy Township to a point on Route 08044 about 1.75 miles southwest of East Troy in Bradford a distance of about 1.5 miles

Route 08130 Beginning at a point on Route 08062 about 1.7 miles east of Vroman Hill thence in northeasterly direction through West Burlington and Burlington Townships to a point on Route 08069 about 0.1 of a mile northwest of Mountain Lake in Bradford County a distance of about 2.6 miles

Route 08131 Beginning at a point on Route 08072 about 2.0 miles east of Overshot thence southerly to a road intersection thence easterly through Towanda Township to the southern borough line of Towanda Borough in Bradford County a distance of about 3.3 miles

Route 08132 Beginning at a point on Route 08022 about 0.1 of a mile southeast of the Towanda-Monroe Township line thence in a general easterly direction through Monroe Towanda and Asylum Townships by way of Uhdey to a point on Route 08019 near Durell in Bradford County a distance of about 3.0 miles

Route 08133 Beginning at a point on Route 15 about 0.1 of a mile east of the intersection of Routes 15 and 08107 thence in a northerly and easterly direction in the village of East Towanda Wysox Township to a point on Route 15 about 0.3 of a mile west of the point of beginning in Bradford County a distance of about 0.2 of a mile

Route 08134 Beginning at a point on Route 08055 at Leona thence northeasterly and easterly through Springfield Township to a point on Route 08056 about 0.1 of a mile west of Wetona in Bradford County a distance of about 2.6 miles

Route 08135 Beginning at a point on Route 212 about 0.2 of a mile south of Luther Mills thence in a northerly and northeasterly direction through Burlington and Ulster Townships by way of Luther Mills to a point on Route 08075 at Saco in Bradford County a distance of about 3.2 miles

Route 08136 Beginning at a point on Route 08075 near the Smithfield-Ulster Township line thence in a northerly direction through Smithfield Township to a point on Route 08073 about 0.2 of a mile southwest of the Smithfield-Ulster Township line in Bradford County a distance of about 0.7 of a mile

Route 08137 Beginning at a point on Route 08077 about 1.5 miles southeast of Sheshequin thence in a southwesterly and southerly direction through Sheshequin Township Bradford County a distance of about 2.1 miles

Route 08138 Beginning at a point on Route 08077 at Horn Brook thence in a southwesterly direction through Sheshequin Township to a road intersection in Bradford County a distance of about 0.9 of a mile

Route 08139 Beginning at a point on Route 08078 about 0.5 of a mile south of Apex thence around Lake Wysauking through Wysox Township to a point on Route 08078 about 1.2 miles south of Apex in Bradford County a distance of about 1.1 miles

Route 08140 Beginning at a point on Route 08049 about 1.7 miles southeast of Soper Hollow thence in a general northeasterly direction through Columbia and Wells Townships to a point on Route 08050 at Corryland in Bradford County a distance of about 2.7 miles

Route 08141 Beginning at a point on Route 08054 about 0.5 of a mile west of East Smithfield thence in a northwesterly direction through Smithfield Township to a road intersection in Bradford County a distance of about 1.1 miles

Route 08142 Beginning at a point on Route 08078 near its intersection with Route 08079 at North Rome thence northeasterly and easterly through Rome Township by way of Towner to a point on Route 08006 about 1.0 mile north of Rome Borough in Bradford County a distance of about 4.0 miles

Route 08143 Beginning at a point on Route 699 about 0.5 of a mile southwest of Warren Center thence in a general southerly direction through Warren Township to a point on Route 08094 about 0.5 of a mile southeast of South Warren in Bradford County a distance of about 3.65 miles

Route 08144 Beginning at a point on Route 08058 about 3.0 miles south of Gillette thence easterly and northeasterly through South Creek and Ridgebury Townships to a point on Route 08059 about 0.2 of a mile west of its intersection with Application 4310 in Bradford County a distance of about 3.4 miles

Route 08145 Beginning at a point on Route 08077 about 0.8 of a mile south of its intersection with Route 08081 thence easterly and southerly about 1.8 miles to a road intersection thence easterly and northeasterly through Athens and Litchfield Townships to a point on Route 08083 about 1.2 miles west of its intersection with Route 08082 in Bradford County a distance of about 3.6 miles

Route 08146 Beginning at a point on Route 08052 about 1.5 miles west of the South Creek-Wells Township line thence in a general northerly direction through Wells Township to a point on the Pennsylvania-New York State line about 2.0 miles east of Route 308 in Bradford County a distance of about 2.8 miles

Route 08147 Beginning at a point on Route 080114 about 0.5 of a mile north of its intersection with Route 08066 thence in an easterly direction through Athens Township to a point on the Sayre Borough line in Bradford County a distance of about 0.6 of a mile

Route 08148 Beginning at the end of Route 08081 near the Susquehanna River thence in a northerly and easterly direction through Athens Township crossing Route 08077 to a point on Route 08081 about 0.7 of a mile east of its intersection with Route 08077 in Bradford County a distance of about 1.0 mile

Route 08149 Beginning at a point on Route 08084 near Litchfield thence in a northerly and northeasterly direction through Litchfield Township about 1.9 miles to a road intersection thence southeasterly to a point on Route 08084 about 1.0 mile southwest of its intersection with Route 08078 in Bradford County a distance of about 2.4 miles

Route 08150 Beginning at a point on the northeast corner of Sayre Borough thence in a northeasterly direction through Athens Township to a point on the New York-Pennsylvania State line in Bradford County a distance of about 0.7 of a mile

Route 018151 Beginning at a point on Route 14-Spur "E" about 0.5 of a mile south of the intersection of Route 14 and Route 14-Spur "E" thence in a southerly and easterly direction through Stevens Township to a point on the Bradford-Susquehanna County line in Bradford County a distance of about 0.4 of a mile

BUTLER COUNTY

Route 10088 Beginning at a point on Route 1001 at Hendersonville thence in a northerly direction through Cranberry Township to a point on Route 10008 at or near the Sample School in Butler County a distance of about 1.6 miles

Route 10089 Beginning at the southern end of State-aid Application 417 thence in a southwesterly direction through Clinton Township to the northern end of State-aid Application 4046 beginning again on the southern end of Application 4046 and extending in a southeasterly direction through Clinton Township to the Butler-Allegheny County line in Butler County a total distance of about 4.4 miles

Route 10090 Beginning at a point on Route 739 at Sarver thence in a southeasterly direction through Buffalo Township by way of Sandy Lick to the intersection of Route 387 about 1.0 miles northwest of the intersection of Routes 387 and 10027 in Butler County a distance of about 2.1 miles

Route 10091 Beginning at a point on Route 309 about 1.2 miles southeast of Evansburg Borough at or near Watters Station thence in a general easterly direction through

Forward Township to a point on Route 10011 about 0.2 of a mile northeast of the Forward-Adams Township line in Butler County a distance of about 3.2 miles

Route 10092 Beginning at a point on Route 10013 about 0.3 of a mile northwest of the Adams-Middlesex Township line thence through Adams Forward and Penn Townships in a northerly and northeasterly direction crossing Route 10014 to a point on Route 10087 at or near Penn School of Aviation in Butler County a distance of about 3.6 miles

Route 10093 Beginning at a point on Route 10020 about 1.25 miles west of the intersection of Routes 10020 and 387 thence in a northwesterly direction through Jefferson and Penn Townships to a point on Route 10021 about 0.25 of a mile northeast of Rockdale Church in Butler County a distance of about 1.4 miles

Route 10094 Beginning at the southern end of State aid application 270 thence in a southeasterly direction through Jefferson Township to a point on Route 10020 near the intersection of Routes 387 and 10032 at or near Jefferson Center in Butler County a distance of about 2.2 miles

Route 10095 Beginning at a point on Route 78 at or near the southern line of Connoquenessing Borough thence in a southerly northeasterly and southeasterly direction through Forward Township by way of the cross roads at the W. J. Purviance farm and Ribold Station to an intersection with Route 10014 at or near the intersection of Routes 10014 and 10015 in Butler County a distance of about 3.1 miles

Route 10096 Beginning at a point on Route 72 about 0.5 of a mile north of the intersection of Routes 72 and 10022 thence in a westerly direction through Penn Township to a point on Route 10011 about 0.5 of a mile south of the Penn-Butler Township line in Butler County a distance of about 0.9 of a mile

Route 10097 Beginning at a point on Route 246 about 0.2 of a mile north of the Lancaster-Jackson Township line thence in a northwesterly and northerly direction by way of the old Schiever School and the Red Brush School to a point on Route 10040 about 0.5 of a mile east of the Lancaster Township-Lawrence County line in Butler County a distance of about 5.2 miles

Route 10098 Beginning at a point on Route 10041 just north of the crossing of Little Connoquenessing Creek thence in a general northeasterly direction through Lancaster and Connoquenessing Townships to a point on Route 10043 about 0.5 of a mile south of Whitestown near Mt. Nebo Church in Butler County a distance of about 5.6 miles

Route 10099 Beginning at a point on Route 73 at or near the intersection of Route 10056 thence in a general southeasterly direction through Center Butler and Summit Townships to a point on Route 75 at or near the Summit-Oakland Township line in Butler County a distance of about 2.4 miles

Route 10100 Beginning at a point on Route 71 about 0.3 of a mile east of the Clearfield-Summit Township line at L. J. Cramer's Garage thence in a northerly direction by way of the Jacob Cramer Cross Roads Lucasville Station Saint Joe Cross Roads and Danville Cross Roads through Clearfield and Donegal Townships to a point on Route 214 about 0.3 of a mile west of North Oakland Station in Butler County a distance of about 5.3 miles

Route 10101 Beginning at a point on the north borough line of West Liberty Borough thence in a northerly direction through Brady and Slippery Rock Townships by way of the Ralston School to a point on the south borough line of Slippery Rock Borough in Butler County a distance of about 2.3 miles

Route 10102 Beginning at a point on Route 10064 at or near the Pipe Stem School thence in a general southwesterly direction through Cherry and Clay Townships to a point on Route 10062 about 0.2 of a mile west of the Nazarne Church in Butler County a distance of about 2.4 miles

Route 10103 Beginning at a point on Route 75 about 2.3 miles northeast of Hooker thence in a general easterly direction through Concord and Fairview Townships by way of the cross roads at the Jeff Campbell farm to a point on the western line of Fairview Borough in Butler County a distance of about 4.2 miles

Route 10104 Beginning at a point on Route 10063 about 0.1 of a mile north of the bridge over a branch of the Slippery Rock Creek thence in a general northwesterly direction crossing Route 10068 through Cherry and Marion Townships to a point on Route 10070 about 1.4 miles west of Boyers Post Office (Anandale Station) in Butler County a distance of about 3.2 miles

Route 10105 Beginning at a point on the Venango-Butler County line at the southern end of Route 60002 thence southerly through Marion Township by way of Mt. Olive Church to an intersection with Route 10073 about 0.2 of a mile west of Van Dyke School in Butler County a distance of about 1.5 miles

Route 10106 Beginning at a point on the Venango-Butler County line south of Eakin Corners thence southerly through Venango Township for a distance of 0.4 of a mile to a point on the Venango Township-Cherry Valley Borough line in Butler County a distance of about 0.4 of a mile

Route 10107 Beginning at a point on Route 10007 about 1.6 miles southwest of the intersection of Routes 10007 and 309 thence in a northerly and westerly direction through Adams Township to a point on the Adams-Cranberry Township line in Butler County a distance of about 1.0 mile

CAMERON COUNTY

Route 12007 Beginning at a point on the Shippen Township-Emporium Borough line at the South Broad Street Bridge thence in a general southwesterly direction through Shippen Township to a road intersection in Cameron County a distance of about 3.6 miles

CENTRE COUNTY

Route 14036 Beginning at a point on Route 57 about 1.5 miles south of the intersection of Routes 57 and 14001 thence southwesterly about 0.1 of a mile through Rush township to a road intersection thence northerly westerly and northerly through Rush Township to a point on the Centre-Clearfied County line in Centre County a distance of about 1.2 miles

Route 14037 Beginning at a point at the end of Application 5228 thence northeasterly through Rush Township to the Centre-Clearfield County line in Centre County a disance of about 1.75 miles

Route 14038 Beginning at a point on Route 346 at Fillmore in Patton Township thence in a northwesterly direction along the Patton-Benner Township line in Patton Township for about 1.0 mile thence in a northeasterly direction in Benner Township to a point on Route 14017 in Centre County a distance of about 2.3 miles

Route 14039 Beginning at a point on Route 56 about one mile west of Lemont thence in a general northerly direction through College Township to Houserville in Centre County a distance of about 2.5 miles

Route 14040 Beginning at a point on Route 346 about 0.3 of a mile southwest of the Spring-Benner Township line thence in a general southeasterly direction through Benner Township to Fisherman's Paradise in Centre County a distance of about 3.2 miles

Route 14041 Beginning at a point on Route 14017 approximately 0.1 of a mile west of the western borough line of Bellefonte thence in a westerly direction to an intersection with Route 14017 in Spring Township Centre County a distance of about 0.5 of a mile

Route 14042 Beginning at a point on Route 14031 near Farmer's Mills thence in an easterly direction through Gregg Township to a point on Route 14033 about 1.0 mile north of Penn Hall in Centre County a distance of about 3.5 miles

Route 14043 Beginning at a point on Route 27 about 0.4 of a mile west of Penn Hall thence in an easterly and northerly direction through Gregg Township to a point on Route 27 about 0.1 of a mile west of the Gregg Penn Township line in Centre County a distance of about 1.8 miles

Route 14044 Beginning at a point on Route 873 about 0.3 of a mile southeast of Millheim Borough thence in general northwesterly direction through Penn and Haines Townships to a point on Route 27 at Aaronsburg in Centre County a distance of about 1.3 miles

Route 14045 Beginning at a point on Route 27 about 2.0 miles east of Aaronsburg thence in a southerly di-

rection through Haines Township to a point on Route 14032 about 1.7 miles east of the Haines-Penn Township line in Centre County a distance of about 1.9 miles

Route 14046 Beginning at a point on Route 27 about 0.5 of a mile west of Fiedler thence in a northerly easterly and southerly direction through Haines Township to a point on Route 27 about 0.1 of a mile west of Woodward in Centre County a distance of about 4.6 miles

CHESTER COUNTY

Route 15162 Beginning at a point on Route 15010 about 0.6 of a mile northwest of the East Nottingham-Elk Township line hence in a northeasterly southeasterly and northeasterly direction through East Nottingham and Elk Townships to a point on Route 605 at or near the intersection of Routes 605 and 15014 at Hickory Hill in Chester County a distance of about 2.1 miles

Route 15163 Beginning at a point on Route 15012 about 1.3 miles west of the intersection of Route 15012 and State-aid Application 90 thence in a general north-easterly direction through New London and Penn Townships to a point on State-aid Application 296 about 0.6 of a mile southeast of the intersection of State-aid Application 296 and Route 15008 in Chester County a distance of about 1.38 miles

Route 15164 Beginning at a point on Route 15022 about 1.7 miles northwest of the intersection of Routes 15022 and 15017 thence in a southwesterly direction through Franklin Township to the Franklin-New London Township line in Chester County a distance of about 1.7 miles.

Route 15165 Beginning at a point on Route 15017 about 0.1 of a mile northwest of the intersection of Routes 15017 and 15019 thence in a general northerly direction through New Garden Township to a point on Route 215 about 1.0 mile northwest of the intersection of Routes 215 and 15036 in Chester County a distance of about 2.9 miles

Route 15166 Beginning at a point on Route 15024 about 1.0 mile northeast of an intersection with Route 15025 and extending in a general northwesterly direction through Lower Oxford Township to a point on Route 15025 at or near the crossing of Muddy Run at Cream in Chester County a distance of about 1.7 miles

Route 15167 Beginning at a point on Route 274 about 0.3 of a mile northeast of the intersection of Routes 274 and 15026 at or near Hayesville thence in an easterly direction through Lower Oxford and Upper Oxford Townships to a point on Route 15027 about 0.4 of a mile south of the intersection of Routes 15027 and 15029 in Chester County a distance of about 1.8 miles

Route 15168 Beginning at a point on Route 15022 about 0.1 of a mile south of the southern limit of West Grove Borough thence in a northeasterly direction through London Grove Township to a point on Route 131 about 0.5 of a mile southeast of the western limit of West Grove Borough in Chester County a distance of about 1.0 mile

Route 15169 Beginning at a point on Route 15025 at or near the West Fallowfield-Upper Oxford Township line thence in a northwesterly direction through West Fallowfield Township to a road intersection thence in a westerly direction to the Octoraro Creek being the dividing line between Lancaster and Chester Counties in Chester County a distance of about 1.6 miles

Route 15170 Beginning at a point on Route 15025 about 1.9 miles southwest of the intersection of Routes 15025 274 and 215 thence in a southwesterly direction through West Fallowfield Township to a point on Route 15169 about 0.4 of a mile east of the Octoraro Creek in Chester County a distance of about 1.5 miles

Route 15171 Beginning at a point on Route 215 about 1.0 mile northwest of the intersection of Routes 215 and 15053 thence in a general southwesterly direction through Londonderry Township to a point on Route 15032 about 0.9 of a mile southwest of the intersection of Routes 15032 and 15053 in Chester County a distance of about 2.1 miles

Route 15172 Beginning at a point on Route 15053 about 0.3 of a mile northeast of an intersection with Route 215 thence in a general northerly direction through Londonderry and Highland Townships to a point on Route 15053 about 0.25 of a mile southeast of an intersection with Route 541 in Chester County a distance of about 1.4 miles

Route 15173 Beginning at a point on Route 15032 about 0.1 of a mile west of the West Marlboro-London Grove-Londonderry Township line thence in a general northeasterly direction through Londonderry and West Marlboro Townships to a point on Route 15045 at or near the intersection of Routes 15045 and 15056 in Chester County a distance of about 1.3 miles

Route 15174 Beginning at a point on Route 15084 about 0.6 of a mile southeast of the intersection of Routes 273 and 15084 thence in a general northeasterly direction through East Marlboro and Pocopson Townships to a point on Route 15048 about 0.4 of a mile north of an intersection with Route 15084 in Chester County a distance of about 1.95 miles

Route 15175 Beginning at a point on Route 15048 about 0.4 of a mile south of the intersection of Routes 15048 and 413 thence in a general easterly direction through Pocopson Township to a point on Route 15084 about 0.45 of a mile northwest of the intersection of Routes 15084 and 134 in Chester County a distance of about 1.0 mile

Route 15176 Beginning at a point on Route 15084 about 0.7 of a mile west of an intersection with Route 134 and extending in a northerly direction through Pocopson Township to Route 15175 thence from a point on Route 15175 in a northerly direction through Pocopson Township to a point on Route 15083 about 1.0 mile northwest of Lenape in Chester County a distance of about 2.4 miles

Route 15177 Beginning at a point on Route 15060 about 0.7 of a mile north of the intersection of Routes 15060 and 15058 thence in a general southwesterly direction through West Fallowfield Township to a point on Route 15058 at or near its western terminus thence continuing to the Octoraro Creek at Steelville in Chester County a distance of about 1.7 miles

Route 15178 Beginning at a point on Route 15110 about 1.55 miles north of the intersection of Routes 15110 and 541 thence in a northeasterly and northerly direction through Highland East Fallowfield and Valley Townships by way of Glenrose and crossing Route 15067 to a point on State-aid Application 3835 at Westwood in Chester County a distance of about 2.62 miles

Route 15179 Beginning at a point on Route 15057 about 0.6 of a mile northeast of an intersection with Route 15069 thence in a northeasterly direction through Newlin Township to a point on Route 15070 at or near the intersection with Route 273 in Chester County a distance of about 1.1 miles

Route 15180 Beginning at a point on Route 273 immediately east of Broad Run and extending in a general westerly direction through West Bradford to a road intersection in Chester County a distance of about 1.05 miles

Route 15181 Beginning at a point on Route 15090 about 0.6 of a mile north of an intersection with Routes 626 and 15091 and extending in a northeasterly direction through Westtown Township to a point on Route 179 about 0.7 of a mile northwest of Tanguy in Chester County a distance of about 1.55 miles

Route 15182 Beginning at a point on State-aid Application 4691 about 0.05 of a mile southwest of an intersection with Route 133 and extending in an easterly southerly and northeasterly direction through East Goshen Township to a point on Route 133 at or near the East Goshen-Westtown Township line in Chester County a distance of about 0.9 of a mile

Route 15183 Beginning at a point on Route 15092 about 0.3 of a mile north of Copeland School and extending in a general northerly and northeasterly direction through East Bradford West Goshen and West Whiteland Townships to a point on Route 15094 at or near the West Goshen-West Whiteland Township line in Chester County a distance of about 1.8 miles

Route 15184 Beginning at a point on Route 15097 at Kirkland Station and extending in a northerly direction through West Whiteland Township to a point on Route 15095 thence again from a point on Route 15095 in a general northwesterly direction through West Whiteland Township to a point on Route 142 about 0.65 of a mile north of Ship Road Station of the Pennsylvania Railroad in Chester County a distance of about 1.5 miles

Route 15185 Beginning at a point on Route 15121 at Martin's Corner thence in a general northerly direction

through West Caln and Honeybrook Townships to a point on Route 137 about 1.7 miles east of the intersection of Routes 137 and 15143 in Chester County a distance of about 2.9 miles

Route 15186 Beginning at a point on Route 15121 at or near Reeceville thence in an easterly northerly and easterly direction through West Brandywine Township to a point on Route 137 at or near the intersection of Routes 612 and 15154 in Chester County a distance of about 2.5 miles

Route 15187 Beginning at a point on Route 15124 about 0.7 of a mile east of an intersection with Route 15127 thence in an easterly southeasterly and easterly direction through East Brandywine Township to a point on Route 328 about 0.9 of a mile north of the Caln-East Brandywine Township line in Chester County a distance of about 1.85 miles

Route 15188 Beginning at a point on Route 328 at or near the East Brandywine-Upper Uwchlan-Uwchlan Township line at Brandywine Creek thence in a general northeasterly direction through East Brandywine Upper Uwchlan and Uwchlan Townships to a point on Route 15141 about 0.2 of a mile south of the Upper Uwchlan-Uwchlan Township line in Chester County a distance of about 1.6 miles

Route 15189 Beginning at a point on Route 147 about 1.15 miles east of Lionville thence in a general easterly and northeasterly direction through Uwchlan West Pikeland and Charleston Townships to a point on Route 15009 about 0.1 of a mile northwest of an intersection with Route 15046 in Chester County a distance of about 3.8 miles

Route 15190 Beginning at a point on Route 15139 about 0.1 of a mile southeast of Pine Creek thence in a northeasterly direction through West Pikeland Township to a point on Route 15009 about 0.75 of a mile south of Chester Springs in Chester County a distance of about 1.1 miles

Route 15191 Beginning at a point on Route 15154 about 0.9 of a mile southwest of the intersection of Routes 15154 and 328 thence in a general northwesterly direction through Wallace Township to a point on Route 502 in Chester County a distance of about 2.25 miles

Route 15192 Beginning at a point on Route 270 about 0.45 of a mile north of the West Pikeland-East Pikeland Township line thence in a general northeasterly direction through East Pikeland Township to a point on Route 270 at Kimberton in Chester County a distance of about 2.2 miles

Route 15193 Beginning at a point on Route 270 about 0.7 of a mile north of the East Pikeland-West Vincent Township line thence in a northwesterly direction through West Vincent Township to a point on Route 15079 about 1.15 miles southwest of a intersection with Route 15071 in Chester County a distance of about 0.9 of a mile

Route 15194 Beginning at a point on Route 15085 at or near Birchrunville thence in a northeasterly direction through West Vincent and East Vincent Townships to a point on Route 15071 at Sheeder in Chester County a distance of about 1.9 miles

Route 15195 Beginning at a point on Route 15139 at Marsh thence in a general northerly direction through East Nantmeal and Warwick Townships to a point on Route 372 about 0.35 of a mile east of the intersection of Routes 372 and 15133 in Chester County a distance of about 2.4 miles

Route 15196 Beginning at a point on Route 372 about 0.85 of a mile northwest of the East Pikeland-East Vincent Township line thence in a northeasterly direction through East Vincent Township to a point on Route 15101 about 0.6 of a mile northwest of an intersection with Route 201 in Chester County a distance of about 1.1 miles

Route 15197 Beginning at a point on Route 15128 at Cedarville thence in a general easterly and southeasterly direction through North Coventry and East Coventry Townships to a point on Route 15125 about 0.75 of a mile south of an intersection with Route 201 thence from said point on Route 15125 in a southeasterly and northeasterly direction through East Soventry Township to a point on Route 201 about 0.4 of a mile northwest of an intersection with Route 15101 in Chester County a distance of about 4.75 miles

COLUMBIA COUNTY

Route 19081 Beginning at a point on the Columbia-Northumberland County line at the eastern terminus of Route 49015 thence southeasterly through Conyngham Township to the Schuylkill County line in Columbia County a distance of about 0.3 of a mile

Route 19082 Beginning at a point on the Columbia-Schuylkill County line thence northeasterly through Conyngham Township to a point on the southern borough line of Centralia Borough in Columbia County a distance of about 1.39 miles

Route 19083 Beginning at a point on the east line of Centralia Borough thence easterly and southerly through Conyngham Township to the Schuylkill County line in Columbia County a distance of 1.6 miles

Route 19084 Beginning at a point on Route 19004 about 0.5 of a mile northwest of the intersection of Routes 19002 and 19004 thence in a southwesterly direction through Cleveland Township to an intersection with Route 19002 about 0.5 of a mile west of the intersection of Routes 19002 and 19004 in Columbia County a distance of about 0.7 of a mile

Route 19085 Beginning at a point on Route 19009 about 0.1 of a mile northwest of the village of Mill Grove thence in a northeasterly direction through Roaring Creek Township to an intersection with Route 19005 near the village of Kulp in Columbia County a distance of about 0.8 of a mile

Route 19086 Beginning at a point on Route 183 near the Locust-Catawissa Township line thence in a general southeasterly direction through Locust Township by way of Slabtown to a second point on Route 183 about 0.5 of a mile southwest of Slabtown in Columbia County a distance of about 2.0 miles

Route 19087 Beginning at a point on Route 183 about 0.2 of a mile southeast of the intersection of Routes 183 and 283 thence southeasterly about 0.3 of a mile through Catawissa Township to a road intersection thence easterly and southeasterly about 1.5 miles to an intersection with Route 19010 in Columbia County a distance of about 1.8 miles

Route 19088 Beginning at Route 415 at Shumans thence in a northeasterly direction through Beaver Township to an intersection with Route 19016 at Dog Town in Columbia County a distance of about 1.1 miles

Route 19089 Beginning at the Catawissa Borough line at the northeast end of Second Street thence in a northeasterly and easterly direction through Catawissa Township to an intersection with Route 283 about 0.5 of a mile southwest of the intersection of Routes 283 and 19020 in Columbia County a distance of about 2.7 miles

Route 19090 Beginning at a point on Route 415 near the consolidated school in Main Township thence in a northerly direction through Main Township past the Reformed Church to an intersection with Route 19020 in Columbia County a distance of about 1.75 miles

Route 19091 Beginning at a point on Route 4 about 0.2 of a mile east of Espy thence northeasterly through Scott Township about 2.0 miles to a road intersection thence in a general westerly direction to an intersection with Route 16 about 0.8 of a mile south of Light Street Station in Columbia County a distance of about 4.8 miles

Route 19092 Beginning at a point on Route 19023 about 1.0 mile south of Mifflinville thence southerly to Hofnagle Corners thence westerly to an intersection with Route 19021 in Mifflin Township Columbia County a distance of about 2.1 miles

Route 19093 Beginning at the intersection of First Street with Route 19023 in Mifflinville thence over First and Race Streets for a distance of about 0.8 of a mile to a road intersection thence northwesterly to a second point on Route 19023 in Mifflin Township Columbia County a distance of about 1.0 mile

Route 19094 Beginning at an intersection with Route 19023 about 0.3 of a mile east of the village of Hetlerville thence in a northeasterly and northerly direction through Mifflin Township for a distance of about 1.6 miles to a road intersection thence northerly and northeasterly about 0.3 of a mile to the Luzerne County line in Columbia County a distance of about 1.9 miles

Route 19095 Beginning at a point on Route 609 about 0.4 of a mile south of the Hemlock-Madison Township line thence westerly through Hemlock Township for a distance of about 1.3 miles to a road intersection thence northwesterly through Madison Township to an intersection with Route 19048 about 0.2 of a mile northeast of the Montour County line Columbia County a distance of about 2.8 miles

Route 19096 Beginning at a point on Route 16 about 0.2 of a mile northeast of the intersection of Routes 16 and 19030 thence in a northeasterly direction through Orange and Fishing Creek Townships for a distance of about 1.4 miles to a road intersection thence northerly through Fishing Creek Township to an intersection with Route 19067 about 0.1 of a mile southeast of the southwest corner of Stillwater Borough in Columbia County a distance of about 3.5 miles

Route 19097 Beginning at a point on Route 19044 about 1.0 mile south of the intersection of Routes 19040 and 19044 thence through Briar Creek Township in an easterly direction crossing Route 19040 for a distance of about 1.1 miles to a road intersection thence northerly about 0.05 of a mile to a road intersection northeasterly and easterly to the Luzerne County line in Columbia County a distance of about 2.6 miles

Route 19098 Beginning at the intersection of Routes 19069 and 19078 at Bendertown thence westerly in Fishing Creek Township to an intersection with Route 19067 in Columbia County a distance fo about 0.8 of a mile

Route 19099 Beginning at a point on Route 19070 about 0.8 of a mile north of the Benton-Fishing Creek Township line thence in an easterly direction through Benton Township to an intersection with Route 19069 in Columbia County a distance of about 2.3 miles

CRAWFORD COUNTY

Route 20110 Beginning at a point on the Mercer-Crawford County line and running in a general northerly direction through West Fallowfield Township past the Rocky Glenn Cemetery to an intersection with Route 82 approximately 0.4 of a mile south of Adamsville in Crawford County a distance of about 1.5 miles

Route 20111 Beginning at the point of intersection of Routes 20013 and 20014 at Henry Corners thence in a general northerly direction through East Fallowfield Township to a point on Route 20011 at McLehanan Corner thence northerly through East Fallowfield Township to McIntyre Corners thence in a northeasterly direction to a point on Route 20016 at McMichaels Corners in Crawford County a distance of about 5.2 miles

Route 20112 Beginning at a point on Route 20019 at Custards thence in a general northerly direction through Greenwood Union and Vernon Townships by way of Center Road Corners Wilson Shute Corners and Geneva Road Corners to a point on Route 82 just west of Kerrtown in Crawford County a distance of about 7.0 miles

Route 20113 Beginning at a point on Route 85 at Dennys Corners thence in an easterly and southeasterly direction through Hayfield and Vernon Townships by way of Turners Corners to a point at the intersection of Routes 20053 and 20109 at Culbertson Corners in Crawford County a distance of about 3.4 miles

Route 20114 Beginning at a point on Route 20087 at McCartneys Corners thence in a northerly direction through Randolph Township to Hickory Corners thence easterly to a point on Route 20090 at Basil Corners in Crawford County a distance of about 3.5 miles

Route 20115 Beginning at a point on Route 448 at Shriners Corners thence in a southerly direction through Troy Township to a road intersection in Crawford County a distance of about 1.2 miles

Route 20116 Beginning at a point on the dividing line between Hydetown Borough and Oil Creek Township thence in a general northwesterly direction through Oil Creek Township to a point on the dividing line between Oil Creek and Troy Townships thence in a northwesterly direction through Troy Townships to a point on the dividing line between Troy and Steuben Townships thence northwesterly through Steuben Township to a point on Route 20097 at Clappville in Crawford County a distance of about 4.1 miles

Route 20117 Beginning at a point on Route 20039 at Steamburg and running in an easterly direction through Conneaut Township to a point on Route 20038 at Turkey Track Corners in Crawford County a distance of about 4.3 miles

Route 20118 Beginning at a point on Route 20088 at Lyona Corners thence in a general northeasterly direction through Richmond Township to a point on Route 200 at New Richmond thence in a general northerly direction through Richmond Township to a point at the intersection of Routes 697 and 20080 at Miles Corner in Crawford County a distance of about 4.5 miles

Route 20119 Beginning at a point on Route 20098 at Buckley's Corners thence in a northerly direction through Steuben Township to a point on the dividing line between Steuben and Athens Townships at Barr Corners thence in a general northerly direction through Athens Township by way of Russell School to a point on Route 200 at Little Cooley in Crawford County a distance of about 4.0 miles

Route 20120 Beginning at Route 20097 at Mageetown Corner thence easterly through Rome Township along the Mageetown-Excelsior Road by way of McLaughlin Corner Randall's Corner Morris Corner and Vroeman to the dividing line between Crawford and Warren County in Crawford County a distance of about 6.4 miles

Route 20121 Beginning at a point on Route 20070 at Baugher Corners thence northeasterly and easterly through Woodcock and Richmond Townships along the Teepleville-Woodcock Road by way of Hutchinson Corners to a point on Route 20073 at Herrick Corners beginning again at a point on Route 20073 at Trainer Corners thence continuing easterly through Richmond Township by way of Richmond Church to an intersection with Route 20118 at a point about 0.1 of a mile southwest of Miles Corners in Crawford County a distance of about 5.5 miles

Route 20122 Beginning at a point on Route 200039 at Hogue's Corners in Beaver Township and running in a general southeasterly direction to a point on the Beaver-Spring Township line at McFayden Corners thence in a southeasterly direction through Spring Township to a point on Route 85 at Lawrence Corners in Crawford County a distance of about 5.4 miles

Route 20123 Beginning at a point on Route 20052 at Crane's Corners thence in a northerly direction through Spring Township to a point on Route 20036 at Swaney Corners in Crawford County a distance of about 3.1 miles

Route 20124 Beginning at a point on Route 20055 at Mosiertown thence in a general northwesterly direction through Cussewago Township by way of Davis Corners Freeman's Corners and McCarty's Corners to a point on Route 272 at Crossingville in Crawford County a distance of about 4.5 miles

Route 20125 Beginning at a point on Route 20058 at Waldo's Corners thence in an easterly direction through Cussewago Township to a point on the dividing line between Cussewago and Venango Townships at Dundon's Corners thence in an easterly direction through Venango Township to a point on Route 258 near Peterson's Corners in Crawford County a distance of about 3.2 miles

CUMBERLAND COUNTY

Route 21062 Beginning at a point on Route 21046 about 1.5 miles east of its intersection with Route 264-A thence northerly through Hopewell Township to an intersection with Application 7168 about 0.5 of a mile west of the Hopewell-North Newton Township line in Cumberland County a distance of about 2.3 miles

Route 21063 Beginning at a point on Route 21046 about 0.5 of a mile west of the Southampton-North Newton Township line thence southerly and easterly through Southampton and North Newton Townships to an intersection with Rout 21007 at Oakville in Cumberland County a distance of about 2.4 miles

Route 21064 Beginning at a point on Route 21008 about 0.25 of a mile east of Huntsdale thence northerly through Penn and Dickinson Townships to an intersection with Route 35 near Mooredale beginning again at a point on Route 35 at Mooredale thence northerly through Dickinson

Township to a point on Route 890 near Mountrock in Cumberland County a distance of about 4.3 miles

Route 21065 Beginning at a point on Route 21009 about 2.0 miles west of Boiling Springs thence northerly through South Middleton Township to an intersection with Route 125 near the southeastern corner of Carlisle Borough in Cumberland County a distance of about 3.1 miles

Route 21066 Beginning at a point on the eastern line of Carlisle Borough thence northeasterly through North Middleton and Middlesex Townships to an intersection with Route 21011 near Middlesex Station in Cumberland County a distance of about 2.8 miles

Route 21067 Beginning at a point on Route 34 thence southerly by way of Harmony Hall School to a point on Route 21066 in Middlesex Township Cumberland County a distance of about 0.4 of a mile

Route 21068 Beginning at a point on Route 305 at Locust Point thence southwesterly through Monroe Township to an intersection with Route 21013 in Cumberland County a distance of about 1.8 miles

Route 21069 Beginning at a point on Route 34 near Salem Church thence southeasterly through Hampden and Lower Allen Townships to an intersection with Route 21014 near Rossmoyne in Cumberland County a distance of about 5.0 miles

Route 21070 Beginning at a point on Route 123 at Eichelberger's Corner thence northerly in Lower Allen and East Pennsboro Townships to the Camp Hill Borough line in Cumberland County a distance of about 0.4 of a mile

Route 21071 Beginning at a point on Route 21001 about 0.5 of a mile east of its intersection with Route 21042 thence northerly and easterly through Upper Mifflin Township to the northern terminus of Route 21041 in Cumberland County a distance of about 2.8 miles

Route 21072 Beginning at a point on Route 40 about 0.2 of a mile north of the northern Carlisle Borough line thence northwesterly through North Middleton Township to an intersection with Route 21001 near its crossing of Meeting House Run in Cumberland County a distance of about 4.6 miles

Route 21073 Beginning at a point on Route 123 in the village of White Hill thence easterly through Lower Allen Township to the Lemoyne Borough line in Cumberland County a distance of about 0.12 of a mile

Route 21074 Beginning at a point on Route 569 at Lantz's School thence northerly through East Pennsboro Township to an intersection with Route 21051 in Cumberland County a distance of about 1.0 mile

ELK COUNTY

Route 24016 Beginning at the end of Route 24001 in Horton Township thence in an easterly and southeasterly direction through Horton and Fox Townships to a point at or near the Clearfield County-Horton and Fox Township line in Elk County a distance of about 2.3 miles

Route 24017 Beginning at a point on Route 24012 at or near Mt. Zion Church thence in a general southeasterly direction through Jay Township to a point on Route 411 at or near Caledonia in Elk County a distance of about 2.2 miles

Route 24018 Beginning at a point on Route 24015 about 3.0 miles north of the intersection of Routes 24015 and 24002 thence in a general easterly direction through Ridgway Township to a point on Route 426 in Elk County a distance of about 1.2 miles

Route 24019 Beginning at a point on the southeastern borough line of St. Marys Borough about 0.6 of a mile northeast of the point where said borough line intersects Route 99-Spur thence southeasterly through Benzinger Township Elk County for a distance of about 1.2 miles

Route 24020 Beginning at a point on Roue 99 about 0.25 of a mile east of the eastern borough line of St. Marys Borough at or near Kaulmont thence in a southerly and easterly direction through Benzinger Township in Elk County for a distance of about 2.2 miles

Route 24021 Beginning at a point on Route 24013 at or near Glen Hazel thence in a general southwesterly direction through Jones Benzinger and Ridgway Townships to a point on the eastern line of Johnsonburg Borough in Elk County a distance of about 4.8 miles

Route 24022 Beginning at a point on Route 380 about 1.25 miles east of Russell City thence in a southeasterly direction through Highland Township to a point on Route 24006 at Carlo in Elk County a distance of about 2.0 miles

FAYETTE COUNTY

Route 26111 Beginning at a point on Route 26057 near the village of Emme thence northerly and northwesterly through Springhill and Georges Townships by way of Ruble to the southern line of Smithfield Borough in Fayette County a distance of about 3.1 miles

Route 26112 Beginning at a point on Route 26073 at or near Canaan School thence in a westerly and southerly direction through Wharton Township to a point on the West Virginia Pennsylvania state line approximately 0.7 of a mile west of Route 26073 in Fayette County a distance of about 1.6 miles

Route 26113 Beginning at a point on Route 50 at the intersection of Routes 50 and 26063 thence in a general southerly direction through Wharton Township to a point on the Pennsylvania-West Virginia state line near Five Forks in Fayette County a distance of about 6.4 miles

Route 26114 Beginning at a point on Route 116 near Chadville thence in a general westerly direction through Georges Township to a point on Route 26035 about 0.5 of a mile north of Grove Church in Fayette County a distance of about 1.8 miles

Route 26115 Beginning at a point on Route 50 at Summit thence in a general northerly direction through Wharton and North Union Townships to the village of Jumonville in Fayette County a distance of about 3.12 miles

Route 26116 Beginning on the southeast borough line of Ohioplye thence in a southerly and southeasterly direction through Stewart and Henry Clay Townships to a point on Route 26069 at the Mt. Zion Church in Fayette County a distance of about 8.0 miles

Route 26117 Beginning at a point on Route 112 at New Salem thence in a northeasterly direction through Menallen Township to a point on a county road about 0.5 of a mile west of Taylor Reservoir in Fayette County a distance of about 1.6 miles

Route 26118 Beginning at a point on Route 26047 about 0.25 of a mile south of Ferguson thence in a westerly and northerly direction through Dunbar Township to a road intersection in Fayette County a distance of about 1.1 miles

Route 26119 Beginning at a point on Route 117 about 1.25 miles north of the Dunbar-North Union Township line thence in a northeasterly direction through Dunbar Township to a point on Route 26047 near the Union Church in Fayette County a distance of about 1.5 miles

Route 26120 Beginning at the intersection of the improved county road and Route 26107 near Tippecanoe thence in a general southerly direction through Redstone and Franklin Townships to a point on Route 26022 about 0.2 of a mile west of the Smock School in Fayette County a distance of about 2.2 miles

Route 26121 Beginning at a point on Route 26028 about 0.25 of a mile east of Buena Vista thence in a southerly direction through Franklin Township to a point on Route 26019 about 1.0 mile north of Elm Grove in Fayette County a distance of about 1.7 miles

Route 26122 Beginning at a point on Route 247 about 0.1 of a mile west of the western line of Vanderbilt Borough thence in a general southerly westerly and southwesterly direction through Dunbar and Franklin Townships crossing Route 26023 near the Dunbar-Franklin Township line and extending to a point on Route 26019 about 0.3 of a mile north of Elm Grove in Fayette County a distance of about 3.3 miles

Route 26123 Beginning at a point on the northern terminus of Application 1267 thence southwesterly southerly and westerly through Dunbar Franklin and Perry Townships by way of Jefferson School and Jackson School to a point on Route 26013 about 0.4 of a mile north of the intersection of Routes 26013 and 247 in Fayette County a distance of about 5.5 miles

Route 26124 Beginning at a point on the west borough line of Dawson Borough thence in a westerly direction paralleling the tracks of the Baltimore and Ohio Railroad for a distance of approximately 0.1 of a mile thence in a

general northerly direction through Lower Tyrone Township to an intersection with Route 26015 at or near Stickel in Fayette County a distance of about 1.8 miles

Route 26125 Beginning at a point on the County road at Morgan thence in an easterly and southerly direction through Upper Tyrone Bullskin and Connellsville Townships to the intersection of the county road and Application 563 in Fayette County a distance of about 2.5 miles

Route 26126 Beginning at a point on Route 26044 about 0.5 of a mile southwest of Breakneck thence in a northwesterly direction through Bullskin Township to a point on Route 117 about 0.5 of a mile south of Moyer in Fayette County a distance of about 1.3 miles

Route 26127 Beginning at a point on Route 26044 at Breakneck thence in a northerly direction through Bullskin Township to a point on Route 26046 about 0.75 of a mile southwest of the intersection of Routes 26046 and 26044 in Fayette County a distance of about 0.7 of a mile

Route 26128 Beginning at a point on Route 26046 about 0.25 of a mile west of the intersection of Routes 26046 and 26044 thence in a northwesterly direction through Bullskin Township to a point on the county road about 0.3 of a mile northeast of Kell's School in Fayette County a distance of about 1.2 miles

Route 26129 Beginning at a point on Route 26011 near the Presbyterian Church thence in a northwesterly direction through Washington Township to a point on the northeastern borough line of Fayette City Borough in Fayette County a distance of about 1.8 miles

Route 26130 Beginning at a point on Route 26016 about 0.5 of a mile west of the Washington-Perry Township line thence in a northeasterly and easterly direction through Washington and Perry Townships to a point on Route 288 at the Summerhill School in Fayette County a distance of about 1.4 miles

Route 26131 Beginning at a point on Route 26088 about 0.25 of a mile west of Route 117 thence in a northwesterly direction through Upper Tyrone Township to the Everson Borough line in Fayette County a distance of about 0.25 of a mile

Route 26132 Beginning at a point on Route 26051 about 0.5 of a mile east of the Fayette-Westmoreland County line thence in a northeasterly direction through Bullskin Township to a point on Route 186 at Laurelville in Fayette County a distance of about 1.3 miles

FOREST COUNTY

Route 27018 Beginning at a point on Route 758 at the Clarion-Forest County line near Cooksburg thence in a general easterly direction along the Clarion River through Barnett Township in Forest County a distance of about 3.2 miles

Route 27019 Beginning at a point on Route 27001 at Smoky Hill School House thence southeasterly through Tionesta Township to the four corners at the Philip Wolfe farm thence north along the Green Township line about 0.6 of a mile thence easterly through Green Township to a fork near Route 92 thence northeasterly to an intersection with Route 92 about 1.25 miles south of Nebraska in Forest County a distance of about 5.1 miles

FRANKLIN COUNTY

Route 28042 Beginning at a point on Route 28001 about 1.7 miles northeast of the Pennsylvania-Maryland State line thence in a southeasterly direction through Warren Township to a point on the Pennsylvania-Maryland State line in Franklin County a distance of about 1.5 miles

Route 28043 Beginning at a point on Route 28002 about 0.8 of a mile northwest of the intersection of Route 28002 and State-aid Application 5517 thence in a southerly direction through Montgomery Township to a point on the Pennsylvania-Maryland State line in Franklin County a distance of about 2.2 miles

Route 28044 Beginning at a point on Route 28004 immediately east of the crossing of Marsh Run being the dividing line between Washington and Antrim Townships thence in a southeasterly direction through Washington Township to a point on the Pennsylvania-Maryland State line in Franklin County a distance of about 0.7 of a mile

Route 28045 Beginning at a point on Route 28024 at or near the Pennsylvania-Maryland State line thence in a general northeasterly direction through Washington Township to a point on Route 28026 about 0.4 of a mile southeast of the intersection of Route 44 and 28026 in Franklin County a distance of about 1.3 miles

Route 28046 Beginning at a point on Route 28037 at or near its southwestern termination in Montgomery Township thence in a general southwesterly direction through Montgomery Township to a road intersection about 0.4 of a mile west of Lafayette School in Franklin County a distance of about 1.8 miles

Route 28047 Beginning at a point on Route 28034 about 0.7 of a mile north of Pinefield School and extending in a northwesterly and northerly direction through Antrim Montgomery and Peters Townships to a point on Route 224 at or near Upton in Franklin County a distance of about 2.1 miles

Route 28048 Beginning at a point on Route 28004 about 0.8 of a mile southeast of Cranebake School and extending in a northeasterly direction through Antrim Township to a point on Route 224 about 0.7 of a mile west of the intersection of Routes 224 and 28003 at or near Shady Grove in Franklin County a distance of about 2.0 miles

Route 28049 Beginning at a point on Route 28032 about 0.2 of a mile northwest of its intersection with Route 28041 at Brown's Mills and extending in a northeasterly direction through Antrim and Guilford Townships to a point on State-aid Application 230 immediately east of an intersection with Route 28020 in Franklin County a distance of about 2.1 miles

Route 28050 Beginning at a point on Route 28022 at New Baltimore School and extending in a northeasterly southeasterly and southwesterly direction through Quincy and Guilford Townships to a point on Route 28022 about 1.1 miles southeast of the described point of beginning in Franklin County a distance of about 2.4 miles

Route 28051 Beginning at a point on Route 224 about 0.2 of a mile southeast of the intersection of Routes 224 and 224-Spur at Foltz thence in a northeasterly direction through Peters Township to a point on Route 28036 about 0.65 of a mile south of the intersection of Routes 28036 and 37 at Fort Douden in Franklin County a distance of about 3.7 miles

Route 28052 Beginning at a point on Route 37 at or near the eastern intersection of Routes 37 and 28005 in St Thomas Township thence in a general southeasterly direction through St Thomas and Hamilton Townships to a point on Route 400 at or near the intersection of Routes 400 and 28033 in Franklin County a distance of about 4.4 miles

Route 28053 Beginning at a point on Route 588 about 0.9 of a mile north of the intersection of Routes 588 and 28020 at New Franklin thence in a general northeasterly direction through Guilford Township to a point on Route 28003 about 1.1 miles southeast of the intersection of Routes 28003 and 43 at Stoufferstown in Franklin County a distance of about 2.1 miles

Route 28054 Beginning at a point on Route 28021 at or near the intersection with Route 522 and extending in a northeasterly direction through Guilford and Greene Townships to a point on Route 28009 about 0.7 of a mile southwest of the intersection of Routes 28009 and 43 at Black Gap in Franklin County a distance of about 1.8 miles

Route 28055 Beginning at a point on Route 28006 at or near the intersection of Routes 28006 and 28005 at Edenville thence in a general northeasterly southeasterly and northeasterly direction through St Thomas and Hamilton Townships to a point on Route 28039 at or near its northwestern limit in Franklin County a distance of about 2.75 miles

Route 28056 Beginning at a point on Route 606 about 0.3 of a mile west of Smoketown and extending in an easterly direction through Greene Township by the way of Smoketown to a point on Route 28019 about 0.3 of a mile south of the intersection of Routes 28019 and 28009 at Shraps School in Franklin County a distance of about 1.25 miles

Route 28057 Beginning at a point on Route 28016 about 1.3 miles northeast of the intersection of Routes 28016 and 340 thence in a northwesterly direction through Letterkenny Township to a point on Route 340 about 1.3

miles north of the intersection of Route 340 and 28016 in Franklin County a distance of about 1.45 miles

Route 28058 Beginning at a point on Route 264-B at or near the intersection with Route 340 and extending in a northeasterly direction through Lurgan Township to a point on Route 28099 at or near the village of Lurgan in Franklin County a distance of about 1.15 miles

Route 28059 Beginning at a point on State-aid application 263 about 0.8 of a mile northeast of the eastern borough line of Orrstown Borough thence in a general northerly direction through Southampton Township to a point on Route 28009 at Mongul School in Franklin County a distance of about 1.1 miles

Route 28060 Beginning at a point on Route 264-A about 1.6 miles northeast of Laurel Grove Church thence in a northeasterly direction through Fannett Township to a road intersection at or near the village of Amberson Valley in Franklin County a distance of about 1.2 miles

FULTON COUNTY

Route 29036 Beginning at a point at or near the intersection of Routes 267 and 267-Spur in Deneen's Gap thence in a northeasterly direction through Union Township to a point on the Union-Bethel Township line thence easterly through Bethel Township to a point on Route 29011 approximately 2.0 miles south of the village of Sideling in Fulton County a distance of about 0.9 of a mile

Route 29037 Beginning at a point on Route 323 approximately 1.0 mile north of the village of Needmore thence in a general northerly direction through Belfast Township to a point on Route 29015 about 1.0 mile southeast of the village of Sipe's Mills in Fulton County a distance of about 4.1 miles

Route 29038 Beginning at a point on Route 38 at Webster Mills thence in an easterly and northerly direction through Ayr Township to a point on Route 29017 at Cito in Fulton County a distance of about 3.7 miles

Route 29039 Beginning at a point on Route 29019 approximately 0.25 of a mile east of the village of Crystal Springs thence in an easterly and northeasterly direction through Brush Creek Township to a point approximately 0.7 of a mile southeast of the village of Akersville in Fulton County a distance of about 2.56 miles

Route 29040 Beginning at a point on Route 267 about 0.5 of a mile south of Crystal Springs thence in a southeasterly direction through Brush Creek Township in Fulton county a distance of about 0.7 of a mile

Route 29041 Beginning at a point on Route 323 at Andover thence in an easterly and northeasterly direction through Licking Creek Township to a point on Route 39 at Breezy Point in Fulton County a distance of about 3.8 miles

GREENE COUNTY

Route 30082 Beginning at a point on Route 30010 about 0.5 of a mile west of Jollytown thence in a southwesterly direction through Gilmore Township to the Pennsylvania-West Virginia State line in Green County a distance of about 1.3 miles

Routes 30083 Beginning at a point at the intersection of Routes 30001 and 30037 thence southerly through Springhill Township to the West Virginia State line in Greene County a distance of about 0.8 of a mile

Route 30084 Beginning at a point on Route 30009 in Kuhnton thence in a northeasterly direction through Wayne Township to a point on Route 30012 about 0.25 of a mile west of Knisley School in Greene County a distance of about 2.8 miles

Route 30085 Beginning at a point on Route 30021 at Davistown thence in a northwesterly and southwesterly direction over Bell Run Road in Dunkard and Perry Townships to a point on Route 110 about 0.25 of a mile southeast of Asbury Chapel in Greene County a distance of about 4.5 miles

Route 30086 Beginning at a point on Route 268 near the intersection of Routes 268 and 30019 thence southeasterly through Morgan and Jefferson Townships to a point on Route 30059 in Greene County a distance of about 2.5 miles

Route 30087 Beginning at a point on Route 30001 about 0.5 of a mile north of the Weimer School thence in a general northeasterly direction through Aleppo and Richhill Townships to an intersection with Route 30039 near Bristoria in Greene County a distance of about 4.0 miles

Route 30088 Beginning at a point on Route 30042 about 0.2 of a mile west of Macedonia Church thence in a southeasterly and northeasterly direction through Jackson Township to a point on Route 30042 on the Jackson-Center Township line in Greene County a distance of about 3.1 miles

Route 30089 Beginning at a point on Route 30003 near Rutan thence in a general southwesterly direction through Center Township to a point on the Center-Richhill Township line about 0.5 of a mile north of the Jackson-Center Township line thence continuing through Richhill Township in a general westerly and southwesterly direction to a point on Route 30003 about 0.8 of a mile east of the intersection of Routes 30039 and 30003 in Greene County a distance of about 4.5 miles

Route 30090 Beginning at a point on Route 111 about one mile south of Hill School thence in a southerly direction through Franklin and Center Townships to the end of Route 30009 in Greene County a distance of about 2.0 miles

Route 30091 Beginning at a point on Route 30017 at Stone School thence in an easterly direction through Whiteley Township to a point on Route 110 about one mile south of Brick School in Greene County a distance of about 2.1 miles

Route 30092 Beginning at a point on Route 451 near Little Whitely Creek thence in a southeasterly direction through Monongahela Township to the Masontown Toll Bridge over the Monongahla Township River in Greene County a distance of about 1.5 miles

Route 30093 Beginning at a point on Route 30070 near the Gray-Morris Township line thence in a southwesterly direction through Gray Township to a point on Route 256 about 0.25 of a mile west of the Gray-Morris Township line in Greene County a distance of about 1.4 miles

Route 30094 Beginning at a point on Route 109 about 1.5 miles southeast of Nineveh thence northeasterly in Morris Township a distance of about 1.6 miles to a road intersection thence easterly to a point on Route 30011 about 1.5 miles southeast of Deerlick in Greene County a distance of about 2.7 miles

Route 30095 Beginning at a point on Route 109 about 0.2 of a mile northwest of the intersection of Routes 109 and 111 thence in a northerly direction through Franklin and Washington Townships to a point on Route 30033 about 1.5 miles west of the intersection of Routes 30033 and 30019 in Greene County a distance of about 3.7 miles

Route 30096 Beginning at a point on Route 268 west of Stony Point thence in a northeasterly direction through Morgan Township to the Mather Post Office in Greene County a distance of about 0.3 of a mile

Route 30097 Beginning at a point on Route 30062 about 0.6 of a mile east of Carmichaels thence in a northeasterly and northerly direction through Cumberland Township to Jacobs Ferry in Greene County a distance of about 3.4 miles

Route 30098 Beginning at a point on Route 30016 near Willow Tree thence in a general northerly direction through Greene and Monongahela Townships to a road intersection about 0.4 of a mile northeast of the Greene-Monongahela Township line in Greene County a distance of about 1.9 miles

HUNTINGDON COUNTY

Route 31080 Beginning at a point on Route 31003 about 1.00 mile northeast of Maddensville thence in a southwesterly direction through Springfield Township to the Huntingdon-Fulton line in Huntingdon County a distance of about 2.1 miles

Route 31081 Beginning at a point on Route 31013 about .3 of a mile northeast of Martins thence in a general easterly direction through Tod and Clay Townships by way of Joller to a point on Route 31008 about 1.00 mile east of the Tod-Clay Towship line in Huntingdon County a distance of about 4.5 miles

Route 31082 Beginning at a point on Route 31030 approximately 2.50 miles southwest of the intersection of Route 31030 and Route 31035 thence in a southeasterly

uth.rly and westerly direction through Shirley Town-ip to a point on Route 31030 approximately 1.2 miles rtheast of Shirleysburg Boro in Huntingdon County a stance of about 2.00 miles

Route 31083 Beignning at a point on Route 121 about 2 of a mile southeast of the Mount Union Boro line ence in a southwesterly direction thru Shirley Township Huntingdon County a distance of about 1.50 miles

Route 31084 Beginning at a point on the north Maple-n Borough line at Bridge Street in Brady Township ence in a northeasterly direction through Brady Town-ip to a point on Route 33 approximately 2.5 miles south Mill Creek in Huntingdon County a distance of about 1 of a mile

Route 31085 Beginning at a point on Route 31041 about of a mile south of the intersection of Route 31034 thence a southwesterly direction through Smithfield Township id following the boundary line road between Juniata id Walker Townships to a road intersection about 0.60 a mile southeast of McConnellstown Station thence in westerly and northwesterly direction for a distance of out 1.20 miles to a point on Route 31034 near McCon-ellstown Station in Huntingdon County a distance of out 5.20 miles

Route 31086 Beginning at a point on the Blair-Hunt-gdon County line approximately 0.80 of a mile west of e Porter-Walker Township line in Porter Township ence northeasterly and southeasterly through Porter wnship to a point on the Porter-Walker Township line ence southeasterly through Walker Township to a point Route 31038 approximately 0.75 of a mile southwest Route 31033 in Huntingdon County a distance of about 3 miles

Route 31087 Beginning at a point on Route 352 about 20 of a mile northeast of the northern Petersburg Boro ne thence in a northwesterly and northeasterly direction rough Logan and West Townships to a point on Route 2 about 0.10 of a mile north of its intersection with ute 31063 in Huntingdon County a distance of about 10 miles

Route 31088 Beginning at a point on Route 31051 out 1.50 miles southeast of Barree thence in a general rtheasterly direction through Logan Township to a point the Logan-West Township line thence in a southeast-y direction through West Township to a point on ute 31087 about 0.10 of a mile northeast of the Logan-st Township line in Huntingdon County a distance of out 4.50 miles

Route 31089 Beginning at a point on Route 31056 ap-oximately 1.0 miles southwest of the intersection of utes 31056 and 261 thence in a general northwesterly ection through Jackson Township to point on Route 068 near Standing Stone Creek in Huntingdon County distance of about 2.1 miles

Route 31090 Beginning at a point on Route 56 about 0 of a mile west of Pennington thence in a general rtherly direction through Warriors Mark Township to oint on Route 31071 in Huntingdon County a distance of out 0.7 of a mile

INDIANA COUNTY

Route 32118 Beginning at a point on Route 32003 about mile north of its intersection with Route 32001 thence a general northeasterly direction through Conemaugh a Young Townships to a point on Route 228 about 1.7 es northeast of its intersection with Route 32032 in iana County a distance of about 1.9 miles

Route 32119 Beginning at a point on Route 32048 at or ar the Armstrong-Young Township line thence in a rthwesterly direction through Armstrong Township to a chool house thence in a southerly direction to a road ersection at West Union Church in Indiana County a ance of about 1.2 miles

Route 32120 Beginning at a point on Route 32016 out 1.5 miles southwest of its intersection with Route 22 thence westerly and northwesterly through Black-li Township to a point on Route 32028 near its inter-tion with Route 637 in Indiana County a distance of a ut 3.0 miles

Route 32121 Beginning at a point on Application 3652 a ut 0.7 of a mile southwest of its intersection with Route 223 thence in a northwesterly direction through West Wheatfield Township to a point on Route 223 about 1.2 miles east of the West Wheatfield-Burrell Township line in Indiana County a distance of about 1.7 miles

Route 32122 Beginning at a point on Route 314 about 0.5 of a mile west of the Indiana-Cambria County line thence in a northwesterly direction through East Wheatfield Township to a point on Application 4849 about 0.3 of a mile south of its intersection with Route 32021 in Indiana County a distance of about 1.3 miles

Route 32123 Beginning at a point on Route 68 about 0.3 of a mile north of its intersection with Route 337 thence in a northwesterly and southwesterly direction through Center Township to a point on Route 572 about 1.0 mile northwest of its intersection with Route 32030 in Indiana County a distance of about 1.4 miles

Route 32124 Beginning at a point on Route 32041 about 0.1 of a mile northeast of its intersection with Route 68 thence in an easterly direction through Center Township to a point on Route 32035 about 0.6 of a mile northeast of its intersection with Route 68 in Indiana County a distance of about 0.2 of a mile

Route 32125 Beginning at a point on Route 32023 at Luciusboro thence in a northeasterly and easterly direction through Center and Brush Valley Townships to a point on Route 32019 about 0.2 of a mile west of its intersection with Route 337 in Indiana County a distance of about 3.6 miles

Route 32126 Beginning at a point on Route 32037 about 0.6 of a mile northwest of Mechanicsburg thence in a general northerly direction through Brush Valley Township to the Cresswell School thence southeasterly to a point on Route 32038 about 0.9 of a mile south of the Cherry Hill-Brush Valley Township line in Indiana County a distance of about 3.5 miles

Route 32127 Beginning at a point on Route 32020 about 0.3 of a mile north of Dilltown thence in a northwesterly direction through Buffington and Brush Valley Townships to a point on Route 337 about 2.0 miles north of Dias in Indiana County a distance of about 3.6 miles

Route 32128 Beginning at a point on Route 32021 about 0.3 of a mile north of the Buffington-East Wheatfield Township line thence in a northeasterly direction through Buffington Township to a point on Route 32027 about 0.3 of a mile southwest of its intersection with Route 32029 in Indiana County a distance of about 4.3 miles

Route 32129 Beginning at a point on Route 32048 about 0.2 of a mile east of its intersection with Route 32049 thence in a southeasterly and southerly direction through Armstrong Township to a point on Route 188 about 0.7 of a mile northeast of its intersection with Route 32049 in Indiana County a distance of about 1.0 mile

Route 32130 Beginning at a point on Route 63-Spur at or near the Rayne-White Township line thence in a northeasterly direction through Rayne Township to a point on Route 63 at Grove Chapel in Indiana County a distance of about 2.5 miles

Route 2131 Beginning at a point on Route 54 about 0.1 of a mile east of the Rayne-White Township line thence in a northwesterly direction through Rayne and White Townships to a point on Route 63 about 0.2 of a mile north of the Rayne-White Township line in Indiana County a distance of about 1.8 miles.

Route 32132 Beginning at a point on Route 32054 about 1.3 miles northeast of its intersection with Route 54 thence in a northeasterly direction through White Township to the White-Rayne-Cherryhill Township line thence continuing in a northeasterly direction along a township line road dividing Cherryhill and Rayne Townships to a point on Route 32058 about 1.0 mile south of its intersection with Route 54 in Indiana County a distance of about 2.9 miles

Route 32133 Beginning at a point on Route 32051 at Manner thence in a northwesterly direction through Cherryhill Township to an intersection with Route 32052 about 1.0 mile southwest of the intersection of Routes 32052 and 32056 in Indiana County a distance of about 1.2 miles

Route 32134 Beginning at a point on Route 300 at Pine Flats thence in an easterly and southerly direction through Greene Township to a point on the dividing line between Greene and Pine Townships thence northeasterly 0.2 of a mile along a township line road to a road inter-

section thence southeast to a point on Route 32055 about 0.5 of a mile east of Jewtown in Indiana County a distance of about 2.9 miles

Route 32135 Beginning at a point on Route 32055 about 0.6 of a mile southeast of Alverda thence in a northerly direction through Pine and Greene Townships by way of Martintown to an intersection with Route 32057 about 0.1 of a mile west of Number 17 School in Indiana County a distance of about 2.4 miles

Route 32136 Beginning at a point on Route 32072 just east of Willet thence in a northerly and westerly direction through Washington Township to a point on Route 32074 about 1.5 miles north of Five Points in Indiana County a distance of about 1.7 miles

Route 32137 Beginning at a point on Route 32099 about 0.3 of a mile east of Marchand thence northeasterly through North Mahoning and Canoe Townships to a point on Route 32107 about 0.2 of a mile east of the North Mahoning-Canoe Township line in Indiana County a distance of about 1.9 miles

Route 32138 Beginning at a point on Route 32063 about 1.0 mile east of Kintersburg thence in a northeasterly direction through Rayne Township to a point on Route 508 at Rayne in Indiana County a distance of about 2.5 miles

Route 32139 Beginning at a point on Route 32076 about 0.6 of a mile west of its intersection with Route 262 thence in a northwesterly direction through Greene and Grant Townships to a point on Route 32077 about 0.3 of a mile southeast of Decker's Point in Indiana County a distance of about 2.9 miles

Route 32140 Beginning at the intersection of Routes 262 and 32076 at Purchase Line thence in a northeasterly direction through Greene and Grant Townships to a point on Route 32084 about 1.0 mile west of the Grant-Montgomery Township line in Indiana County a distance of about 1.2 miles

Route 32141 Beginning at a point on Route 32068 about 0.1 of a mile north of the Montgomery-Greene Township line thence in a northwesterly direction through Montgomery Township to a point on Route 262 at Gettysburg in Indiana County a distance of about 1.7 miles

Route 32142 Beginning at a point on Route 32097 about 0.7 of a mile west of Smicksburg Borough thence in a westerly direction through West Mahoning Township to a point on the Armstrong-Indiana County line in Indiana County a distance of about 1.6 miles

Route 32143 Beginning at a point on Route 32111 at North Point thence easterly and northeasterly through West Mahoning Township for a distance of 0.9 of a mile to the Indiana-Jefferson County line beginning again on the aforesaid county line at a point about 0.2 of a mile west of the West Mahoning-North Mahoning Township line thence in an easterly direction through West Mahoning and North Mahoning Townships for a distance of 0.8 of a mile to the aforesaid county line in Indiana County a distance of about 1.7 miles

Route 32144 Beginning at a point on Route 63 at Covode thence in a westerly direction through North Mahoning Township to a point on Route 189 about 1.5 miles south of its intersection with Route 622 in Indiana County a distance of about 1.8 miles

JEFFERSON COUNTY

Route 33055 Beginning at a point on Route 33015 at Hamilton and near the intersection of Route 33015 and 622 thence westerly and southerly through Perry Township for a distance of 1.5 miles to the Jefferson-Indiana County line beginning again on the aforesaid county line at a point about one mile east of the Perry-Porter Township line and continuing in a general westerly direction through Perry Township for a distance of 0.1 of a mile in Jefferson County a total distance of about 1.6 miles

Route 33056 Beginning at a point on Route 33024 at McNeeley's farm thence in a westerly direction through Perry Township to an intersection with Route 622 at Postlethwait farm in Jefferson County a distance of about 0.7 of a mile

Route 33057 Beginning at a point on Route 436 at Hudson thence northerly through Gaskill Township to a point on Route 33050 about 0.5 of a mile south of Stump Creek in Jefferson County a distance of about 3.0 miles

Route 33058 Beginning at a point on the Indiana-Jefferson County line about 0.4 of a mile east of Hillman Station thence northeasterly through Gaskill Township to an intersection with Route 436 about 0.15 of a mile west of the United Brethren Church in Jefferson County a distance of about 1.4 miles

Route 33059 Beginning at a point on Route 33016 in the village of Sprankles Mills thence in a southerly direction through Oliver Township to a point on Route 357 at Ebenezer Church in Jefferson County a distance of about 1.9 miles

Route 33060 Beginning at a point of intersection with Route 33020 at the lands of Fenstemaker one mile south of Cortez thence in a westerly direction through McCalmont and Oliver Townships to a point of intersection with Route 63 at Oliveburg in Jefferson County a distance of about 3.1 miles

Route 33061 Beginning at a point on Route 358 about one mile north of Florenza thence easterly through McCalmont Township to an intersection with Route 33036 in Jefferson County a distance of about 2.1 miles

Route 33062 Beginning at a point on Route 33003 at Burkhouse Cross Roads thence easterly and southerly through Beaver Township to a point on Route 33010 at Pansy in Jefferson County a distance of about 4.5 miles

Route 33063 Beginning at an intersection with Route 63 near the Pawnee School thence easterly through Knox Township by way of the McAninch School to an intersection with Route 33022 about 0.3 of a mile northwest of Mead Chapel in Jefferson County a distance of about 3.3 miles

Route 33064 Beginning at a point on Route 59 in the village of Harvey's Run thence northwesterly through Washington Township crossing Route 33038 about 1.0 mile south of Beechtree to an intersection with Route 33029 about 0.5 of a mile south of Coal Glen in Jefferson County a distance of about 4.5 miles

Route 33065 Beginning at a point on Route 61 about 0.7 of a mile west of the Brockway Borough-Snyder Township line thence through Snyder Township in a southerly direction for a distance of about 0.9 of a mile to a road intersection thence in a general northeasterly direction to the Brockway Borough-Snyder Township line in Jefferson County a total distance of about 2.4 miles

Route 33066 Beginning at a point on the Brockway Borough-Snyder Township line at the end of McKean Street and extending in a northerly easterly and southerly direction through Snyder Township to a point on Route 59 at Walburn Run in Jefferson County a distance of about 2.2 miles

Route 33067 Beginning at a point on the northern line of Brockway Borough thence in a general northwesterly direction through Snyder and Polk Townships to an intersection with Route 33030 about 0.75 of a mile north of Munderf in Jefferson County a distance of about 8.7 miles

JUNIATA COUNTY

Route 34044 Beginning at a point intersecting Route 34001 about 0.9 of a mile south of the intersection with Route 34002 thence extending in a northeasterly and northerly direction through Lack Township to a point intersecting Route 34002 in Juniata County a distance of about 2.0 miles.

Route 34045 Beginning at a point at the intersection of Routes 34005 and 34003 in the village of McCoysville thence extending in a neasterly and northeasterly direction through Tuscarora Township to the Spruce Hill-Tuscarora Township line at a point intersecting Route 34005 in Juniata County a distance of about 1.9 miles

Route 34046 Beginning at a point intersecting Route 34006 about 0.2 of a mile north of the Mt Hope School House thence extending in a southeasterly and easterly direction through Turbett Township to a point intersecting Route 34029 in Juniata County a distance of about 2.4 miles

Route 34047 Beginning at a point intersecting Route 45 immediately east of the Juniata River thence extending in a northwesterly and easterly direction through Walker and Fermanagh Townships to a point intersecting Route 637 about 0.5 of a mile east of the Mifflintown Borough line in Juniata County a distance of about 3.4 miles

Route 34048 Beginning at a point intersecting Second Street and Route 31 in the village of Mexico thence extending in a southerly and easterly direction over Second and Market Streets to the intersection with Route 34006 thence again in an easterly direction from the intersection of Second and Locust Streets over Locust Street to Route 31 thence again from the intersection of Second and Walnut Streets over Walnut Street to a point intersecting Route 34006 in Walker Township Juniata County a distance of about 0.32 of a mile

Route 34049 Beginning at a point intersecting Route 34030 immediately south of the Fermanagh-Walker Township line thence extending in a southeasterly direction through Walker Township to a point intersecting Route 34006 immediately north of the Red Rock School in Juniata County a distance of about 1.5 miles

Route 34050 Beginning at a point intersecting Route 34023 about 1.3 miles northwest of the village of Center thence extending in a westerly direction through Walker Township to a point intersecting Route 34006 in Juniata County a distance of about 0.8 of a mile

Route 34051 Beginning at a point on Route 438 near Seven Stars thence extending in a southerly direction through Greenwood Township to a point on the Perry-Juniata County line at the present terminus of Route 50021 in Juniata County a distance of about 1.5 miles

Route 34052 Beginning at the Mifflin Borough-Milford Township line thence extending in a northwesterly westerly and southwesterly direction through Milford Township past the Muddy Run School to a point intersecting Route 34004 about 0.2 of a mile southwest of the Red Bank School in Juniata County a distance of about 2.6 miles

Route 34053 Beginning at a point intersecting Route 34010 about 0.4 of a mile southwest of the Snyder-Juniata County line thence extending in a southwesterly direction through Monroe Township to a point intersecting Route 34011 about 0.5 of a mile north of the intersection of Route 34021 in Juniata County a distance of about 3.6 miles

LANCASTER COUNTY

Route 36092 Beginning at an intersection with Route 136 about 0.4 of a mile west of the Little Britain-Fulton Township line and extending in a southerly direction through Fulton Township to an intersection with Route 36077 in the village of New Texas in Lancaster County a distance of about 4.0 miles

Route 36093 Beginning at an intersection with Route 345 about 0.4 of a mile northwest of the village of Fairmount and extending in a southwesterly and southeasterly direction through Little Britain Township to a point of intersection with Route 345 about 0.5 of a mile north of the village of Little Britain in Lancaster County a distance of about 4.0 miles

Route 36094 Beginning at Fishing Creek Station of the Pennsylvania Railroad and extending in a northeasterly easterly and southeasterly direction past Harmony School House in Drumore Township to an intersection with Route 36010 at the village of Furniss in Lancaster County a distance of about 3.2 miles

Route 36095 Beginning at an intersection with Route 36009 at or near the village of King's Bridge and extending in a northwesterly direction through Little Britain and East Drumore Townships to an intersection with Route 36010 at or near the village of Puseyville in Lancaster County a distance of about 1.6 miles

Route 36096 Beginning at an intersection with Route 527 in the village of Kirkwood and extending in a southwesterly southerly and easterly direction through Colerain Township to an intersection with Route 527 in the village of Union Colerain in Lancaster County a distance of about 1.9 miles

Route 36097 Beginning at an intersection with Route 36022 about one mile north of intersection with Route 36089 and extending in a northeasterly direction through Colerain Township to an intersection with Route 36081 about 0.8 of a mile north of the village of Octoraro in Lancaster County a distance of about 1.1 miles

Route 36098 Beginning at an intersection with Route 36081 at the village of Octoraro and extending in a general northeasterly northerly and easterly direction through Colerain and Sadsbury Townships to the Lancaster-Chester County line at the Octoraro Creek about one mile east of the Mt Pleasant Presbyterian Church in Lancaster County a distance of about 2.8 miles

Route 36099 Beginning at an intersection with Route 36005 at the Cedar Grove School House and extending in a southwesterly and northwesterly direction through Martic Township to an intersection with the terminus of Route 344 in Lancaster County a distance of about 2.3 miles

Route 36100 Beginning at a point on Route 36005 about 0.1 of a mile northwest of an intersection with Route 344 and extending in a southwesterly direction for 0.4 of a mile to an intersection with Route 344 thence from a point on Route 344 about 0.5 of a mile west of Route 36005 in a southeasterly and northeasterly direction through Martic Township past the Crystal Brook School to an intersection with Route 36005 in Lancaster County a distance of about 0.9 of a mile

Route 36101 Beginning at an intersection with Route 36015 immediately east of the Martic-Providence Township line and extending in a southeasterly easterly northeasterly and southeasterly direction through Providence and Drumore Townships to an intersection with Route 344 at or near the village of Buck in Lancaster County a distance of about 2.1 miles

Route 36102 Beginning at an intersection with Routes 36010 and 136 at the village of Mechanics Grove and extending in a northwesterly direction through East Drumore Township to an intersection with Route 344 about 0.1 of a mile south of the Providence-East Drumore Township line in Lancaster County a distance of about 3.9 miles

Route 36103 Beginning at an intersection with Route 36011 about 0.7 of a mile north of Route 344 and extending in a northeasterly direction through Eden and Bart Townships to an intersection with State-aid Application 5821 in the village of Georgetown in Lancaster County a distance of about 2.9 miles

Route 36104 Beginning at an intersection with Route 36015 and extending in a northwesterly direction through Providence Township to an intersection with Route 36007 immediately south of the village of Smithville in Lancaster County a distance of about 1.6 miles

Route 36015 Beginning at a point on State-aid Application 5821 about 0.2 of a mile south of Cedar Hill School and extending in a southwesterly direction thruogh Paradise and Eden Townships to a road intersection about 0.2 of a mile southwest of the Bart-Eden-Paradise Township line in Lancaster County a distance of about 1.2 miles

Route 36106 Beginning at an intersection with Route 623 at the village of Conestoga Center near the Methodist Episcopal Church and extending in a westerly northerly easterly northwesterly northeasterly and northwesterly direction through Conestoga Township to a road intersection immediately northeast of the village of Rock Hill in Lancaster County a distance of about 3.3 miles

Route 36107 Beginning at an intersection with Route 332 about 0.8 of a mile south of the interseceion with Route 322-spur and extending in a northeasterly direction through Pequea Township to an intersection with Route 36027 in Lancaster County a distance of about 0.8 of a mile

Route 36108 Beginning at an intersection with Route 36024 immediately northwest of the village of Wheatland Mills and extending in a northeasterly direction through West Lampeter and East Lampeter Townships to an intersection with Route 36011 immediately south of Pequea School in Lancaster County a distance of about 1.6 miles

Route 36109 Beginning at an intersection with Route 36027 about two miles northeast of the village of Lampeter and extending in a northeasterly northerly and northeasterly direction through West Lampeter and East Lampeter Townships to an intersection with Route 36024 southeast of the village of Fertility in Lancaster County a distance of about 1.7 miles

Route 36110 Beginning at an intersection with Route 36009 at or near Beiler's School and extending in a northerly and easterly direction through Leacock Township to an intersection with Route 36029 at or near Centerville School in Lancaster County a distance of about 1.5 miles

Route 36111 Beginning at an intersection with Route 36056 at or near White Hall School and extending in an

easterly direction through Salisbury Township to an intersection with Route 36014 just south of the village of Mast in Lancaster County a distance of about 2.0 miles

Route 36112 Beginning at an intersection with Route 128 about 0.6 of a mile west of the Mountville Borough-West Hempfield Township line and extending in a northerly westerly and northwesterly direction through West Hempfield Township to an intersection with Route 36065 in the village of Ironville Lancaster County a distance of about 1.6 miles

Route 36113 Beginning at the Mountville Borough-West Hempfield Township line and extending in a northerly northwesterly and northerly direction through West Hempfield Township past Hempfield Station to an intersection with Route 36003 immediately west of the village of Silver Spring in Lancaster County a distance of about 2.4 miles

Route 36114 Beginning at an intersection with Route 148 immediately north of Heller's Station and extending in a northeasterly direction through Upper Leacock Township by the way of the village of Leola to an intersection with Route 244 in Lancaster County a distance of about 1.8 miles

Route 36115 Beginning at an intersection with Route 244 immediately west of the borough of New Holland and extending in a northerly direction through Earl Township to an intersection with Route 36030 about 0.7 of a mile east of the Earl-West Earl Township line in Lancaster County a distance of about 3.3 miles

Route 36116 Beginning at an intersection with Route 280 immediately northeast of the village of Bainbridge and extending in a northeasterly direction through Conoy and West Donegal Townships to an intersection with Route 36072 in Lancaster County a distance of about 1.3 miles

Route 36117 Beginning at an intersection with Route 649 about one mile southwest of Union School and extending in a northerly direction through East Donegal Township to an intersection with Route 129 about 0.6 of a mile northwest of an intersection with Route 36068 in Lancaster County a distance of about 2.6 miles

Route 36118 Beginning at an intersection with Route 36068 about 0.8 of a mile north of an intersection with Route 129 and extending in a southeasterly direction through Mount Joy Township to the Mount Joy Borough-Mount Joy Township line in Lancaster County a distance of about 1.6 miles

Route 36119 Beginning at an intersection with Route 36067 about 0.5 of a mile south of an intersection with Route 36069 and extending in a northeasterly and easterly direction through Rapho Township to a road intersection about 0.3 of a mile south of Buck Run School in Lancaster County a distance of about 2.1 miles

Route 36120 Beginning at a point on Route 36005 about 0.9 of a mile west of Habeker School and extending in a westerly and northwesterly direction through Manor Township to the Manor-West Hempfield Township line thence in a northerly westerly and northerly direction through West Hempfield Township to a point on Route 128 at Kehler's School in Lancaster County a distance of about 3.6 miles

Route 36121 Beginning at an intersection with Route 36061 about 0.3 of a mile north of the Warwick-Ephrata Township line and extending in a northeasterly and easterly direction through Ephrata Township to an intersection with Route 36060 about 0.4 of a mile north of an intersection with Route 148 thence from a point on Route 36060 immediately south of the village of Erb's Corner in an easterly direction to Route 137 in Lancaster County a distance of about 3.6 miles

Route 36122 Beginning at an intersection with Route 36030 in the village of Fairmount in West Earl Township and extending in a northerly westerly and northeasterly direction to a road intersection about one mile southwest of the Earl-West Earl Township line thence from said road intersection in a northwesterly and northerly direction through West Earl and Ephrata Townships to an intersection with Route 137 immediately southeast of the village of Murrell in Lancaster County a distance of about 3.3 miles

Route 36123 Beginning at the intersection of Routes 36012 and 36050 in the village of Five Pointville and extending in a southeasterly easterly and southerly direction through Brecknock Township to the Brecknock-East Earl Township line thence from said township line in a southerly and southeasterly direction by way of the village of Sensenig through East Earl and Caernarvon Townships to a road intersection immediately west of Mt Carmel Church thence from said road intersection in a southerly direction through Caernarvon Township to an intersection with Route 36053 about 0.3 of a mile east of the Caernarvon-East Earl Township line in Lancaster County a distance of about 4.4 miles

Route 36124 Beginning at an intersection with Route 63069 about 0.3 of a mile southeast of the village of Milton Grove and extending in a southerly direction through Mount Joy Township to an intersection with Route 36069 at or near Brenneman's School in Lancaster County a distance of about 1.6 miles

Route 36125 Beginning at an intersection with Route 138 about 0.3 of a mile south of the Penn-Rapho Township line and extending in an easterly direction through Rapho and Penn Townships to an intersection with Route 36001 immediately north of the village of White Oak in Lancaster County a distance of about 1.5 miles

Route 36126 Beginning at an intersection with Route 36067 at or near McKinley's School and extending in a southeasterly direction through Rapho Township to an intersection with Route 138 in Lancaster County a distance of about 0.5 of a mile

Route 36127 Beginning at an intersection with Route 138 about 0.3 of a mile east of Shearer's Church and extending in an easterly northerly and easterly direction through Rapho Penn and Elizabeth Townships past Mount Hope Station and Locust Grove School to an intersection with Route 36002 in Lancaster County a distance of about 5.8 miles

Route 36128 Beginning at an intersection with Route 36001 west of the village of Newton and extending in a northerly and easterly direction through Clay Township to an intersection with Route 36011 in Lancaster County a distance of about 0.9 of a mile

Route 36129 Beginning at an intersection with Route 36046 about 0.2 of a mile east of the intersection with Route 36047 and extending in a northerly and northeasterly direction through East Cocalico Township to an intersection with Route 36001 about 0.4 of a mile southwest of an intersection with Route 36012 in Lancaster County a distance of about 2.6 miles

Route 36130 Beginning at an intersection with Route 607 about 0.3 of a mile northwest of the village of Blainsport and extending in a northwesterly direction through West Cocalico Township to the Lancaster-Lebanon County line in Lancaster County a distance of about 2.5 miles

Route 36131 Beginning at a point on Route 136 about 0.2 of a mile northwest of an intersection with Route 36424 and extending in a northwesterly direction through Strasburg Township to a point on Route 36028 at or near Walnut Run School in Lancaster County a distance of about 1.2 miles

LAWRENCE COUNTY

Route 37056 Beginning at a point on Route 265 about 0.3 of a mile northwest of the Enon Valley Borough-Little Beaver Township line thence in a general westerly direction through Little Beaver Township along the North Fork of Little Beaver Creek to the Pennsylvania-Ohio State line in Lawrence County a distance of about 3.2 miles

Route 37057 Beginning at a point on the south borough line of Wampum Borough thence in a general southwesterly direction through Big Beaver Township along Wampum Run to an intersection of Route 37008 approximately 1.0 mile north of the Beaver-Lawrence County Line in Lawrence County a distance of about 1.8 miles

Route 37058 Beginning at a point on Route 265 near its intersection with Route 37009 thence in a southwesterly and westerly direction through North Beaver Township along Honey Creek to a point on the Pennsylvania-Ohio state line approximately 1.0 mile north of the Little Beaver-North Beaver Township line in Lawrence County a distance of about 3.6 miles

Route 37059 Beginning at a point on Route 265 about 1.5 miles east of Mount Jackson thence in a southerly direction through North Beaver Township to a road intersection in Lawrence County a distance of about 2.3 miles

Route 37060 Beginning at a point on Route 265 approximately 0.5 of a mile west of the Mahoning River thence in a general northwesterly direction through North Beaver township on the westerly side of the Pennsylvania Railroad to an intersection with a township road at a point immediately south of its crossing over the Pennsylvania Railroad in Lawrence County a distance of about 2.5 miles

Route 37061 Beginning at a point on Route 37031 approximately 0,25 of a mile east of its intersection with Route 81 thence in a southeasterly direction through Union Township along the west side of the Pennsylvania Railroad tracks to a point on the New Castle City-Union Township line at Sampson Street in Lawrence County a distance of about 2.8 miles

Route 37062 Beginning at a point on Route 614 at or near Eastbrook thence in a northerly direction through Hickory Township to a point on the Hickory-Wilmington Township line thence continuing northerly through Wilmington Township to an intersection with Route 37042 at a point near its crossing with Neshannock Creek in Lawrence County a distance of about 3.5 miles

Route 37063 Beginning near the intersection of Routes 37043 and 37044 thence in an easterly direction through Scott Township by the way of Cooper School to a point on Route 246 about 1.0 mile south of the Scott-Washington Township line in Lawrence County a distance of about 0.9 of a mile

Route 37064 Beginning at a point on Route 37043 approximately 0.5 of a mile northwest of the Scott-Washington Township line thence in an easterly direction through Washington Township to a point on Route 246 approximately 0.5 of a mile north of the Scott-Washington Township line in Lawrence County a distance of about 2.0 miles

Route 37065 Beginning at an intersection with Route 37050 at a point approximately 1.0 mile south of the intersection of Routes 37050 and 37048 thence in an easterly direction through Plain Grove Township to an intersection with Route 37049 at a point approimately 0.5 of a mile north of the Butler-Lawrence County line beginning again at a point on Route 37049 approximately 0.7 of a mile north of the Lawrence-Butler County line thence in a northeasterly direction through Plain Grove Township to a point on the Lawrence-Butler County line near the point common to Lawrence Mercer and Butler Counties in Lawrence County a distance of about 2.4 miles

LEBANON COUNTY

Route 38044 Beginning at a point on Route 137 near Isabella School thence in an easterly direction through North Cornwall and South Lebanon Townships by way of Midway to a point on Route 38016 approximately one mile east of the Midway Brethren Church in Lebanon County a distance of about 1.6 miles

Route 38045 Beginning at a point on Route 38003 near Bindnagles Church thence in a northerly and easterly direction in North Londonderry Township approximately 1.6 miles to Quittapahilla Creek thence by way of Snyder and Steelstown in North Annville Township to a point on Route 38001 approximately 0.5 of a mile north of Fairview School in Lebanon County a distance of about 3.1 miles

Route 38046 Beginning at a point on Route 651 at the intersection of Route 651 and 38001 thence in an easterly direction in North Annville Township to a point on Route 38004 approximately 0.5 of a mile south of the United Brethren Church beginning again at a point on Route 38004 near the United Brethren Church thence in an easterly direction in North Annville Township to a point on Route 38024 near Meyersville School in Lebanon County a distance of about 1.7 miles

Route 38047 Beginning at the end of Route 651 near the Lutheran Church thence in a northwesterly direction approximately 1.4 miles in North Annville Township to Swatara Creek thence continuing in a northwesterly direction in East Hanover Township approximately 0.9 of a mile to the Hershey School thence southerly and westerly to Route 38003 in Lebanon County a distance of about 4.3 miles

Route 38048 Beginning at a point on Route 141-B approximately 0.5 of a mile north of West Jonestown thence in a general westerly and northerly direction in Union Township about 0.3 of a mile west of Walmers Church in Lebanon County a distance of about 3.4 miles

Route 38049 Beginning at a point on Route 140-E approximately 0.8 of a mile north of Lickdale thence in an easterly direction in Union Township about 0.5 of a mile to Swatara Creek thence in an easterly northerly and easterly direction in Swatara Township approximately 1.9 miles to a point on the Swatara-Bethel Township line in Lebanon County a distance of about 2.4 miles

Route 38050 Beginning at a point on Route 141-C approximately 0.1 of a mile east of Fredericksburg thence in a general northeasterly direction in Bethel Township to a point on the Lebanon-Berks County line in Lebanon County a distance of about 2.7 miles

Route 38051 Beginning at a point on Route 38002 at Reistville thence in an easterly direction through Heidelberg Township and southeasterly direction through Mill Creek Township to a point on Route 38012 approximately 0.1 of a mile east of the Heidelberg-Mill Creek Township line in Lebanon County a distance of about 2.0 miles

Route 38052 Beginning at a point on Route 38008 at the Weaverstown School thence in an easterly and southeasterly direction in Jackson Township to a point on Route 38011 near Richland Borough in Lebanon County a distance of about 1.4 miles

LEHIGH COUNTY

Route 39077 Beginning at a point on Route 39007 at or near Vera Cruz Station thence in a general northwestern direction through Upper Milford Township to the southeastern line of Emaus Borough in Lehigh County a distance of about 1.6 miles

Route 39078 Beginning at a point on Route 39009 about 0.75 of a mile northeast of the Village of Center Valley thence in a general northwestern direction through Upper Saucon Township by the way of Saucon to a point on Route 297 in Lehigh County a distance of about 1.3 miles

Route 39079 Beginning at a point on Route 39002 about 0.4 of a mile northeast of the intersection of Routes 39004 and 39002 in Lower Milford Township thence in a general easterly direction through Lower Milford and Upper Saucon Townships to a point intersecting Route 39008 at Locust Valley in Lehigh County a distance of about 2.3 miles

Route 39080 Beginning at a point on Route 39009 at Spring Valley thence in a southwesterly direction through Upper Saucon Township to a road intersection in the Village of Saucon in Lehigh County a distance of about 1.5 miles

Route 39081 Beginning at a point on Route 153 near the intersection of Route 153 and the Allentown and Coopersburg Turnpike thence northerly through Upper Saucon Township to intersect Route 39002 about 0.8 of a mile west of Friedensville thence beginning at a point on Route 39002 about 0.1 of a mile west of the point of intersection and running in a general northwesterly direction crossing Route 39076 to a road intersection thence continuing through Upper Saucon Township in a southwesterly and northwesterly direction to a point on the Upper Saucon-Salisbury Township line thence northerly through Salisbury Township to intersect Route 39013 about 1.5 miles east of the intersection of Routes 153 and 39013 in Lehigh County a distance of about 4.9 miles

Route 39082 Beginning at a point on Route 443 near New Smithville thence northwesterly northerly and northeasterly through Weisenburg Township to a point on Route 39066 about 1.0 mile southeast of Stine's Corner in Lehigh County a distance of about 3.8 miles

Route 39083 Beginning at a point on Route 39066 about 0.6 of a mile north of the intersection of Routes 39066 and 157 in Upper Macungie Township thence northerly through Upper Macungie and Weisenburg Townships by way of Ziegel's Church crossing Route 443 to a point on Route 39047 about 0.5 of a mile west of Seipstown in Lehigh County a distance of about 2.8 miles

Route 39084 Beginning at a point on Route 672 near

Fogelsville in Upper Macungie Township thence northwesterly by way of Fogelsville through Upper Macungie and Weisenburg Townships to a point on Route 39047 approximately 0.6 of a mile southeast of Seipstown in Lehigh County a distance of about 2.2 miles

Route 39085 Beginning at a point on Route 486 about 0.2 of a mile northwest of the Macungie Borough-Lower Macungie Township line thence in a general northerly direction through Lower Macungie Township to a point on Route 39023 near the intersection of Routes 39023 and 39024 in Lehigh County a distance of about 1.9 miles

Route 39086 Beginning at a point on Route 39023 near East Texas in Lower Macungie Township thence northwesterly through Lower Macungie and Upper Macungie Townships to a point on Route 157 near Trexlertown in Lehigh County a distance of about 1.2 miles

Route 39087 Beginning at a point on Route 557 about 0.5 of a mile north of the intersection of Routes 557 and 39023 thence westerly through Lower Macungie Township to a point on Route 39023 about 0.9 of a mile southeast of the intersection of Routes 39023 and 39025 in Lehigh County a distance of about 0.9 of a mile

Route 39088 Beginning at a point on Route 443 at Kuhnville thence in a general northeasterly direction through Upper Macungie and South Whitehall Townships to an intersection with Route 39043 at Walberts in Lehigh County a distance of about 2.4 miles

Route 39089 Beginning at a point on the line dividing Lehigh and Berks Counties approximately 0.3 of a mile southeast of Route 39072 thence easterly and northerly through Lynn Township to a point on Route 39072 about 0.25 of a mile east of the Berks-Lehigh County line in Lehigh County a distance of about 0.8 of a mile

Route 39090 Beginning at a point on Route 672 at Bittner's Corner thence in a general northeasterly direction through Lowhill Township to a point on Route 39060 at or near the Lowhill-Heidelberg Township line in Lehigh County a distance of about 1.2 miles

Route 39091 Beginning at a point on Route 163 about 0.5 of a mile south of the intersection of Routes 226 and 163 thence in a general easterly direction through North Whitehall Township to a point on Route 39038 about 0.5 of a mile northwest of the intersection of Routes 39038 and 39049 in Lehigh County a distance of about 2.3 miles

Route 39092 Beginning at a point on Route 555 near Mickley's thence easterly and southerly through Whitehall Township to the Bridge over the Lehigh River at the west borough line of Catasauqua Borough in Lehigh County a distance of about 1.2 miles

Route 39093 Beginning at a point on Lehigh Avenue at the western approach of the bridge crossing the Lehigh River from Catasauqua Borough to Whitehall Township known as the Race Street Bridge thence northwesterly on Lehigh Avenue to Main Street thence westerly on Main Street Crossing Route 39036 to an intersection with Route 39036 in Whitehall Township Lehigh County a distance of about 0.65 of a mile

Route 39094 Beginning at a point on Route 226 near the intersection of Routes 226 and 39060 thence in a general northerly direction through Heidelberg Township by way of Saegersville to a point on Route 39054 about 1.0 mile southwest of the intersection of Routes 39054 and 39057 in Lehigh County a distance of about 2.3 miles

Route 39095 Beginning at a point on Route 39054 about 0.8 of a mile east of the intersection of Routes 39054 and 390555 thence in a northwesterly direction through Washington Township to a point on State-aid Application 745 about 1.0 west of Slatedale in Lehigh County a distance of about 1.5 miles

Route 39096 Beginning at a point on Route 39054 about 0.2 of a mile east of Best thence northeasterly through Washington Township to a point where it intersects State-aid Application 745 near Emerald in Lehigh County a distance of about 1.5 miles

Route 39097 Beginning at a point on Route 39008 about 0.5 of a mile southwest of the intersection of Routes 39008 and 153-A thence in a northerly direction thru Upper Saucon Township to a point on Route 39007 in Lehigh County a distance of about 1.1 miles

LYCOMING COUNTY

Route 41091 Beginning at a point on Route 41028 about 0.1 of a mile south of the Anthony-Woodward Township line thence through Woodward Township in a general southwesterly direction to a point on Route 41026 about 0.7 of a mile south of the Anthony Township line in Lycoming County a distance of about 2.4 miles

Route 41092 Beginning at a point on Route 41034 about 1.4 miles northwest of Grimesville thence northeasterly through Old Lycoming Township to a point on Route 41033 in Lycoming County a distance of about 0.7 of a mile

Route 41093 Beginning at a point on Route 41045 approximately 1.1 miles north of the intersection of Routes 41045 and 41046 thence in a northwesterly and southwesterly direction through Loyalsock and Hepburn Townships to a point on Route 41045 about 0.1 of a mile north of the Loyalsock-Hepburn Township line in Lycoming County a distance of about 3.3 miles

Route 41094 Beginning at a point on Route 303 about 0.3 of a mile southeast of the intersection of Routes 19 and 303 in a southerly direction through Muncy Creek Township to an intersection with Route 41065 in Lycoming County a distance of about 0.4 of a mile

Route 41095 Beginning at a point on Route 19 about 0.2 of a mile east of the intersection of Routes 19 and 41065 thence in a general northerly direction through Muncy Creek and Wolf Townships to a point on Route 411066 at the Muncy Township line in Lycoming County a distance of about 2.1 miles

Route 41096 Beginning at a point on Route 41076 about 0.3 of a mile west of the intersection of Routes 41076 and 41077 thence in a northwesterly and northeasterly direction through Jordan and Franklin Townships to a point on Route 41080 in Lycoming County a distance of about 1.1 miles

Route 41097 Beginning at a point on Route 41076 at its intersection with Route 41079 thence in a northerly direction through Jordan Township to a point on Route 41080 in Lycoming County a distance of about 0.7 of a mile

Route 41098 Beginning at a point on Route 41055 about 0.1 of a mile southwest of the northeast corner of Fairfield Township thence in a northeasterly northerly and northwesterly direction through Fairfield and Upper Fairfield Townships to a point on Route 41060 about 0.5 of a mile southwest of the village of Fairfield Center in Lycoming County a distance of about 1.7 miles

Route 41099 Beginning at a point on Route 41054 about 1.0 mile south of the Mill Creek Township line thence in a northeasterly and easterly direction through Muncy Township to a point on Route 41061 near the northeast corner of Muncy Township in Lycoming County a distance of about 2.2 miles

Route 41100 Beginning at a point on Route 239 about 0.2 of a mile northeast of Laidsville thence in a northwesterly direction through Franklin and Penn Townships to a point on Route 41085 about 0.7 of a mile southwest of the intersection of Routes 41035 and 41085 in Lycoming County a distance of about 4.0 miles

Route 41101 Beginning at a point on Route 239 about 1.3 miles east of the intersection of Route 239 and Route 41087 thence in a northeasterly easterly and northwesterly direction through Franklin Township to a point on Route 321 at or near the village of North Mountain in Lycoming County a distance of about 4.6 miles

Route 41102 Beginning at a point on Route 41081 about 1.1 miles northeast of the intersection of Routes 41081 and 41082 thence in a northerly direction through Jordan Township to a point on Route 321 in Lycoming County a distance of about 0.8 of a mile

Route 41103 Beginning at a point on Route 41045 about 0.1 of a mile east of Balls Mills thence in a northerly direction through Hepburn Township to a point on Route 41044 about 0.1 of a mile east of the intersection of Routes 41044 and 41047 in Lycoming County a distance of about 1.6 miles

Route 41104 Beginning at a point on Route 19 about 0.25 of a mile northeast of Tivoli thence in a northerly direction through Shrewsbury Township along Fox Run in Lycoming County a distance of about 2.25 miles

Route 41105 Beginning at the point of intersection of Routes 41053 and 41053-Spur "E" at Barbours thence in a southeasterly direction through Plunketts Creek Township to an intersection with Route 291 in Lycoming County a distance of about 0.5 of a mile

Route 41106 Beginning at a point on Route 467 at its intersection with Route 41047 thence in a northeasterly direction through Gamble and Cascade Townships to a point on Route 41051 in Lycoming County a distance of about 1.9 miles

Route 41107 Beginning at a point on Route 41051 about 1.2 miles southeast of the Lewis Township line thence in an easterly and southeasterly direction through Cascade Township to a point on Route 41051 about 1.3 miles west of Kellyburg in Lycoming County a distance of about 2.3 miles

Route 41108 Beginning at a point on Route 41021 about 0.5 of a mile west of English Center thence in a general northerly direction through Pine Township to a point on Route 41124 at Oregon Hill in Lycoming County a distance of about 7.3 miles

Route 41109 Beginning at a point on Route 21 about 1.0 mile south of the Tioga County line thence westerly and northerly through Jackson Township to a point on the Tioga County line in Lycoming County a distance of about 1.6 miles

Route 41110 Beginning at a point on Route 713 at Ellenton thence in a southwesterly and southerly direction through McNett Township to a point near the McNett-Cascade Township line in Lycoming County a distance of about 2.8 miles

McKEAN COUNTY

Route 42031 Beginning at a point on Route 95 at or near Wetmore thence southwesterly and northwesterly through Hamilton Township crossing and recrossing the Pennsylvania Railroad tracks and intersecting Route 95 at a point about 1.0 miles southeast of the village of Ludlow in McKean County a distance of about 3.3 miles

Route 42032 Beginning at a point on Route 97 south of the Kane Borough-Wetmore Township line thence in a westerly direction through Wetmore Township to the Kane Borough-Wetmore Township line at Hemlock Avenue in McKean County a distance of about 0.1 of a mile

Route 42033 Beginning at a point on Route 95 at Kanesholm thence in a southeasterly and easterly direction through Wetmore and Sergeant Townships to a point on Route 42004 about 2.0 miles south of Halsey in McKean County a distance of about 4.1 miles

Route 42034 Beginning at a point on Route 42004 at or near Freeman thence in a southeasterly direction through Hamlin and Sergeant Townships in McKean County a distance of about 1.9 miles

Route 42035 Beginning at a point on Route 97 at Tallyho thence in a general northwesterly direction through Lafayette Township to the Village of Westline in McKean County a distance of about 3.6 miles

Route 42036 Beginning at a point on Route 42006 about 1.5 miles east of the village of Lafayette thence in a southeasterly direction through Lafayette Township to a point on Route 42005 about 1.8 miles southwest of Mount Alton in McKean County a distance of about 1.3 miles

Route 42037 Beginning at a point on Route 42005 about 1.5 miles northeast of the northern borough line of Mount Jewett Borough thence northeasterly through Hamlin Township crossing the Baltimore and Ohio Railroad tracks at Kushequa in McKean County a distance of about 0.6 of a mile

Route 42038 Beginning at a point on State-aid Application 500 about 1.5 miles west of the western Bradford City-Bradford Township line thence in a southwesterly and southeasterly direction through Bradford Township to a point on Route 42009 about 2.2 miles from the southwestern terminus of the said route in McKean County a distance of about 0.7 of a mile.

Route 42039 Beginning at a point on Route 469 about 0.5 of a mile east of Degolia thence northerly through Bradford Township to a point on the south Bradford City-Bradford Township line in McKean County a distance of about 2.2 miles

MERCER COUNTY

Route 43077 Beginning at a point on Route 312 at the Grove City Borough-Pine Township line thence in a northwesterly direction on the boundary line between Grove City Borough and Pine Township for about 0.1 of a mile thence in Pine Township by way of Cranberry Corners and Cranberry School to a point on Route 43023 at Filers Crossing in Mercer County a distance of about 2.7 miles

Route 43078 Beginning at a point on Route 43030 at or near Kerr Corners thence in a southerly and southeasterly direction through Worth Wolf Creek and Pine Townships to a point on the Pine Township-Butler County line in Mercer County a distance of about 7.6 miles

Route 43079 Beginning at a point on Route 43023 known as McCurdy Corners thence easterly through Jackson Township along the Bowie Road to a point on the dividing line between Jackson and Worth Townships thence along the same road in Worth Township to a point on Route 312 at Evans Corner in Mercer County a distance of about 2.4 miles

Route 43080 Beginning at the eastern terminus of Route 43033 near Feather Corners thence easterly through Worth Township by way of the St. Paul School to the Mercer-Venango County line in Mercer County a distance of about 1.7 miles

Route 43081 Beginning at a point on the north boundary line of Sharpsville Borough at the Shenango River and running in a general northwesterly direction through South Pymatuning Township crossing Route 43034 at Union School to Jamieson Corners thence in a northerly direction past Fairview School and continuing in a northwesterly direction to the Pennsylvania-Ohio State line at Orangeville in Mercer County a distance of about 6.1 miles

Route 43082 Beginning at a point on Route 43036 at Zion Church thence southeasterly through Pymatuning Delaware and Jefferson Townships to a point on Route 43040 about 0.5 of a mile north of Pearson's Mills Corners in Mercer County a distance of about 5.6 miles

Route 43083 Beginning at a point on Route 43036 about 0.3 of a mile west of the Shenango River Bridge of New Hamburg thence in a southwesterly and southerly direction through Delaware Township to a point on Route 43082 approximately 0.6 of a mile southeast of Fruit School in Mercer County a distance of about 1.9 miles

Route 43084 Beginning at a point at the intersection of Routes 43034 and 43037 at Baughs Cornors thence northeasterly through West Salem Township to a point on Route 238 on the southwest boundary line of Greenville Borough in Mercer County a distance of about 4.0 miles

Route 43085 Beginning at a point on Route 43048 at Hagertys Corner thence easterly through Perry Township to a point on Route 213 about 0.25 of a mile north of the Perry-Fairview Township line in Mercer County a distance of about 1.2 miles

Route 43086 Beginning at a point on Route 446 at Carpenter's Corners thence northwesterly through New Vernon Township by way of Clark Corners to the New Vernon-Perry Township line thence northwesterly through Perry Township by way of McCartney Corners to the Perry-Sandy Creek Township line thence in a northwesterly direction through Sandy Creek Township to a point on Route 213 at Snyder Corners in Mercer County a distance of about 4.5 miles

Route 43087 Beginning at a point on Route 43074 at Sheatz Corners thence northeasterly through Mill Creek and French Creek Townships to the dividing line between Mercer and Venango Counties in Mercer County a distance of about 0.6 of a mile

Route 43088 Beginning at a point on Route 213 about 0.3 of a mile north of the north borough line of Sheakleyville thence in a general northeasterly direction through Sandy Creek Township to a point on the dividing line between Sandy Creek and Deer Creek Townships thence northeasterly through Deer Creek Township by way of Hogue Corners Smith's School and Sunol to a point on the dividing line between Mercer and Crawford Counties at Peterson Corners thence easterly on the boundary line of Mercer and Crawford Counties to Heart Corners thence northeasterly through Deer Creek Township by way of Doolittle Corners to a point on the dividing line between

Mercer and Crawford Counties at Strayer Corners thence easterly on the boundary line of Mercer and Crawford Counties through Deer Creek and French Creek Townships to a point on Route 294 at Buchanan Corners in Crawford and Mercer Counties a distance of about 9.3 miles

Route 43089 Beginning at a point on Route 43046 at Fell School Corners thence easterly through Salem Township to the Salem-Sandy Creek Township line at Crouser Corners thence easterly through Sandy Creek Township to a point on Route 43067 at Chess Corners in Mercer County a distance of about 2.8 miles

Route 43090 Beginning at the intersecting roads in Sunol thence in an easterly direction through Deer Creek Township by way of Jackson Corners and Crumm Corners to a point on the dividing line between Deer Creek and French Creek Townships thence in an easterly direction through French Creek Township by way of Chatley School Corners to a point on Route 294 in Milledgeville in Mercer County a distance of about 4.6 miles

MONROE COUNTY

Route 45052 Beginning at a point on the dividing line between Carbon and Monroe Counties thence in a general northeasterly direction through Eldred Township to a point where it intersects Route 45002 thence in an easterly and northeasterly direction through Eldred and Ross Townships along the Aquashicola Creek crossing Route 45005 thence continuing through Ross and Hamilton Townships to Route 165 at a point approximately 0.1 of a mile south of Saylorsburg in Monroe County a distance of about 11.9 miles

Route 45053 Beginning at a point on Route 164 approximately 0.33 of a mile west of the intersection of Routes 45003 and 164 thence southeasterly through Polk Township crossing Route 45003 at Gilbert thence northeasterly through Polk and Chestnut Hill Townships to a point of intersection with Route 164 approximately 0.62 of a mile east of the intersection of Routes 45003 and 164 in Monroe County a distance of 1.2 miles

Route 45054 Beginning at a point on Route 45010 approximately 0.3 of a mile northeast of the intersection of Routes 45010 and 45051 thence northerly through Stroud Township to a point on the south borough line of Stroudsburg Borough in Monroe County a distance of about 0.7 of a mile

Route 45055 Beginning at a point on Route 45043-Spur "E" at Merwinsburg thence northeasterly through Chestnut Hill Township to a point of intersection with Route 45049 approximately 2.35 miles north of Effort in Monroe County a distance of about 1.6 miles

Route 45056 Beginning at a point on Application 3760-A approximately 0.75 of a mile east of McMichaels thence southeasterly through Jackson Township to a point on Application 5767 approximately 0.75 of a mile south of Appenzell in Monroe County a distance of about 2.1 miles

Route 45057 Beginning at a point on Route 168 approximately 0.2 of a mile west of the north borough line of Stroudsburg Borough thence westerly through Stroud Township intersecting Route 168 at another point approximately 0.5 of a mile west of the north borough line of Stroudsburg Borough thence northwesterly northeasterly and northerly to a point of intersection with Route 45019 approximately 1.1 miles west of its intersection with Route 169 in Monroe County a distance of about 2.7 miles

Route 45058 Beginning at a point at the intersection of Routes 166 and 45011 about 0.8 of a mile northeast of the East Stroudsburg Borough line thence in a northwesterly direction through Smithfield Township to an intersection with an improved township road near Gregory Pond in Monroe County a distance of about 1.2 miles

Route 45059 Beginning at a point on Route 167 about 0.7 of a mile southwest of its intersection with Route 461 thence in a southeasterly southwesterly and westerly direction through Smithfield Township to a point on the east borough line of East Stroudsburg Borough in Monroe County a distance of about 3.5 miles

Route 45060 Beginning at a point on Route 169 about 200 feet north of the intersection of Routes 45019 and 169 thence easterly through Stroud Township to a point on Route 497 0.5 of a mile north of the intersection of Routes 167 and 497 in Monroe County a distance of about 1.5 miles

PERRY COUNTY

Route 50033 Beginning at a point on Route 50005 about 1.0 mile east of the village of Bridgeport thence in a general southerly direction through Spring Township to a point at the termination of Route 50006 at or near Oak Grove Church in Perry County a distance of about 2.1 miles

Route 50034 Beginning on Route 30 at or near Kinkora thence in a southwesterly direction through Penn Township along Cove Creek to a road intersection in Perry County a distance of approximately 2.1 miles

Route 50035 Beginning at a point on Route 31 approximately 0.5 of a mile west of Newport thence westerly along Little Buffalo Creek through Oliver Juniata and Centre Townships to a point on Route 50005 approximately 0.5 of a mile south of the Juniata-Centre Township line in Perry County a distance of about 5.1 miles

Route 50036 Beginning at a point on Route 50004 about 0.5 of a mile east of Pine Grove School thence in an easterly direction through Miller Township to Losh Run Station in Perry County a distance of about 3.8 miles

Route 50037 Beginning at Route 50012 about 1.0 mile east of Spring Grove School thence in a southerly direction through Saville Township to a point on Route 50001 at or near Irvine School in Perry County a distance of about 0.9 of a mile

Route 50038 Beginning at a point at the termination of Route 50013 thence in a southwesterly direction through Juniata Township to a point on Route 50005 about 1.0 mile north of the intersection of Routes 50005 and 305 in Perry County a distance of about 0.8 of a mile

Route 50039 Beginning at a point at the terminus of Route 50032 thence in a northwesterly direction through Juniata and Tuscarora Townships to a point on Route 50001 about 1.25 miles west of Sugar Run School in Perry County a distance of about 0.9 of a mile

Route 50040 Beginning at a point on Route 50017 at or near Hunter School thence in a southwesterly direction through Buffalo and Howe Townships to a point on Route 50002 about 0.5 of a mile north of the intersection of Routes 50002 and 50029 in Perry County a distance of about 3.5 miles

Route 50041 Beginning at a point on Route 195 at Mt Patrick thence in a northwesterly direction through Buffalo Township to a point on Route 50017 at or near Hunter's School in Perry County a distance of about 3.0 miles

Route 50042 Beginning at a point on Route 50019 about 0.5 of a mile east of Wardville thence in an easterly direction through Greenwood Township to a point on Route 50021 about 0.5 of a mile south of Nekada beginning again on Route 50021 at Nekada thence in an easterly direction through Greenwood and Liverpool Townships to a point on Route 293 in Perry County a distance of about 4.8 miles

PIKE COUNTY

Route 51024 Beginning at a point on Route 167 about 0.4 of a mile southwest of Egypt Mills thence northeasterly and northwesterly through Lehman Township to a point on Route 51001 about 1.7 miles southwest of the intersection of Routes 51001 and 51003 in Pike County a distance of about 1.7 miles

Route 51025 Beginning at a point on Route 7 about 0.05 of a mile east of the intersection of Routes 51008 and 7 near the Sawkill School House thence southerly southeasterly and easterly through Dingman Township to a point on Route 746 near the Dingman-Milford Township line in Dingman Township Pike County a distance of about 5.4 miles

Route 51026 Beginning at a point on Route 7 about one mile west of the Shohola-Milford Township line thence in a southerly direction through Dingman Township to a point on Route 51008 in Pike County a distance of about 2.9 miles

Route 51027 Beginning at a point on Application 1669

at Greentown thence in a general northeasterly direction through Greene Township to a road intersection in Pike County a distance of about 1.2 miles

Route 51028 Beginning at a point on Route 254 about 1.5 miles east of Paupack thence in a southeasterly direction through Palmyra and Blooming Grove Townships to the point of intersection of Routes 51019 and 51020 near the Palmyra-Blooming Grove Township line in Pike County a distance of about 2.6 miles

Route 51029 Beginning at a point on Route 334 about 0.6 of a mile north of the intersection of Routes 334 and 220 thence westerly through Lackawaxen Township to a point on Route 51015 in Pike County a distance of about 0.7 of a mile

Route 51030 Beginning at a point on Route 255 about 0.6 of a mile north of Lackawaxen thence northerly through Lackawaxen Township in Pike County a distance of about 1.0 mile

SOMERSET COUNTY

Route 55114 Beginning at the northern terminus of Route 55108 thence northerly and easterly through Addison Township to the intersection of Route 55113 near the borough of Confluence in Somerset County a distance of about 3.2 miles

Route 55115 Beginning at the Ursina Borough-Lower Turkeyfoot Township line thence in a southerly direction through Lower Turkeyfoot Township to the intersection with Route 50 in the village of Harnedsville in Somerset County a distance of about one mile

Route 55116 Beginning at a point on Route 51 approximately 0.5 of a mile south of Salisbury thence in a southwesterly westerly and northwesterly direction through Elk Lick Township to the intersection of Route 993 in the village of Springs in Somerset County a distance of about 4.5 miles

Route 55117 Beginning at a point on Route 55005 approximately 1.6 miles east of Wellersburg Borough thence in a northwesterly and southwesterly direction through Southampton Township by way of Gladdens to an intersection with Route 55005 in Somerset County a distance of about 2.4 miles

Route 55118 Beginning at a point on Route 55040 near the Middlecreek and Upper Turkeyfoot Township line thence in a northerly and easterly direction by way of the village of Barronvale to Route 55048 in Somerset County a distance of about 2.9 miles

Route 55119 Beginning at a point of intersection with Route 55033 about 2.75 miles east of the village of Kingwood thence in a northeasterly direction through Upper Turkeyfoot Township to a point on Route 50 at the Dan Marker farm approximately 1.3 miles northeast of the village of Kingwood in Somerset County a distance of about 3.0 miles

Route 55120 Beginning at a point on Route 55043 approximately one mile west of the village of Bando thence in a westerly direction through Milford Township to a terminus on Route 55042 at or near the village of Gebhart in Somerset County a distance of about 2.6 miles

Route 55121 Beginning at a point on Route 808 approximately one mile south of Berlin thence in an easterly and southerly direction through Brothers Valley Township to the junction of Route 808 in Somerset County a distance of approximately 3.4 miles

Route 55122 Beginning at a point on Route 55050 at the village of Glenn Savage thence in a southeasterly and southerly direction through Allegheny and Fairhope Townships by way of Shaffers Run to a point on Route 55005 about 0.5 of a mile north of Fairhope in Somerset County a distance of about 5.8 miles

Route 55123 Beginning at a point on Route 49 in the village of Brotherton thence in a northerly direction through Stony Creek Township to the junction of Route 55057 near the Schrock School House in Somerset County a distance of about 2.1 miles

Route 55124 Beginning at the northern terminus of Route 55112 approximately 1.4 miles north of the village of Geiger thence in a northeasterly direction through Somerset and Quemahoning Townships by way of Baer School to the junction of Route 55076 approximately 0.25 of a mile south of Texas School in Somerset County a distance of about 4.1 miles

Route 55125 Beginning at a point on Route 52 about 0.2 of a mile southwest of the intersection of Routes 55096 and 52 thence southerly for 0.1 of a mile thence in a northeasterly direction through Jenner and Conemaugh Townships to a terminus on Route 52 near the village of Woodstown over what is usually known as the Beulah Road beginning again at a point on Route 52 0.7 of a mile northeast of the borough of Boswell thence in a southeasterly easterly and northerly direction through Jenner Township by way of the village of Pilltown to a road intersection about 0.1 of a mile south of Route 52 in Somerset County a total distance of about 4.5 miles

Route 55126 Beginning at a point on the Hooversville Borough line thence in a northeasterly direction through Shade Township by way of Hooversville Cemetery to the intersection with Route 55078 about 0.3 of a mile south of Shaffer Church in Somerset County a distance of about 2.1 miles

Route 55127 Beginning at the eastern terminus of Route 55104 in Conemaugh Township at a point approximately 1.5 miles east of Route 52 and 1.5 miles north of the village of Davidsville thence in an easterly direction through Conemaugh and Paint Townships by way of Paint Creek Station on the Baltimore and Ohio Railroad to the Paint Township-Paint Borough line in Somerset County a distance of about 3.3 miles

SULLIVAN COUNTY

Route 56031 Beginning at a point on Route 56013 about 1.3 miles east of Wheelerville thence in a southerly and southeasterly direction through Fox Township to a point on Route 56008 about 0.4 of a mile west of its intersection with Route 56013 near the village of Shunk in Sullivan County a distance of about 2.2 miles

Route 56032 Beginning at a point on Route 610 about 0.2 of a mile southwest of the village of Piatt thence in a northeasterly direction through Fox and Elkland Township by way of Piatt to a point on Route 56015 about 1.2 miles northeast of its intersection with Route 610 in Sullivan County a distance of about 2.2 miles

Route 56033 Beginning at a point on Route 56017 at Eldredsville thence in a northwesterly direction through Elkland Township to a point on Route 56015 in Sullivan County a distance of about 1.2 miles

Route 56034 Beginning at a point on Route 56021 about 1.0 mile south of the intersection of Routes 56018 and 56021 thence in a general southeasterly direction through Forks Township crossing Yellow Run to a point on Route 472 about 0.3 of a mile west of the intersection of Routes 472 and 56022 in Sullivan County a distance of about 2.9 miles

Route 56035 Beginning at a point on Route 17 about 0.2 of a mile northeast of its intersection with Route 56024 near Satterfield Junction thence in an easterly direction through Cherry Township to a point on Route 17-Spur near Shinersville in Sullivan County a distance of about 1.5 miles

Route 56036 Beginning at a point on Route 217 about 0.2 of a mile northeast of the Dushore Borough line near Ellery Weaver's farm thence in a southeasterly direction through Cherry Township for a distance of about 0.8 of a mile to a point of intersection with Route 56026 thence continuing in a northeasterly and southeasterly direction through Cherry Township to a point on Route 56030 aboot 0.1 of a mile north of its intersection with Route 56026 in Sullivan County a distance of about 3.3 miles

TIOGA COUNTY

Route 58079 Beginning at the Lycoming County line about 0.8 of a mile west of the point where Route 21 crosses said line thence in a northerly direction through Liberty Township to an intersection with Route 58031 in Tioga County a distance of about 0.2 of a mile

Route 58080 Beginning at a point on Route 58031 at

the intersection of Route 58034 in the village of Nauvoo thence in a southwesterly westerly and northwesterly direction through Liberty and Morris Townships to the village of Three Springs Run and its intersection with Route 58031 in Tioga County a distance of approximately 3.4 miles

Route 58081 Beginning at a point on Route 58053 at East Point thence southerly westerly and northwesterly in Liberty Township to a point on Route 58053 about one mile east of Liberty Borough in Tioga County a distance of about 5.7 miles

Route 58082 Beginning at a point on Route 20-Spur approximately one mile west of the Tioga-Bradford County line thence in a northerly and easterly direction through Union Township to a point on the Tioga-Bradford County line in Tioga County a distance of about 1.5 miles

Route 58083 Beginning at a point on Route 58013 at Draper thence in a southerly direction through Delmar and Morris Townships in Tioga County a distance of about 2.8 miles

Route 58084 Beginning at a point on Route 58041 about two miles northeast of Cherry Flats thence in a southerly and easterly direction through Covington Township to the Covington Township-Putnam Borough line in Tioga County a distance of about 4.8 miles

Route 58085 Beginning at a point of intersection with Route 196 at Canoe Camp thence in a southeasterly direction through Richmond and Covington Townships to a point of intersection with Route 58060 in Tioga County a distance of about 3.5 miles

Route 58086 Beginning at a point on Route 212 about 0.7 of a mile northeast of the intersection of Routes 212 and 58061 near Mainesburg thence in a southeasterly direction through Sullivan Township for a distance of 1.7 miles to a road intersection thence northerly to Route 212 in Tioga County a total distance of about 3.3 miles

Route 58087 Beginning at a point on Route 212 approximately 1.8 miles west of the Tioga-Bradford County line thence in a southeasterly direction through Sullivan Township crossing Route 58060 to a point on the Bradford County line in Tioga County a distance of about 2.4 miles

Route 58088 Beginning at an intersection with Route 58044 about 1.5 miles northeast of where Route 58044 crosses the Charleston-Richmond Township line thence easterly through Richmond Township to the Mansfield Borough line about 0.1 of a mile north of where Route 58045 crosses the borough line in Tioga County a distance of about 4.0 miles

Route 58089 Beginning at a point on the southern borough line of Knoxville Borough at the Cowanesque River thence in a southerly westerly and southeasterly direction through Deerfield and Chatham Townships by way of Gravel Deer Lick School to a point on Route 58024 approximately 0.5 of a mile north of Route 292 in Tioga County a distance of about 6.2 miles

Route 58090 Beginning at the end of Route 58072 thence in an easterly and northerly direction through Tioga and Jackson Townships to a point on Route 567 approximately 0.2 of a mile southwest of Jackson Summit in Tioga County a distance of about 5.4 miles

Route 58091 Beginning at a point on Route 58029 approximately 0.5 of a mile north of Farmington Center near a church thence in a northerly and northeasterly direction through Farmington and Osceola Townships to a point on the Osceola-Elkland Township line in Tioga County a distance of about 2.2 miles

Route 58092 Beginning at a point on Route 22 at Somerslane thence in a general northeasterly direction through Lawrence and Jackson Townships by way of East Lawrence to a point on Route 58074 about 0.3 of a mile southwest of the New York State line in Tioga County a distance of about 5.4 miles

VENANGO COUNTY

Route 60055 Beginning at a point on Route 60007 near Lovell School thence in a northwesterly direction through Scrubgrass and Clinton Townships by way of Rankin Church to a point on Route 60010 about 0.3 of a mile north of Pine Hill School in Venango County a distance of about 2.7 miles

Route 60056 Beginning at a point on Route 60013 known as Mulls Corners thence in a westerly and northerly direction 2.3 miles thence in an easterly direction 0.9 of a mile to an intersection at the Al Neely farm thence in a southeasterly direction 1.3 miles to a point known as Distler's Corners being an intersection with State Highway Route 60013 all in Richland Township Venango County a distance of approximately 4.5 miles

Route 60057 Beginning at a point in Richland Township Venango County on Legislative Route 75 approximately one mile north of Distler's Corners thence in an easterly direction for a distance of approximately one mile to a point at or near the Venango-Clarion County line thence in a northerly direction by way of Crisswell School to an intersection with Route 60014 at Nickleville in Richland Township Venango County a total distance of approximately 4.35 miles

Route 60058 Beginning on State Highway Route 91 near Station 66/91 and running thence in a general northwesterly direction through Sugar Creek Township to an intersection with the concrete pavement on Rocky Grove Avenue in Venango County a distance of about 1.2 miles

Route 60059 Beginning at the city line of Oil City at the intersection of Ninth Street and Central Avenue Extension and running in a general southerly direction to an intersection with old State-aid Application 56 in Cranberry Township Venango County a distance of approximately 0.3 of a mile

Route 60060 Beginning at the intersection of the Allegheny Highway State Highway Route 750 and the township road leading to Henry's Bend and continuing thence in a general northerly direction through President Township to the Allegheny River at Henry's Bend in Venango County a distance of approximately 3.0 miles

Route 60061 Beginning at the dividing line between Venango and Mercer Counties at a point 0.8 of a mile easterly from Sheatz's Corners Mercer County thence easterly through French Creek Township by way of Perrine Corners to the dividing line between French Creek Township and Utica Borough thence along the dividing line between French Creek Township and Utica Borough to Carnahan Corner on the dividing line between French Creek Township and Utica Borough in Venango County a distance of about 1.4 miles

Route 60062 Beginning at a point at the Venango-Crawford County line known as Bean Corners on Route 60036 and extending in an easterly direction through Canal Township by way of Swamp School Dickey Corner Deeter Corner Mount Pleasant School and Baker Hill Church to a point on the dividing line between Canal and Jackson Townships thence continuing easterly and southerly in Jackson Township by way of Young's Corners to the Sugar Creek Memorial Church Corner thence westerly to a point on the dividing line between Jackson and Sugar Creek Townships at McKenzie Corner thence continuing in a southerly and easterly direction in Sugar Creek Township to a point on State Highway Route 90 near the Homan Bridge in Venango County a distance of about 8.5 miles

Route 60063 Beginning at a point on Rural Route 60032 at Bethel Corners in Oakland Township Venango County thence northwesterly through Oakland Township a distance of approximately 1.7 miles to an intersection with Rural Route 60039 at Hasletts Corners beginning again at a point on Route 60039 at Boyd Center thence in a northerly direction through Oakland Jackson and Plum Townships a distance of approximately 3.3 miles to an intersection with Rural Route 60041 near Sunville in Plum Township Venango County a total distance of approximately 5.0 miles

WARREN COUNTY

Route 61042 Beginning at a point on Route 93 about 1.0 mile west of the Cobham School thence by way of Cobham School to a point on Route 61030 at the Plank Road School in Watson Township Warren County a distance of about 2.8 miles

Route 61043 Beginning at a point on Route 61010 at the foot of Coal Hill thence running in a general northeasterly direction through Pittsfield Township to a point of intersection on Route 61012 near the New York Central

Railroad at the Pittsfield Station in Warren County a distance of about 2.6 miles

Route 61044 Beginning at the northern terminus of Route 61012 thence in a northerly direction by way of road formerly known as Dalrymple Street in the town of Pittsfield Pittsfield Township Warren County to a point of intersection with Route 88 a distance of about 0.4 of a mile

Route 61045 Beginning at a point on the south borough line of Youngsville thence in a general southwesterly direction through Brokenstraw Township by way of York Hill School to a road intersection in Warren County a distance of about 3.8 miles

Route 61046 Beginning at a point on the township road at Booker Mill School thence in an easterly direction through Pleasant Township to a point on the dividing line between Pleasant and Mead Townships thence continuing in an easterly direction through Mead Township to the west borough line of Clarendon in Warren County a distance of about 4.2 miles

Route 61047 Beginning at a point on State-aid Application 4104 at the intersection of Mohawk Avenue and Harmon Street thence easterly through Pleasant Township along Harmon Street to Crescent Park thence southeasterly through Pleasant Township along Crescent Park and the River Road to a point on the township line between Pleasant and Mead Townships thence in a general easterly direction through Mead Township along the River Road to a point of intersection on Route 95 near the south end of the Glade Bridge in Warren County a distance of about 2.0 miles

Route 61048 Beginning at the east borough line of Warren Borough thence in a general easterly direction through Glade Township to Hemlock in Warren County a distance of about 3.7 miles

Route 61049 Beginning at a point on Route 61034 at Hatch Corners thence in an easterly direction through Glade Township to a point on Route 61037 approximately 0.5 of a mile northeast of Smith Corners in Warren County a distance of about 4.4 miles

Route 61050 Beginning at a point on Route 61038 about 2.0 miles east of Russell thence in a southeasterly direction on the Cole Hill Road through Pine Grove and Elk Townships to a point on Route 61037 at Scandia in Warren County a distance of about 4.0 miles

Route 61051 Beginning at a point on Route 61021 at Broughton Corners in Freehold Township and running in a northerly direction by way of Forest Chapel Church to Jamieson Corners thence in a westerly direction to Russell Corners thence in a northerly and northwesterly direction to a point on the dividing line between Pennsylvania and New York in Warren County a distance of about 3.6 miles

Route 61052 Beginning at a point on Route 94 near the Hale School in Pine Grove Township and running in a northeasterly direction on the Martin Road to Gouldtown thence northerly to a point on the Pennsylvania-New York State line in Warren County a distance of about 2.1 miles

WASHINGTON COUNTY

Route 62142 Beginning at an intersection with Route 62121 in the village of East Finley thence in a southwesterly direction through East Finley Township by way of Liberty thence westerly to an intersection with the Burnsville-Claysville road at Windy Gap Church thence in a southwesterly direction over the Burnsville-Claysville road to a point intersecting Route 62007 in the village of Burnsville in Washington County a distance of about 5.9 miles

Route 62143 Beginning at a point on Route 62114 in East Finley Township at or near the East Finley-Morris Township line and extending in an easterly southwesterly northeasterly and easterly direction through East Finley and Morris Townships to a point on Route 62124 about 0.25 of a mile northwest of an intersection with Route 109 in Washington County a distance of about 4.3 miles

Route 62144 Beginning at a point on the county road extending between Prosperity and Lindley's Mills about 0.4 of a mile northwest of the terminus of Route 62082 and extending in a northerly and easterly direction through Morris Township to an intersection with Route 62102 about 0.4 of a mile northwest of Bane Creek in Washington County a distance of about 2.3 miles

Route 62145 Beginning at a point on Route 62082 in Amwell Township near the junction of Ten Mile Creek and Little Ten Mile Creek thence in a northeasterly and southeasterly direction by way of Ten Mile Creek through Amwell and West Bethlehem Townships to the Marianna Borough line in Washington County a distance of about 0.7 of a mile

Route 62146 Beginning at a point on Route 62078 near the Lutheran Church thence in a general northerly direction through West Bethlehem Township by way of West Bethlehem High School to a point on a county road at West Zollarsville in Washington County a distance of about 1.4 miles

Route 62147 Beginning at a point on Route 62012-Spur "E" near Millsboro Bridge over Ten Mile Creek thence northwesterly through East Bethlehem Township to a point on Rout 62018 near Sandy Plains in Washington County a distance of about 1.5 miles

Route 62148 Beginning at a point on Route 62085 about 0.5 of a mile northwest of the North Bethlehem-West Bethlehem Township line thence in a northeasterly and northwesterly direction through North Bethlehem Township to a point on Route 62062 0.5 of a mile northeast of the intersection of Routes 62062 and 62085 in Washington County a distance of about 1.8 miles

Route 62149 Beginning at a point on Route 62095 near its intersection with a county road thence in a northeasterly direction through East Pike Run Township to a point on Route 268 about 0.6 of a mile south of the California Borough line in Washington County a distance of about 1.6 miles

Route 62150 Beginning at a point on Route 268 about 0.25 of a mile southwest of the California Borough-East Pike Run Township line thence in a southeasterly northeasterly and southeasterly direction through East Pike Run Township to a point on Route 268 about 0.1 of a mile southwest of the California Borough-East Pike Run Township line in Washington County a distance of about 0.6 of a mile

Route 62151 Beginning at a point on Route 62096 immediately south of the Blaine-Donegal-Buffalo Township line and extending in an easterly northeasterly and southeasterly direction through Buffalo and Blaine Townships to a point on Route 62135 about 0.1 of a mile north of White School in Washington County a distance of about 1.9 miles

Route 62152 Beginning at the point of intersection with Route 62128 at the Liberty M. E. Church thence in a northeasterly direction through Amwell Township to Route 62131 at a point about 0.6 of a mile west of Judge Chamber's School in Washington County a distance of about 1.2 miles

Route 62153 Beginning at a point on Route 325 about 1.5 miles north of Horne's School thence in a westerly northwesterly and northerly direction through Amwell Township by way of Van Kirk school to a point on Route 62128 about 0.3 of a mile southeast of Liberty M. E. Church in Washington County a distance of about 2.6 miles

Route 62154 Beginning at a point on a county road about 1.5 miles northwest of the Lone Pine School at Whitehill Farm thence in a northerly direction through Amwell Township by way of Redd Run School to a point on Route 113 at the Amwell-South Strabane Township line in Washington County a distance of about 3.5 miles

Route 62155 Begining at a point on Route 62054 about 0.4 of a mile west of the Somerset Township Consolidated School thence in a southerly and southeasterly direction through Somerset across Pigeon Creek to a point on Route 118 about 0.4 of a mile east of the Cokeburg Borough line in Washington County a distance of about 3.1 miles

Route 62156 Beginning at a point on Route 118 near Fallowfield Consolidated School thence in a general southerly direction through Fallowfield Township to a point on Route 519 near Doolittle Church in Washington County a distance of about 0.9 of a mile

Route 62157 Beginning at a point on Route 62016 at Redd's Mill thence extending in an easterly and southeasterly direction through Fallowfield Township to a point at the intersection of a county road and Route 118 in Washington County a distance of about 1.8 miles

Route 62158 Beginning at a point on Route 62110 about 0.2 of a mile west of an intersection with Route 62117 and extending in a northerly direction through Blaine and Hopewell Townships to an intersection with Routes 62104 and 62106 in Washington County a distance of about 1.8 miles

Route 62159 Beginning at the Washington City-Canton Township line on Caldwell Avenue thence through Canton Township over Caldwell Avenue to the intersection with Greene Street thence over Greene Street to the intersection with Hayes Avenue thence to the Canton Township-Washington City line on West Wylie Avenue in Washington County a distance of about 1.4 miles

Route 62160 Beginning at a point on Route 62040 about 0.8 of a mile northwest of Farquhar School thence in a northeasterly direction through Somerset and Fallowfield Townships crossing Sawmill Creek to a point on Route 62040 approximately 0.2 of a mile northwest of Dickey School in Washington County a distance of about 2.7 miles

Route 62161 Beginning at a point on Route 247 about 0.6 of a mile southwest of the intersection of Routes 247 and 247-Spur thence northwesterly southwesterly and northwesterly through Carroll Township to a point on a county road about one mile north of the intersection of the Fallowfield-Carroll Township line in Washington County a distance of about 1.8 miles

Route 62162 Beginning at a point on Route 247-Spur at Sampson thence extending in a northwesterly direction through Carroll Township to another point on Route 247-Spur near Black Diamond in Washington County a distance of about 1.7 miles

Route 62163 Beginning at a point on Route 62090 near the Houston Borough line thence in a northeasterly and easterly direction through North Strabane Township to the Cannonsburg Borough line in Washington County a distance of about 0.9 of a mile

Route 62164 Beginning at a point on Route 108 at the Canonsburg Borough-North Strabane Township line thence in a southeasterly direction through North Strabane Township to a point on Application 4274 about 0.9 of a mile northeast of Hill Church in Washington County a distance of about 0.7 of a mile

Route 62165 Beginning at a point on Route 62034 about 0.6 of a mile west of Linden thence in a general northerly direction through North Strabane Township to a point on a county road near Pump Station in Washington County a distance of about 2.3 miles

Route 62166 Beginning at a point on Route 736 near Houston Mission Church thence in a northwesterly direction through Union Township to a point on Route 62073 about 0.7 of a mile northeast of Mingo School in Washington County a distance of about 1.2 miles

Route 62167 Beginning at a point on Route 62037 about 0.6 of a mile northwest of Beech Knob School and extending in a general northeasterly direction through Cross Creek Township to a point on Route 62035 about 0.1 of a mile southwest fo the Cross Creek-Smith Township line in Washington County a distance of about 2.1 miles

Route 62168 Beginning at a point on Route 62167 about 0.5 of a mile southwest of an intersection with Route 62035 and extending in a general northwesterly direction through Cross Creek Township to a point on the county road immediately northeast of the village of Cross Creek in Washington County a distance of about 1.6 miles

Route 62169 Beginning at a point of intersection with State Highway Route 545 0.25 of a mile west of Venice thence in a northwesterly and southerly direction through Cecil and Mt Pleasant Townships by way of South View crossing Millers Run and by way of Atcheson Station crossing Route 545 and continuing by way of Meyers Place to an intersection with a county road 1.3 miles northwest of Westland in Washington County a distance of about 4.7 miles

Route 62170 Beginning at a point on Route 62014 about 0.6 of a mile east of Peters Township Consolidated School at McMurray thence in a northerly direction through Peters Township crossing Brush Run to a road intersection in Washington County a distance of about 0.6 of a mile

Route 62171 Beginning at a point on Route 62030 about 0.3 of a mile south of Peters U B Church thence in a westerly and northwesterly direction through Peters Township to a point on a county road about 0.7 of a mile northeast of Peters Township Consolidated School in Washington County a distance of about 0.9 of a mile

Route 62172 Beginning at a point on the county road in the village of Bulger and extending in a southerly direction through Smith Township to a point on Route 62031 about 0.3 of a mile northwest of the Mt Pleasant-Smith Township line in Washington County a distance of about 2.1 miles

Route 62173 Beginning at a point on Route 62009 in the village of Robinson and extending in a northeasterly direction through Robinson Township to the Allegheny-Washington County line a distance of about 0.6 of a mile

WAYNE COUNTY

Route 63064 Beginning at a point on Route 171 just west of the crossing of the South Fork of the Wallenpaupack Creek thence in a southwesterly direction through Dreher Township to an intersection with Route 561 in Wayne County a distance of about 0.2 of a mile

Route 63065 Beginning at a point on Route 63007 at Callapoose thence in a southwesterly direction through Sterling Township to a point on Route 63006 about 0.75 of a mile southeast of the Salem-Sterling Township line in Wayne County a distance of about 1.3 miles

Route 63066 Beginning at a point on Route 575 about 1.0 mile east of Hamlin thence in a southerly and southeasterly direction through Salem Township by way of Hub to a road intersection in Wayne County a distance of about 3.7 miles

Route 63067 Beginning at a point on Route 171 about 0.1 of a mile south of the Lake-Salem Township line thence in a northeasterly direction through Salem and Lake Townships to a point on Route 63010 about 0.25 of a mile north of the intersection of Routes 63011 and 63010 in Wayne County a distance of about 1.8 miles

Route 63068 Beginning at a point on Route 63019 near Clemo thence in a northwesterly and northeasterly direction through Cherry Ridge Township to a point on Route 63020 about 0.6 of a mile southwest of the Milford and Owego turnpike road in Wayne County a distance of about 2.2 miles

Route 63069 Beginning at a point on Route 171 near Hoadleys thence in an easterly direction through Cherry Ridge Township to a point on the Milford and Owego turnpike road in Wayne County a distance of about 1.2 miles

Route 63070 Beginning at a point on the Bethany and Dingman's Choice turnpike road about 0.5 of a mile west of the Wayne-Pike County line thence in a southerly direction through Palmyra Township to a point on Route 255 about 0.1 of a mile west of the Wayne-Pike County line in Wayne County a distance of about 0.9 of a mile

Route 63071 Beginning at the eastern terminus of Route 63037 thence in a southerly direction through Clinton Township to an intersection with Route 63036 thence in an easterly and northerly direction to a point on Route 227 about 0.5 of a mile south of Aldenville in Wayne County a distance of about 3.9 miles

Route 63072 Beginning at a point on Route 63033 directly east of Glass Pond No 1 thence extending in a westerly and southwesterly direction along the southeastern side of Glass Pond No 1 in Dyberry Township Wayne County a distance of about 0.9 of a mile

Route 63073 Beginning at a point on Route 63033 about 0.5 of a mile south of the Dyberry-Texas Township line thence in a southeasterly direction through Texas Township to the Honesdale Borough line in Wayne County a distance of about 0.9 of a mile

Route 63074 Beginning at a point on Route 335 about 1.5 miles southwest of Beach Lake thence in a northwesterly and northeasterly direction through Berlin Township to a point on Route 63030 about 1.25 miles south of the Damascus-Berlin Township line in Wayne County a distance of about 2.9 miles

Route 63075 Beginning at a point on Route 63027 about 3.0 miles south of Milanville thence in a westerly direction through Damascus Township to a road intersection in Wayne County a distance of about 1.5 miles

Route 63076 Beginning at a point on the Belmont and

Easton turnpike road near the Clinton-Mt Pleasant Township line thence in a general southeasterly direction through Clinton and Mt Pleasant Townships to a point on Route 227 about 0.5 of a mile south of the Clinton-Mt Pleasant Township line in Wayne County a distance of about 1.4 miles

Route 63077 Beginning at a point on the Bethany and Dingman's Choice Turnpike road thence in a northeasterly direction through Dyberry Township to a point on Route 63041 about 1.0 mile south of the Lebanon-Dyberry Township line in Wayne County a distance of about 1.5 miles

Route 63078 Beginning at a point on the Dyberry and West Damascus turnpike in Lebanon Township about 0.3 of a mile northwest of Girdland thence in a general northerly direction through Lebanon Township to a point on the Cochecton and Great Bend turnpike road about 0.2 of a mile northwest of the Lebanon-Damascus Township line in Wayne County a distance of about 2.1 miles

Route 63079 Beginning at a point on Route 63029 about 0.25 of a mile southwest of Calkins thence in a northerly westerly and southerly direction through Damascus Township to a point on Route 63029 about 1.2 miles west of Calkins in Wayne County a distance of about 3.3 miles

Route 63080 Beginning at a point on Route 227 about 1.5 miles southeast of Pleasant Mount thence in a northerly direction in Mount Pleasant Township to intersect the Cochecton and Great Bend turnpike road near the intersection of the turnpike road and Route 63055 in Wayne County a distance of about 0.5 of a mile

Route 63081 Beginning at a point on Route 63043 about 1.25 miles south of the intersection of Routes 173 and 63043 thence in a northeasterly direction through Damascus Township to a point on Route 63044 about 1.5 miles west of Galilee in Wayne County a distance of about 1.6 miles

Route 63082 Beginning at a point on Route 584 about 0.1 of a mile southeast of the intersection with Route 63054 thence in a general easterly direction through Mount Pleasant and Buckingham Townships to a point on Route 63041 about 2.0 miles north of the Buckingham-Lebanon Township line in Wayne County a distance of about 2.9 miles

Route 63083 Beginning at a point on Route 365 about 0.5 of a mile east of Starlight thence in a westerly and northwesterly direction through Buckingham and Scott Townships to a road intersection about 0.4 of a mile northeast of the Buckingham-Scott Township line in Wayne County a distance of about 1.5 miles

YORK COUNTY

Route 66117 Beginning at a point on Route 66004 about 0.25 of a mile southwest of Sticks in Codorus Township thence southerly through Codorus and Manheim Townships to the Maryland State line in York County a distance of about 2.0 miles

Route 66118 Beginning at a point on Route 127 at Ruhles School House thence northeasterly through Shrewsbury Township by way of Keeney School to a point on Route 66011 near the Shrewsbury-Hopewell Township line in York County a distance of about 2.4 miles

Route 66119 Beginning at a point on the western line of Stewartstown Borough near the cemetery thence westerly and southerly through Hopewell Township by way of Ebaugh School to a point on the Maryland State line about 0.7 of a mile west of Route 66109 in York County a distance of about 3.0 miles

Route 66120 Beginning at a point on Route 66078 about 0.3 of a mile southeast of an intersection with Route 66077 thence extending in a general northerly direction through West Manheim and Manheim Townships by way of Dubs Church to a point on Route 441 at the intersection with Route 66007 in York County a distance of about 2.8 miles

Route 66121 Beginning at a point intersecting Route 441 in the village of Marburg thence in a southerly direction through Manheim Township intersecting Route 66074 in the village of Hobart in York County a distance of about 2.45 miles

Route 66122 Beginning at a point on Route 715 about 0.25 of a mile west of the intersection of Route 715 and Application 2338 thence continuing in a general southwesterly direction through Shrewsbury and Codorus Townships by way of Rockville and Bortner's School to a point on Application 2003-B about 0.25 of a mile south of the intersection of Route 66010 and Application 2003-B in York County a distance of about 4.55 miles

Route 66123 Beginning at a point on Route 66011 about 0.5 of a mile west of Orwig thence northerly through Hopewell Township by way of Saddlers Church to a point on Route 66015 in York County a distance of about 1.4 mile

Route 66124 Beginning at a point on Route 66058 at Tollingers Corners thence southeasterly and northeasterly through East Hopewell Township by way of Manifold School to a point on Route 66058 about 1.5 miles southwest of Pleasant Grove in York County a distance of about 2.3 miles

Route 66125 Beginning at a point intersecting Route 675 about 2.0 miles south of the village of Airville thence in a westerly direction through Lower Chanceford Township by way of Marten Mill and Jameson's School to a point intersecting Route 66013 near Pleasant Grove in York County a distance of about 3.75 miles

Route 66126 Beginning at a point on Route 66062 at Ailston thence northeasterly through Peach Bottom Township in York County a distance of about 0.5 of a miles

Route 66127 Beginning at a point on Route 127 about 2.25 miles north of Shrewsbury Borough thence in a northeasterly and northwesterly direction through Shrewsbury and Springfield Townships by way of Potosi to a point intersecting Route 66084 about 0.45 of a mile east of Route 127 in York County a distance of about 1.8 miles

Route 66128 Beginning at a point on Route 66007 about 0.3 of a mile west of the intersection of Route 66007 and Application 2003 thence southerly westerly and northerly through North Codorus Township to a point on Route 66007 about 1.0 mile west of the intersection of Route 66007 and Application 2003 in York County a distance of about 0.75 of a mile

Route 66129 Beginning at a point intersecting Route 127 1.0 mile south of the borough of Loganville thence in a northeasterly direction through Springfield and North Hopewell Townships intersecting Route 66004 about 1.0 mile north of the village of Graydon in York County a distance of about 3.6 miles

Route 66130 Beginning at a point intersecting Route 66007 at Mt Carmel Church and School thence in a northeasterly direction through Heidelberg Township to a point intersecting Routes 66009 and 66008 about 0.2 of a mile north of the village of Iron Ridge in York County a distance of about 1.05 miles

Route 66131 Beginning at a point on Route 230 at the intersection of Routes 230 and 66048 thence in a southeasterly and northeasterly direction through North Codorus Township to a point on Application 2003 near Berkheimer's School in York County a distance of about 0.75 of a mile

Route 66132 Beginning at a point intersecting Route 66048 about 0.5 of a mile southeast of Lehman thence in an easterly direction through North Codorus Township to a point intersecting Route 66048 about 1.25 miles southwest of Zeigler's Church in York County a distance of about 2.9 miles

Route 66133 Beginning at a point on Application 1994 at or near the farm of Archie Heffner thence in a general northwesterly direction through Chanceford Township by way of Roy Werner's farm to a point on Route 216 near its intersection with Routes 66012 and 66116 in York County a distance of about 2.1 miles

Route 66134 Beginning at a point on Route 66093 about 0.8 of a mile north of Gnatstown thence in a general northwesterly and westerly direction through Jackson and Paradise Townships to a point on Route 66092 at Maple Grove in York County a distance of about 2.05 miles

Route 66135 Beginning at a point on Route 66008 about 0.1 of a mile north of Menges Mills thence extending in a westerly direction through Jackson Township to a point on Route 66009 about 0.3 of a mile north of the intersection of Routes 66009 and 66093 in York County a distance of about 1.3 miles

Route 66136 Beginning at a point on Route 66008 about 0.35 of a mile northeast of the intersection of Routes

66008 and 66009 thence in a southeasterly and easterly direction through Jackson Township to a point on Route 230 at the Jackson Township-Spring Grove Borough line in York County a distance of about 0.4 of a mile

Route 66137 Beginning at a point intersecting Route 66048 in the village of Lehman thence in a northeasterly direction through North Codorus Township by way of Lehman School to a point intersecting Route 66007 about 0.1 of a mile south of Stovertown in York County a distance of about 2.55 miles

Route 66138 Beginning at a point about 0.8 of a mile northwest of the intersection of Routes 66009 and 66008 thence in a general northwesterly direction through Jackson Township intersecting Route 66093 thence from a point on Route 66093 northwesterly through Jackson and Paradise Townships crossing Routes 126 and 66002 to a point on Route 66005 about 0.1 of a mile west of the intersection of Routes 66005 and 66002 in York County a distance of about 5.6 miles

Route 66139 Beginning at a point on the east line of Jacobus Borough thence easterly and northerly through Springfield and York Townships by way of Hengt's School to Route 66050 near its intersection with Route 66052 in York County a distance of about 2.50 miles

Route 66140 Beginning at a point on the west line of Dallastown Borough at Franklin Street thence by way of Blymire's School through York Township to a point on Route 216 at Sprenkle's School in York County a distance of about 1.65 miles

Route 66141 Beginning at a point on Route 216 near its intersection with Route 66014 thence northerly through Windsor Township to the Windsor Borough line in York County a distance of about 1.0 mile

Route 66142 Beginning at a point intersecting Route 216 about 2.0 miles southeast of the borough of Red Lion near Portmer's School thence in an easterly direction through Windsor Chanceford Windsor and Lower Windsor Townships by way of East End Church and the village of Rockey to a point intersecting Route 66012 about 0.65 of a mile north of Rockey in York County a distance of about 3.5 miles

Route 66143 Beginning at a point on Route 126 about 0.3 of a mile west of the intersection of Routes 126 and 492 thence extending in a general northwesterly direction through West Manchester and Dover Townships by way of Botts and Strayers School to a point on Route 66002 near Salem Church in York County a distance of about 5.3 miles

Route 66144 Beginning at a point on Rute 66099 near the intersection of Routes 66099 and 124 thence westerly and southwesterly through West Manchester Township to a point on Route 66005 about 0.5 of a mile west of the intersection of Routes 66005 and 126 in York County a distance of about 1.55 miles

Route 66145 Beginning at a point on Route 332 at Hill Street thence in a general southerly direction through Spring Garden and York Townships over U S Public Works Project Number N R S 803-A to a point on Route 216 at the intersection of Routes 216 and 66053 in York County a distance of about 1.5 miles

Route 66146 Beginning at a point intersecting Route 332 about 0.1 of a mile west of the village of Golden thence in a northwesterly direction through Windsor and Springettsbury Townships by way of Locust Grove Church intersecting Route 66090 about 0.4 of a mile south of the village of Spring Plains in York County a distance of about 1.45 miles

Route 66147 Beginning at a point on Route 332 near Golden thence in a northerly direction through Windsor and Springettsbury Townships by way of Witmer's School to a point on Route 66090 beginning again at a point on Route 66090 about 0.5 of a mile north of the Windsor-Springettsbury Township line thence in a northeasterly direction through Springettsbury and Hellam Townships to a point on Route 66019 about 0.5 of a mile north of the Hellam-Windsor Township line in York County a distance of about 1.85 miles

Route 66148 Beginning at a point intersecting Route 66017 about 0.75 of a mile south of Hallam Borough thence in a southwesterly direction through Hellam Township by way of Musser's School to a point intersecting Route 66019 about 1.0 mile south of Route 128 in York County a distance of about 0.65 of a mile

Route 66149 Beginning at a point on Route 714 about 0.75 of a mile south of the Lower Windsor-Hellam Township line thence westerly through Lower Windsor Township to Route 66012 about 0.25 of a mile southeast of its intersection with Route 66004 in York County a distance of about 1.4 miles

Route 66150 Beginning at a point on Route 66035 about 0.5 of a mile northwest of the Red Run Church thence extending northerly and northwesterly through Washington Township to a point on Route 190 about 0.5 of a mile east of Kralltown in York County a distance of about 2 1 miles

Route 66151 Beginning at a point on Route 374 at Big Dam thence extending in a westerly and southwesterly direction through Washington and Franklin Townships to a point on Route 66022 about 0.25 of a mile west of the Franklin-Washington Township line in York County a distance of about 1.25 miles

Route 66152 Beginning at a point in the village of Starview on Route 66040 thence extending in an easterly direction through East Manchester Township to the bridge over Codorus Creek near Codorus Furnace thence in a westerly direction through Hellam Township for about 0.45 of a mile to a road intersection thence continuing in a general easterly direction through the village of High Mount to the intersection of Routes 66089 and 66018 thence by spur in a northwesterly direction by way of Mt Hebron Church through East Manchester Township for a distance of about 0.5 of a mile to intersect Route 66046 in York County a total distance of about 3.65 miles

Route 66153 Beginning at a point in East Manchester Township on the southeastern boundary line of York Haven Borough thence in a southeasterly and southerly direction through East Manchester Township to a point on the northeastern boundary line of Mount Wolf Borough in York County a distance of about 3.55 miles

On the question,

Will the House agree to the section?

Mr. FURMAN. Mr. Speaker, I desire to offer the following amendments:

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, page 13 by inserting after line 2 ending with the word "miles" and before line 3, the following:

Route 65007. Beginning at a point on State Highway Route 592, approximately one-quarter mile northwest of [Vernon] Centremoreland; thence in a [northwesterly] southwesterly direction through North Moreland and [Eaton] Monroe Townships to an intersecting point on State Highway Route [11 approximately one-quarter mile south of Jenks] 65003 at Beaumont, in Wyoming County, a distance of about [2.60] 3.30 miles.

Amend section 2, page 14, line 24, by striking out the word "Kingdale" and substituting in lieu thereof the following: "Kingsdale."

Amend section 2, page 16, line 2, by striking out the word "Kiski—"

Amend section 2, page 18, line 3, by striking out the word "minetas" and substituting in lieu thereof the following word: "Kittanning."

Amend section 2, page 25 by striking out all of lines 6 to 12, inclusive, and inserting in lieu thereof the following:

Route 05094. Beginning at a point on Route 05033, about 0.8 of a mile northeast of its intersection with Route 05030 at Mench, thence extending in an easterly and southeasterly direction through East Providence and West Providence Townships, to a point on Route 05030 about 0.6 of a mile west of its intersection with Route 05021, in Bedford County, a distance of about 2.7 miles.

Amend section 2, page 28, line 11, by striking out the figures "06049" and substituting in lieu thereof the following: "06149"

Amend section 2 page 35 by striking out all of lines 23 to 27, inclusive, and inserting in lieu thereof the following:

Route 07040. Beginning at a point on Route 07026, about 0.4 of a mile south of the Logan-Antis Township line, thence southeasterly through Logan Township to a point on the northern line of the city of Altoona, in Blair County, a distance of about 1.0 mile.

Amend section 2 page 36 by inserting after line 3, ending with the word "mile" and before line 4. the following:

Route 07042. Beginning at a point on the northwestern line of Tyrone Borough, thence westerly through Snyder Township, in Blair County, a distance of about 1.11 miles.

Amend section 2, page 37, line 21, by inserting after the word "Bradford" and before the word "a" the following: "County"

Amend section 2 page 38, line 10 by striking out the figures "08019" and substituting in lieu thereof the following figures: "13"

Amend section 2, page 38, by striking out all of the lines 24 to 29 inclusive and inserting in lieu thereof the following:

Route 08135. Beginning at a point on Route 08075 at Saco; thence northeasterly through Ulster Township to a point on Route 287, about 1 mile south of the intersection of Routes 287 and 08073, in Bradford County, a distance of about 2.10 miles.

Amend section 2, page 41, line 4, by striking out the figures "080114" and substituting in lieu thereof the following: "08114"

Amend section 2, page 42 by inserting after line 3, ending with the word "mile" and before line 4, the following:

Route 08152. Beginning at a point on Route 08090 at Orwell, thence northerly through Orwell Township to a point on Route 08091, in Bradford County, a distance of about 0.8 of a mile.

Route 08153. Beginning at a point on Route 08017, about 1.5 miles north of the intersection of Routes 08017 and 08018, thence in a southeasterly and northeasterly direction through Wilmot Township to a point on the Wilmot Township-Wyoming County line, in Bradford County, a distance of about 0.8 of a mile.

Route 08154. Beginning at a point on Route 08077, about 0.40 of a mile northeast of the intersection of Routes 08077 and 212: thence southeasterly thru North Towanda Township to a point on the Towanda Borough line, in Bradford County, a distance of about 0.40 of a mile.

Amend section 2, page 44, line 1, by striking out the words "on Route 72 about"

Amend section 2, page 44, line 2, by striking out the entire line.

Amend section 2, page 44. line 3, by striking out the word "and" and inserting in lieu thereof the following: "at the western terminus of Route"

Amend section 2, page 44, line 3, by inserting after the word "a" and before the word "westerly" the following: "northerly and"

Amend section 2 page 44, line 6, by striking out after the word "about" and before the word "mile" the words "0.9 of a". and inserting in lieu thereof the following: "1.0"

Amend section 2, page 46 by inserting after line 20 ending with the word "mile." and before line 21, the following:

CAMBRIA COUNTY

Route 11069. Beginning at a point on the Indiana-Cambria County line near the Cherry Tree Reservoir, thence easterly through Susquehanna Township to a point on Route 62 approximately 0.75 of a mile south of the borough of Cherry Tree, in Cambria County, a distance of about 1.0 mile.

Route 11070. Beginning at a point on Route 11019, at or near Grange Hall, thence in a southwesterly and southerly direction through Summerhill and Croyle Townships to an intersection with Route 11014 at a point approximately 0.5 of a mile west of the Summerhill-Croyle Township line, in Cambria County, a distance of approximately 2.2 miles.

Route 11071. Beginning at a point on the east borough line of Portage Borough at Washington Avenue, in Portage Township, thence northeasterly through Portage Township, via the villages of Sonman and Bans Creek, to a point on the Portage-Washington Township line; thence northerly through Washington Township to a point on Route 276 near the village of Lime Bank, in Cambria County, a distance of about 4.2 miles.

Route 11072. Beginning at a point on Route 11035, approximately 0.5 of a mile north of Elstie, thence in a general northerly direction to an intersection with Route 221 at a point approximately 0.25 of a mile east of the east borough line of Ashville Borough, in Gallitzin Township, Cambria County, a distance of approximately 2.4 miles.

Route 11073. Beginning at a point on Route 11036, approximately 0.1 of a mile west of the Barr-Cambria Township line, thence in a general northerly and northwesterly direction through Barr Township to an intersection with Route 11042 at its intersection with Route 747, in Cambria County, a distance of about 2.6 miles.

Route 11074. Beginning at a point on Route 221, approximately 0.5 of a mile north of the borough of Chest Springs, in Clearfield Township, thence northwesterly and southwesterly through Clearfield Township to a point on Route 11041, approximately 2.25 miles west of the borough of Chest Springs, in Cambria County, a distance of about 2.0 miles.

Route 11075. Beginning at a point at or near the intersection of Routes 11049 and 11067, in East Carroll Township, thence in a general southeasterly direction through East Carroll Township to an intersection with Route 11048 just east of its intersection with Route 11041, in Cambria County, a distance of approximately 2.0 miles.

Route 11076. Beginning at a point on the south borough line of Hastings Borough on Beaver Street, thence in a general southeasterly direction through Susquehanna Township to the Susquehanna-Elder Township line; thence throuhg Elder Township in a general southeasterly direction to a point on Route 11067 at or near its intersection with Route 221, in Cambria County, a distance of about 2.55 miles.

Route 11077. Beginning at a point on the northeast borough line of Patton Borough, thence extending in a general northwesterly direction through Elder Township, via Flannigan Run Village, to an intersection with Route 221, in Cambria County, a distance of approximately 1.5 miles.

Route 11078. Beginning at or near the intersection of Routes 408 and 11044 at St. Augustine, thence in a general northwesterly direction through Clearfield Township to an intersection with Routes 11050 and 11052, in Cambria County, a distance of approximately 2.2 miles.

Route 11079. Beginning at a point on Route 62 at Garman, thence in a southerly direction through Susquehanna and Barr Townships, via Marsteller, to a road intersection near the village of Moss Creek, in Cambria County a distance of about 2.1 miles.

Route 11080. Beginning at a point on Route 11060 at Mountaindale, thence in a northeasterly and southeasterly direction through Reade Township to a point of intersection of Routes 11060 and 383 at Blandburg, in Cambria County, a distance of about 1.8 miles.

Amend Section 2, page 49, line 21, by inserting after the word "line" and before the word "in" the following: "thence northwesterly through New London Township to a point on Route 15008, about 0.85 of a mile northeast of New London"

Amend Section 2, page 49, line 21, by striking out the figures "1.7" and inserting in lieu thereof the following figures: "3.0"

Amend Section 2, page 57, by inserting after line 10, ending with the word "miles" and before line 11, the following:

CLINTON COUNTY

Route 18026. Beginning at a point on Route 339, about 2.0 miles southwest of the village of Booneville, thence in a general southeasterly direction through Logan Township, via Logan Mills, to a road intersection, in Clinton County, a distance of about 0.9 of a mile.

Route 18027. Beginning at a point on Route 359 at Booneville, thence in a southerly direction through Logan Township to a road intersection in the village of Greenburr, in Clinton County, a distance of about 1.1 miles.

Route 18028. Beginning at a point on Route 359 near Carroll, thence in a general southwesterly direction through Greene Township to the village of Eastville, in Clinton County, a distance of about 1.25 miles.

Route 18029. Beginning at a point on Route 58, about 1.0 mile southwest of the Porter-Lamar Township line, thence in a northwesterly direction through Porter Township to a point on Route 18008, near the village of Parvin, in Clinton County, a distance of about 0.9 of a mile

Route 18030. Beginning at a point on Route 18007, at Mackeyville, thence southeasterly and northeasterly through Lamar Township to a point on Route 58-Spur, about 1.0 mile northwest of Rote, in Clinton County, a distance of about 3.1 miles.

Route 18031. Beginning at a point on Route 18014, about 1.4 miles southwest of the intersection of Routes 18014 and 18021, thence in a southwesterly direction through Dunnstable and Woodward Townships to a point on Route 339 about 1.7 miles southeast of the intersection of Routes 339 and 18014, in Clinton County, a distance of about 1.7 miles.

Route 18032. Beginning at a point at the southern end of Application 7081, thence in a southeasterly direction through Wayne Township to the Lock Haven Water Supply Dam, in Clinton County, a distance of about 0.7 of a mile.

Route 18033. Beginning at a point on Route 18014, about 0.1 of a mile southwest of the intersection of Routes 18014 and 18021, thence in a southeasterly direction through Dunnstable Township to a point on Route 25 near McElhattan Bridge, in Clinton County, a distance of about 0.3 of a mile.

Route 18034. Beginning at a point on Route 18021, about 1.7 miles north of the intersection of Routes 18021 and 18014, thence in a northeasterly direction through Dunnstable and Pine Creek Townships to a point on Application 98 at Woolrich, in Clinton County, a distance of about 0.5 of a mile.

Route 18035. Beginning at a point on Route 105 at Westport, thence in a westerly direction through Noyes Township along the north bank of Kettle Creek, in Clinton County, a distance of about 1.0 mile.

Amend Section 2 Page 67 by inserting after Line 10 ending with the word "mile" and before Line 11, the following:

DAUPHIN COUNTY

Route 22046. Beginning at a point on Route 509, about 0.75 of a mile south of the intersection of Routes 509 and 618, thence in a southwesterly direction through Swatara Township to a point on the Swatara Township-Steelton Borough line at Gibson Street, in Dauphin County, a distance of about 0.25 of a mlie.

Route 22047. Beginning at a point on Route 618, about 1.0 mile east of Oberlin, thence northeasterly through Swatara Township to the intersection of Route 22018 about 0.4 of a mile southwest of Rutherford Station, in Dauphin County, a distance of about 0.6 of a mile.

Route 22048. Beginning at a point on Route 22017, about 1.2 miles south of Hummelstown Borough, thence in a northeasterly direction through Derry Township to a point on Route 22015 about 0.8 of a mile southeast of Hummelstown Borough, in Dauphin County, a distance of about 1.0 mile.

Route 22049. Beginning at a point on Route 22015, about 0.3 of a mile south of the Pleasant View School, thence in a northwesterly and northeasterly direction through South Hanover Township, by way of the Pleasant View School, to a point on Route 22008, in Dauphin County, a distance of about 1.75 miles.

Route 22050. Beginning at a point on Route 22015, about 0.1 of a mile south of Stoudt's School, thence in a general northeasterly direction through South Hanover and West Hanover Townships to a point on Route 22006 about 0.25 of a mile north of the Hanoverdale Church, in Dauphin County, a distance of about 1.75 miles.

Route 22051. Beginning at a point on Route 22007, about 0.7 of a mile northeast of Sand Beach, thence in a general northeasterly and easterly direction through South Hanover and East Hanover Townships to the intersection of Route 22014, about 0.5 of a mile south of Church Hill School, in Dauphin County, a distance of about 2.35 miles.

Route 22052. Beginning at a point on Route 2206, about 0.8 of a mile northeast of the Hanoverdale Church, thence in a general westerly direction through West Hanover Township to a point on Route 22015 about 0.5 of a mile southwest of the Oak Road School House, in Dauphin County, a distance of about 1.7 miles.

Route 22053. Beginning at a point on Route 22004 near the Oak Hill School, thence in a general westerly and northwesterly direction through West Hanover Township to a point on Route 140, about 0.5 of a mile east of the Sandy Hill Church, in Dauphin County, a total distance of about 1.4 miles.

Route 22054. Beginning at a point on Route 22025, about 1.25 miles south of the Mt. Laurel Church, thence in a general easterly direction by way of Forney's School through West Hanover and East Hanover Townships to a point on Route 22005, about 1.5 miles north of Route 140, in Dauphin County, a distance of about 2.4 miles.

Route 22055. Beginning at a point on Route 1 at or near the Halifax-Reed Township line, thence in an easterly direction through Halifax Township to a point on Route 22004 at or near Matimoras School, in Dauphin County, a distance of about 1.7 miles.

Route 22056. Beginning at a point on Route 22002 near Rutlers School, thence easterly in Halifax and Jackson Townships to the intersection of Routes 22028 and 22029 at Enders, in Dauphin County, a distance of about 3.4 miles.

Route 22057. Beginning at a point on Route 22001, immediately east of the borough line of Millersburg Borough, thence in a southerly direction through Upper Paxton Township to the Millersburg Borough-Upper Paxton Township line, in Dauphin County, a distance of about 0.13 of a mile.

Route 22058. Beginning at a point on the eastern line of Uniontown Borough, thence easterly in Lykens Township to the Northumberland County line, in Dauphin County, a distance of about 0.1 of a mile.

Route 22059. Beginning at a point on Route 199, at or near the intersection of Route 199 and 22035 at Loyalton, thence in a general southerly direction through Washington Township to Oakdale Station, in Dauphin County, a distance of about 1.2 miles.

Route 22060. Beginning at a point on Route 336, about 0.25 of a mile southwest of Killinger, thence in a general northerly direction through Upper Paxton Township, via the U. B. Church and Fairview School, to an intersection with Route 22001, in Dauphin County, a distance of about 1.3 miles.

Route 22061. Beginning at a point on Route 336, at or near the intersection of Routes 336 and 22012, thence in a general northeasterly direction through Upper Paxton Township, via Neagley's School, to a point on Route 22001 about 0.25 of a mile southwest of the Upper Paxton-Mifflin Township line, in Dauphin County, a distance of about 2.2 miles.

Route 22062. Beginning at a point on Route 22001, about 2.0 miles west of the intersection of Routes 22001 and 336 north of Berrysburg Borough, thence in a northeasterly direction through Mifflin and Lykens Townships to a point on Route 336 at or near the intersection of Routes 336 and 22001 south of Uniontown Borough, in Dauphin County, a distance of about 3.1 miles.

Route 22063. Beginning at a point on Route 22001, about 2.0 miles west of Erdman, thence in a southerly direction through Lykens Township to the northern line of Gratz Borough, in Dauphin County, a distance of about 1.6 miles.

DELAWARE COUNTY

Route 23096. Beginning at a point on the northwest boundary line of Marcus Hook Borough, thence in a northwesterly direction through Upper and Lower Chichester Townships on Hawes Street, crossing Application 2436, to a point of intersection with Application 1136; thence continuing in a northeasterly direction on Johnson's Avenue to a point on Route 418, in Delaware County, a distance of about 1.03 miles.

Route 23097. Beginning at the point of intersection of Route 418 and the boundary line between Upper and Lower Chichester Townships, thence in a southwesterly direction through Upper and Lower Chichester Townships on Laughead Avenue to its intersection with Applications 1136 and 1416, in Delaware County, a distance of about 0.25 of a mile.

Route 23098. Beginning at the point of intersection of Routes 180 and 131-Spur "A" at Chelsea, thence in a southeasterly direction through Bethel and Upper Chichester Townships to a point on Route 599, in Delaware County, a distance of about 0.6 of a mile.

Route 23099. Beginning at the point of intersection of Bridgewater Road with Route 180, thence in an easterly direction through Aston and Chester Townships on Bridgewater Road to its intersection with Route 23006, in Delaware County, a distance of about 0.8 of a mile.

Route 23100. Beginning at a point on Route 23064 at the northeastern line of East Lansdowne Borough, thence in a northeasterly direction through Upper Darby Township to an intersection with Route 23062, in Delaware County, a distance of about 1.0 mile.

Route 23101. Beginning at a point at the intersection of Thompson Road and Route 225, thence along Thompson Road in a southeasterly direction through Springfield Township to the intersection with Baltimore Pike, Route 130; beginning again at the point of intersection of Powell Road, Route 23066 and Woodland Avenue, Route 731, thence in a southwesterly direction through Springfield Township, on Powell Road, to its intersection with Thompson Road, in Delaware County, a distance of about 1.02 miles.

Route 23102. Beginning at a point at the intersection of Haverford Road and Routes 729 and 731, and extending in a southwesterly direction on Haverford Road through Ridley Township to a point of intersection with the northwest boundary line of Ridley Park Borough near Hancock Street; thence beginning again at a point at the intersection of Haverford Road with the southwestern boundary line of Ridley Park Borough, near Chester Avenue, and extending southwestwardly on Haverford Road through Ridley Township and along the boundary line between Ridley Township and Ridley Park Borough to a point of intersection with Route 23071, in Ridley Township, Delaware County, a distance of about 1.0 mile.

Route 23105. Beginning at the intersection of Glendale Road and West Chester Pike, Route 133, thence in a southwesterly direction through Haverford Township on Glendale Road to its intersection with Route 23053, in Delaware County, a distance of about 1.3 miles.

Route 23104. Beginning at the point of intersection of Tribbitt Avenue and Route 420, thence in a southeasterly direction through Darby Township, on Tribbitt Avenue, to its intersection with Calcon Hook Road, Route 23073, in Delaware County, a distance of about 0.6 of a mile.

Route 23105. Beginning at the point of intersection of Mills Road and Route 131-Spur "B", thence in a northeasterly direction through Thornbury and Concord Townships on Mills Road to its intersection with Route 728, in Delaware County, a distance of about 1.4 miles.

Route 23106. Beginning at the point of intersection of Kirk Lane and Orange Street, Route 23093, thence extending in a southwesterly direction through Upper Providence Township on Kirk Lane to a point of intersection with Route 23079, in Delaware County, distance of about 0.9 of a mile.

Route 23107. Beginning at the point of intersection of Sycamore Mills Road and Route 23045, thence in a northwesterly direction through Middletown and Edgmont Townships along Sycamore Mills Road and Glen Mills Road, to Route 179, in Delaware County, a distance of about 2.8 miles.

Route 23108. Beginning at a point on Route 23047, about Station 41, thence in an easterly direction through Haverford Township, on Brookline Boulevard, intersecting with Route 23054, to a point of intersection of Brookline Boulevard and Lawson Avenue; thence continuing in a southeasterly direction on Lawson Avenue to the point of intersection of Lawson Avenue and Manoa Road, Route 719, in Delaware County, a distance of about 1.3 miles.

Route 23109. Beginning at the point of intersection of Crum Creek Road and Route 25018, thence in a northerly direction through Northern Providence and Upper Providence Townships along Crum Creek Road, to its intersection with Route 23031, in Delaware County, a distance of about 1.15 miles.

Route 23110. Beginning at the point of intersection of Bloomfield Avenue and Route 23060, thence in a northerly and northeasterly direction through Upper Darby Township on Bloomfield Avenue, to its intersection with Route 23059, in Delaware County, a distance of about 0.7 of a mile.

Route 23111. Beginning at a point of intersection with Route 23041, about 0.1 of a mile south of its intersection with Route 23044, thence in an easterly direction through Radnor Township to the Delaware-Montgomery County line, in Delaware County, a distance of about 0.75 of a mile.

Route 23112. Beginning at the point of intersection of Lawrence Road, Route 23050, and Ellis Road about 1,000 feet north of the intersection of Route 23050 with Route 23084, hence in a northeasterly direction through Haverford Township on Ellis Road, to a point of intersection of Ellis Road and Admore Avenue; thence continuing northeastwardly on Ardmore Avenue to the point of intersection of Ardmore Avenue and Route 23047, in Delaware County, a distance of about 1.4 miles.

Route 23113. Beginning at the point of intersection of Earlington Road and Mill Road, Route 23054, thence in a northerly direction through Haverford Township on Earlington Road, to a point of intersection with Eagle Road, Route 23049, immediately west of the Philadelphia and Western Railway, in Delaware County, a distance of about 0.75 of a mile.

Amend section 2 page 68 by inserting after line 17, ending with the word "miles" and before line 18, the following:

ERIE COUNTY

Route 25081. Beginning at a point on Route 25079 at Carter's Corners, thence easterly in Conneaut Township, via Keepville, to a point on Route 85, in Erie County, a distance of about 1.9 miles.

Route 25082. Beginning at a point in the village of McClelland's Corners, thence westerly in Washington Township to a point on Route 25032, in Erie County, a distance of about 0.3 of a mile.

Route 25083. Beginning at a point on Route 25032, at or near Gardner School, thence extending in a northeasterly direction through Washington Township to the LeBoeuf-Washington Township line at McClelland's Corners; thence northerly along said township line to the Waterford-Washington-LeBoeuf Township line, in Erie County, a distance of about 1.5 miles.

Route 25084. Beginning at a point on Route 25039, about 0.4 of a mile south of the LeBoeuf-Waterford Township line, thence extending in a general easterly direction through LeBoeuf Township to a point on Route 271 about 0.2 of a mile west of French Creek, in Erie County, a distance of about 4.1 miles.

Route 25085. Beginning at a point on Route 25041, at or near Wilson School, thence in a southerly direction through Union Township over Wilson Road to the intersection with Bush Road; thence in an southeasterly direction over Bush Road to a point on the Crawford-Erie County line about 1.6 miles east of Route 271, in Erie County, a distance of about 2.5 miles.

Route 25086. Beginning at a point on Route 25041 at Kopple Corners, thence northerly along the O'Neil Road to an intersection with the Mitchell Road at Burton Corners; thence westerly and northwesterly through Union Township, along the Mitchell Road, to a point intersecting Route 304 at Fenno School Corners, in Erie County, a distance of about 3.0 miles.

Route 25087. Beginning at a point intersecting Route 25041 at Cottage Hill Church Corners, thence in an easterly direction through Union Township along the Ox Bow Hill Road to a point on the dividing line between Union and Concord Townships; thence easterly through Concord Township along the same road to a point inter-

secting Route 25041 at Ox Bow Hill Corners, in Erie County, a distance of about 2.3 miles.

Route 25088. Beginning at a point on Route 83, about 1.0 mile west of Knapp's Corners, thence northerly in Conneaut Township to a point on Route 25002, in Erie County, a distance of about 1.4 miles.

Route 25089. Beginning at a point on Route 25014, about 0.3 of a mile northeast of Manyock Corners, thence extending in an easterly direction through Girard Township to a road intersection at the Girard-Franklin Township line, in Erie County, a distance of about 1.4 miles.

Route 25090. Beginning at a point on Route 88, at the State Fish Hatchery, thence northerly in Wayne Township to a point on Route 25052, in Erie County, a distance of about 0.6 of a mile.

Route 25091. Beginning at a point on Route 25052 at Kinney Corners, thence extending in a northerly direction to a point itersecting Route 25053 at Five Points, in Erie County, a distance of about 2.4 miles.

Route 25092. Beginning at a point of intersection with Route 25053 at Five Points, thence in a northwesterly direction on Carter Hill Road through Wayne Township to a point on the Pennsylvania-New York State line; thence in a westerly direction on the state line road through Amity and Venango Townships to an intersection with Route 88, about 0.2 of a mile south of the Wattsburg Borough-Amity Township line, in Erie County, a distance of about 6.1 miles.

Route 25093. Beginning at a point on Route 25055, at Raymond's Corners, thence in a northwesterly direction through Wayne Township to the New York State line, in Erie County, a distance of about 1.7 miles.

Route 25094. Beginning at a point on the Girard Borough-Girard Township line, thence in a northwesterly direction through Girard Township to an intersection with Route 496 at a point approximately 1.25 miles east of Weis Corners, in Erie County, a distance of about 1.2 miles.

Route 25095. Beginning at a point on Route 496, about 0.7 of a mile west of Fairplain, thence northeasterly through Girard Township to an intersection with Route 25099, in Erie County, a distance of about 0.7 of a mile.

Route 25096. Beginning at a point on Route 86, at Osborne School, thence northerly through Girard Township, via Fairplain crossing Route 496, to Lake Erie, in Erie County, a distance of about 2.4 miles.

Route 25097. Beginning at a point on Route 84 at the Erie City-Mill Creek Township line, thence extending easterly through Mill Creek Township, via the South Gore Road, to a point on Route 88 about 0.3 of a mile south of the Erie City-Mill Creek Township line, in Erie County, a distance of about 2.4 miles.

Route 25098. Beginning at a point on Route 25057 at Weed's School, about 0.5 of a mile southeast of Weed's Corners, thence in an easterly direction through Green and Venango Townships to a point intersecting Route 25060 at Peck's Corners, about 0.5 of a mile north of the Harry Leslie farm, in Erie County, a distance of about 1.9 miles.

Route 25099. Beginning at a point on Route 25068, about 0.3 of a mile northwest of Philipsville, thence extending in a northwesterly direction through Venango and Green Townships to a point on Route 88, about 0.8 of a mile west of the Green-Venango Township line, in Erie County, a distance of about 2.1 miles.

Route 25100. Beginning at a point on Route 25060, at or near Moore School, thence extending in a westerly and northerly direction through Greenfield Township to a point on Route 25067 at Hornby, in Erie County, a distance of about 2.2 miles.

Route 25101. Beginning at a point on Route 304-Spur at Grahamsville School, thence extending in a northeasterly direction through North East Township to a point at the intersection of Routes 25074 and 25075 at Kerr's Corners, in Erie County ,a distance of about 1.0 mile.

Amend Section 2, Page 75, Line 17, by striking out the figures "28036" and inserting in lieu thereof the following: "28002."

Amend Section 2, Page 75, Line 18, by striking out the figures "28036" and inserting in lieu thereof the following: "28002."

Amend Section 2, Page 82, Line 25, by striking out after the word "about" the words "1.5 miles" and inserting in lieu thereof the following: "0.8 of a mile."

Amend Section 2, Page 84, Line 8, by striking out the word "Miles" and substituting in lieu thereof the following: "mile."

Amend Section 2, Page 90 by inserting after Line 12 ending with the word "miles" and before Line 13, the following: Route 32145. Beginning at a point on Route 32075, about 0.8 of a mile south of the East Mahoning-Rayne Township line, thence in a northwesterly direction through Rayne Township to a point on Route 63 about 0.2 of a mile south west of its intersection with Route 52082, in Indiana County, a distance of about 0.9 of a mile.

Amend Section 2, Page 95 by inserting after Line 9 ending with the word "miles" and before Line 10, the following:

LACKAWANNA COUNTY

Route 35053. Beginning at a point on Route 365 about 0.7 of a mile east of Schultzville, thence northeasterly through Newton and Glenburn Townships to a point on Route 9, in Lackawanna County, a distance of about 1.9 miles.

Route 35054. Beginning at a point on Route 35020, about 1.3 miles south of its intersection with Route 35021, thence in a westerly direction through South Abington Township to the South Abington Township-Clarks Green Borough line, in Lackawanna County, a distance of about 0.71 of a mile.

Amend Section 2, Page 102, Line 24, by striking out the figures "83069" and substituting in lieu thereof the following: "36069"

Amend Section 2, Page 103, Line 28, by striking out the word "Lancaser" and substituting in lieu thereof the following: "Lancaster"

Amend Section 2, Page 104 by striking out all of Lines 13 to 18, inclusive, and substituting in lieu thereof the following:

Route 57056. Beginning at a point on Route 539, about 1.5 miles northwest of its intersection with Route 265, thence in a northerly, northeasterly and southeasterly direction through Little Beaver Township to a point on Route 265 about 0.6 of a mile north of its intersection with Route 37005, in Lawrence County, a distance of about 2.8 miles.

Amend Section 2, Page 104 by striking out all of Lines 25 to 28, inclusive.

Amend Section 2, Page 105 by striking out all of Lines 1 to 3, inclusive, and substituting in lieu thereof the following: Route 37058. Beginning at a point on Route 37030, about 1.0 mile southeast of its intersection with Route 37032, thence in a northeasterly direction through Mahoning and Pulaski Townships to a point on Route 81, about 0.2 of a mile south of Frizleburg, in Lawrence County, a distance of about 3.1 miles.

Amend Section 2, Page 105 by striking out all of Lines 8 to 15, inclusive, and substituting in lieu thereof the following: Route 37060. Beginning at a point on Route 37016, about 2.5 miles south of its intersection with Route 515, thence in an easterly and northerly direction through Shenango Township to a point on Route 315 about 1.5 miles southeast of the village of Joyce, in Lawrence County, a distance of about 1.2 miles.

Amend Section 2, Page 106 by inserting after Line 25 ending with the word "miles" and before Line 26, the following: Route 37066. Beginning at a point on Route 315, about 3.0 miles southeast of the village of Joyce, thence in a southeasterly direction through Shenango Township to a point on Route 37023, on the dividing line between Shenango and Slippery Rock Townships, in Lawrence County, a distance of about 1.2 miles.

Route 37067. Beginning at a point on Route 315, about 1.0 mile south of the Slippery Rock Church, thence in an easterly and northerly direction through Slippery Rock Township to a point on Route 37052 about 1.0 mile southeast of its intersection with Route 37024, in Lawrence County, a distance of about 1.8 miles.

Amend Section 2, Page 113, Line 18, by striking out the word "fence" and substituting in lieu thereof the following: "thence"

Amend Section 2, Page 116, Line 28, by striking out the figures "41124" and substituting in lieu thereof the following: "41024"

Amend Section 2, Page 122 by inserting after Line 16 ending with the word "miles" and before Line 17, the following:

MIFFLIN COUNTY

Route 44019. Beginning at a point on Route 44001 near Atkinson's Mills, thence northwesterly, northeasterly and easterly through Wayne Township to a second point on Route 44001 about 0.2 of a mile southwest of the Wayne-Oliver Township line, in Mifflin County, a distance of about 2.45 miles.

Route 44020. Beginning at a point on Route 33 about 2.0 miles southwest of McVeytown, thence northwesterly through Oliver Township to a point on Route 44001, in Mifflin County, a distance of about 1.1 miles.

Route 44021. Beginning at a point on Route 603 about 1.0 mile southwest of Longfellow, thence southwesterly and northeasterly through Bratton Township to a second point on Route 603, in Mifflin County, a distance of about 0.8 of a mile.

Route 44022. Beginning at a point on Route 470 in Granville, thence northeasterly through Granville Township to a point on Route 44012, in Mifflin County, a distance of about 1.3 miles.

Route 44023. Beginning at a point on Route 192 about 2.5 miles northeast of Allenville, thence southeasterly through Menno Township to a point on Route 44004, in Mifflin County, a distance of about 1.1 miles.

Route 44024. Beginning at a point on Route 44002 at Vira, thence in a general southwesterly direction through Derry Township to the Burnham Borough line, in Mifflin County, a distance of about 2.0 miles.

Route 44025. Beginning at a point on Route 44015, about 0.75 of a mile south of Snook, thence southwesterly through Decatur Township to a point on Route 44016, in Mifflin County, a distance of about 2.6 miles.

Route 44026. Beginning at a point on Route 281, about 1.5 miles northwest of Belleville, thence northeasterly through Union Township to a point on Route 44005 at Gap School, in Mifflin County, a distance of about 3.0 miles.

Route 44027. Beginning at a point on Route 29 near its intersection with Route 192, thence easterly through Brown Township to a point on Route 499, in Mifflin County, a distance of about 0.2 of a mile.

Route 44028. Beginning at a point on Application 4267 in Milroy, thence northeasterly in Armagh Township, Mifflin County, a distance of about 0.5 of a mile.

Amend Section 2, Page 124 by inserting after Line 21, ending with the word "miles" and before Line 22, the following:

NORTHAMPTON COUNTY

Route 48065. Beginning at a point in the village of Hopeville, and extending in a general northerly direction through Bethlehem Township to a point on Route 48012; beginning again on Route 48012 and continuing in a general northerly direction to a point on Route 159, about 0.9 of a mile east of Farmersville, in Northampton County, a distance of about 1.9 miles.

Route 48066. Beginning at a point on Route 48010, about 0.9 of a mile northeast of the Williams-Lower Saucon Township line, and extending in a general northeasterly direction through Williams Township about 0.9 of a mile to the Glendon Borough-Williams Township line; thence along a road dividing Williams Township and Glendon Borough to a point where said road enters Glendon Borough, in Northampton County, a distance of about 1.7 miles.

Route 48067. Beginning at a point on Route 48049, about 1.0 mile northwest of the Monocacy Creek, thence northerly in Hanover and East Allen Townships to a point on Route 48048 abut 1.5 miles south of Frank's Corners, in Northampton County, a distance of about 3.3 miles.

Route 48068. Beginning at a point on Route 48061 at Kreidersville, and extending in a northwesterly, northerly, westerly and northerly direction through Allen and Lehigh Townships to a point on Route 471 at Indian Creek Park, near Pennsville, in Northampton County, a distance of about 3.0 miles.

Route 48069. Beginning at a point on the Chapman Borough-Moore Township line, and extending in a northeasterly and southeasterly direction through Moore Township to a point, on Route 48044, about 1.4 miles southwest of Moorestown, in Northampton County, a distance of about 0.9 of a mile.

Route 48070. Beginning at a point on Route 175, about 0.6 of a mile east of an intersection with Route 5363, and extending in a northeasterly direction through Upper Nazareth Township to a point on the Nazareth Borough-Upper Nazareth Township line, in Northampton County, a distance of about 0.9 of a mile.

Route 48071. Beginning at a point on Route 48040, about 1.15 miles northeast of an intersection with Route 48043, and extending in a general northerly direction through Bushkill and Plainfield Townships to a point on Route 732 about 0.25 of a mile southwest of an intersection with Route 166, in Northampton County, a distance of about 4.2 miles.

Route 48072. Beginning at a point on Route 48056, at the intersection of Route 48058, and extending in a general northerly direction through Lehigh Township to the Carbon-Northampton County line, in Northampton County, a distance of about 1.25 miles.

Route 48073. Beginning in the village of Riverton, thence in a general northerly direction through Upper Mount Bethel Township along the west bank of the Delaware River, to a point on Route 517, in Northampton County, a distance of about 8.5 miles.

Route 48074. Beginning at a point on the east Bangor Borough-Upper Mount Bethel Township line, and extending in a general southeasterly direction through Upper Mount Bethel Township to a point on Route 48028 about 1.3 miles south of an intersection with Route 166, in Northampton County, a distance of about 1.3 miles.

Route 48075. Beginning at a point on Route 48035-Spur "E," about 0.2 of a mile north of the Bangor Borough-Washington Township line, and extending in a general northeasterly direction through Washington and Upper Mount Bethel Townships to a point on Route 48032 at North Bangor, in Northampton County, a distance of about 1.9 miles.

Route 48076. Beginning at a point on Route 165, about 0.2 of a mile east of Pen Argyl, thence northerly through Plainfield Township to a point on Route 48032, in Northampton County, a distance of about 0.2 of a mile.

NORTHUMBERLAND COUNTY

Route 49075. Beginning at a point on Route 49008, about 0.2 of a mile southwest of its intersection with Route 49009, thence in a general southerly and southeasterly direction through Jordan Township to a point on Route 49007, about 0.7 of a mile southwest of Hebe, in Northumberland County, a distance of about 2.7 miles.

Route 49076. Beginning at a point on Route 49013, about 0.75 of a mile east of the intersection of Routes 49014 and 49015, thence in a southwesterly direction through West Cameron and Upper Mahanoy Townships to a point on Route 49010, about 0.4 of a mile east of Greenbrier, in Northumberland County, a distance of about 3.7 miles.

Route 49077. Beginning at a point on Route 49010, about 0.3 of a mile east of the intersection of Routes 49010 and 49011, thence in a northerly and northeasterly direction through Upper Mahanoy Township to a point on Route 459 at or near the Upper Mahanoy-East Cameron Township line, in Northumberland County, a distance of about 2.0 miles.

Route 49078. Beginning at a point on Route 49013, about 1.0 mile south of the intersection of Routes 49013 and 49012, thence southeasterly through East Cameron Township to a point on Route 459, about 1.75 miles southwest of the intersection of Routes 459 and 49012, in Northumberland County, a distance of about 1.3 miles.

Route 49079. Beginning at a point on Route 49021, about 1.25 miles northeast of the intersection of Routes 49021 and 336 at Mahanoy Creek, thence in a general northeasterly direction through Little Mahanoy and Lower Augusta Townships to a point on Route 49023, about 0.1

of a mile southeast of Resler, in Northumberland County, a of about 2.3 miles.

Route 49080. Beginning at a point on Route 49081, approximately 0.7 of a mile south of its intersection with Route 49027, thence in a westerly direction through Rockefeller Township to a point on Route 49027, about 1.0 mile south of the intersection of Routes 49027 and 49028, in Northumberland County, a distance of about 0.8 of a mile.

Route 49081. Beginning at a point on Route 49027, at or near the Shamokin-Zerbe Township line, thence in a northeasterly and northwesterly direction through Shamokin and Rockefeller Townships to a point on Route 49027, about 0.1 of a mile west of its intersection with Route 49028, in Northumberland County, a distance of about 4.3 miles.

Route 49082. Beginning at a point on Route 161 at Weigh Scale, thence in a northwesterly direction through Ralpho and Shamokin Townships to a point on Route 49033, about 0.8 of a mile southwest of the intersection of Routes 49033 and 161, in Northumberland County, a distance of about 0.8 of a mile.

Route 49083. Beginning at a point on Route 495, about 0.5 of a mile southwest of Shamokin Borough, thence in a general southwesterly direction through Coal Township, via Bear Valley, for a distance of about 1.3 miles, in Northumberland County.

Route 49084. Beginning at a point on Route 161, about 0.75 of a mile north of Shamokin Borough, thence in a northerly and northwesterly direction through Coal Township, via the Shamokin State Hospital, for a distance of about 0.5 of a mile, in Northumberland County.

Route 49085. Beginning at a point at or near the intersection of the northern line of Kulpmont Borough and the western line of Marion Heights Borough, thence in a northwesterly direction along the western limit of Marion Heights Borough; thence in a general westerly and southwesterly direction through Mount Carmel and Coal Townships, via Sagon, to a point on Route 161 about 0.2 of a mile west of the intersection of Route 49015, in Northumberland County, a distance of about 3.6 miles.

Route 49086. Beginning at a point on Route 49015, at or near its intersection with Route 49018, thence in a southeasterly direction through Mount Carmel Township to the Mount Carmel Township-Schuylkill County line, in Northumberland County, a distance of about 0.4 of a mile.

Route 49087. Beginning at a point on the south borough line of Kulpmont Borough, thence in a southerly and southeasterly direction through Mount Carmel Township to a point on Route 49017, about 0.5 of a mile north of the intersection of Routes 49017 and 49015, in Northumberland County, a distance of about 1.4 miles.

Route 49088. Beginning at a point on Route 49017, approximately 1.3 miles west of the Mount Carmel Borough line, thence in a northwesterly direction through Mount Carmel Township to a point on Route 49087, about 0.2 of a mile north of the intersection of Route 49087 and Route 49017, in Northumberland County, a distance of about 0.4 of a mile.

Route 49089. Beginning at a point on Route 161, about 0.25 of a mile east of its intersection with Route 49038, thence in an easterly direction through Mount Carmel Township to a point on Route 161 at or near its intersection with Route 49072, in Northumberland County, a distance of about 0.6 of a mile.

Route 49090. Beginning at a point on Route 49038, about 1.25 miles northwest of the intersection of Routes 49038 and 161, thence in a southwesterly direction through Mount Carmel Township to a point on the eastern limit of Marion Heights Borough, in Northumberland County, a distance of about 0.6 of a mile.

Route 49091. Beginning at a point on Route 283, about 0.4 of a mile southwest of the Ralpho Township-Columbia County line at the crossing of the South Branch of Roaring Creek, thence in an easterly direction through Ralpho Township to the Ralpho Township-Columbia County line at the South Branch of Roaring Creek, in Northumberland County, a distance of about 0.6 of a mile.

Route 49092. Beginning at a point on Route 283, about 1.0 mile west of the intersection of Routes 283 and 49032, thence in a northwesterly and northeasterly direction through Upper Augusta Township to a point on Route 49041, about 1.0 mile northeast of the intersection of Routes 49042 and 49041, in Northumberland County, a distance of about 1.5 miles.

Route 49093. Beginning at a point on Route 182, at or near Union Corner Public School, thence in a westerly direction through Rush Township to a point on Route 49045 about 1.3 miles southeast of its intersection with Route 49071, in Northumberland County, a distance of about 1.6 miles.

Route 49094. Beginning at a point on Route 49059, about 0.3 of a mile south of the intersection of Routes 49059 and 49058, thence in a southeasterly and easterly direction through Turbot Township to a point on Route 635, about 1.0 mile west of the Northumberland-Montour County line, in Northumberland County, a distance of about 2.2 miles.

Route 49095. Beginning at a point on Route 473, about 1.0 mile northwest of the intersection of Routes 473 and 240, thence in a southeasterly direction through Lewis Township to the northwestern line of Turbotville Borough, in Northumberland County, a distance of about 1.0 mile.

Route 49096. Beginning at a point on Route 49068, about 0.1 of a mile northwest of Chillisquaque Creek, thence in a general northerly direction through Lewis Township to the crossing of Chillisquaque Creek, in Northumberland County, a distance of about 1.5 miles.

Amend section 2, page 128 by inserting after line 2, ending with the word "mile" and before line 3, the following:

POTTER COUNTY

Route 52035. Beginning at a point on Route 266, about 0.2 of a mile south of Sweden Valley, and extending in a general northwesterly direction through Sweden and Eulalia Townships to a point on Route 102 about 1.0 mile southeast of the Coudersport Borough-Eulalia Township line, in Potter County, a distance of about 1.3 miles.

Route 52036. Beginning at a point on Route 52011, about 0.2 of a mile southeast of Hebron, and extending in an easterly direction through Hebron Township to a point on Route 236 about 1.6 miles northwest of an intersection with Route 103, in Potter County, a distance of about 2.3 miles.

Route 52037. Beginning at a point on Route 103, about 0.5 of a mile east of an intersection with Route 236, and extending in a northeasterly, westerly and southwesterly direction through Eulalia and Hebron Townships to a point on Route 236 about 1.15 miles southeast of Hebron Centre, in Potter County, a distance of about 8.4 miles.

Route 52038. Beginning at a point on Route 52028, about 0.45 of a mile southeast of the Hector-Pike Township line, and extending in a general northeasterly direction through Pike and Hector Townships to the Potter-Tioga County line, in Potter County, a distance of about 2.8 miles.

Route 52039. Beginning at a point on Route 52028 at Hector, and extending in a northwesterly and northeasterly direction through Hector and Harrison Townships to a point on Route 103 about 0.7 of a mile southeast of Elmer, in Potter County, a distance of about 5.9 miles.

Route 52040. Beginning at a point on Ruote 52023, about 0.1 of a mile east of Ellisburg, and extending in a general southeasterly direction through Genesee and Allegheny Townships to a road intersection 0.7 of a mile east of Andrews Settlement, in Potter County, a distance of about 2.1 miles.

Route 52041. Beginning at a point on Route 52029, about 2.15 miles southeast of West Bingham, and extending in a northeasterly, northerly, westerly and northerly direction through Bingham Township to a point on Route 52031 immediately southwest of Bingham Center, in Potter County, a distance of about 2.9 miles.

Route 52042. Beginning at a point on Route 52022, about 2.3 miles northeast of an intersection with Route 586, and extending in a northeasterly direction through Oswayo and Genesee Townships to a point on Route 52024 at Kinney Corners, in Potter County, a distance of about 3.3 miles.

Route 52043. Beginning at a point on Route 52024 at Kinney Corners, and extending in a general northeasterly direction through Genesee Township to the Pennsylvania-New York State line, in Potter County, a distance of about 0.6 of a mile.

Route 52044. Beginning at a point on Route 52033, about 1.3 miles northwest of the northern terminus of State-aid Application 4809, and extending in a northwesterly and northerly direction through Harrison Township to the intersection of Routes 52032 and 52034 at White's Corners, in Potter County, a distance of about 2.6 miles.

SCHUYLKILL COUNTY

Route 53076. Beginning at a point on Route 140, about 0.25 of a mile southwest of the southern borough line of Pine Grove Borough, thence in a southeasterly direction through Pine Grove Township, connecting with Route 06004 at a point on the Pine Grove Township-Berks County line, in Schuylkill County, a distance of about 2.6 miles.

Route 53077. Beginning at a point on Route 310, about 0.6 of a mile north of the intersection of Routes 310 and 53003, thence in a northeasterly direction through Wayne and South Manheim Townships to a point on Route 53007 about 0.5 of a mile northwest of the intersection of Routes 53007 and 53003, in Schuylkill County, a distance of about 3.7 miles.

Route 53078. Beginning at a point on Route 53047, about 0.4 of a mile west of the intersection of Routes 53051 and 53047, at the village of Rough and Ready, thence in a general southerly and westerly direction through Upper Mahontango Township to a point on Route 53047 about 0.75 of a mile east of Klingerstown, in Schuylkill County, a distance of about 3.9 miles.

Route 53079. Beginning at a point on the Cressona Borough-North Manheim Township line, thence in a general easterly direction along Panther Run, Manheim and Wayne Townships, to a point on Route 53004 about 1.75 miles east of the North through North Manheim-Wayne Township line, in Schuylkill County, a distance of about 3.5 miles.

Route 53080. Beginning at a point on Route 140, at or near the crossing of the Schuylkill River, thence in a northeasterly and northwesterly direction through North Manheim Township to a point on the southern borough line of Palo Alto Borough at Bacon Street, in Schuylkill County, a distance of about 0.4 of a mile.

Route 53081. Beginning at a point on Route 53013 in the village of Drehersville, thence southeasterly through East Brunswick and West Brunswick Townships to the Berks-Schuylkill County line, in Schuylkill County, a distance of about 1.6 miles.

Route 53082. Beginning at a point on Route 53019, at or near the intersection of Routes 53019 and 53020, thence in a southwesterly direction through West Penn and East Brunswick Townships for a distance of about 1.7 miles to a road intersection; thence in a northerly direction through East Brunswick and West Penn Townships to an intersection with Route 53019 at or near the intersection of Routes 53019 and 754, in Schuylkill County, a distance of about 3.4 miles.

Route 53083. Beginning at a point on Route 53057, about 0.1 of a mile east of the Barry-Eldred Township line, thence northeasterly through Barry Township for a distance of about 0.5 of a mile to a road intersection; thence southeasterly through Barry and Butler Townships to Lavelle; thence in a general northeasterly direction through Butler Township to a point on Route 53084, in Schuylkill County, a distance of about 3.1 miles.

Route 53084. Beginning at a point on the Columbia-Schuylkill County line near Locust Dale, thence in an easterly directioon through Butler Township to a point on the west line of Ashland Borough, in Schuylkill County, a distance of about 0.9 of a mile.

Route 53085. Beginning at a point on Route 53047, about 0.4 of a mile west of the intersection of Routes 53051 and 53047 at the village of Rough and Ready, thence in a northwesterly direction through Upper Mahantango Township to a point on the Upper Mahantango Township-Northumberland County line, in Schuylkill County, a distance of about 0.5 of a mile.

Route 53086. Beginning at a point on the northern borough line of Gordon Borough, thence in a general northerly direction through Butler Township to the southern borough line of Ashland Borough, in Schuylkill County a distance of about 1.9 miles.

Route 53087. Beginning at a point on the eastern borough line of St. Clair Borough, thence in a general northeasterly and northerly direction through East Norwegian, Blythe and Ryan Townships to a point on Route 53037, at or near the Ryan-Mahanoy Township line, in Schuylkill County, a distance of about 6.8 miles.

Route 53088. Beginning at a point on Route 290 at Lost Creek No. 2, about 0.75 of a mile west of the western borough line of Shenandoah Borough, thence in a general northwesterly direction through West Mahanoy Township to the village of Raven Run, in Schuylkill County, a distance of about 1.7 miles.

Route 53089. Beginning at a point on Route 53088, about 0.2 of a mile southeast of the village of Raven Run, thence in a northeasterly and southeasterly direction through West Mahanoy and Union Townships to the northwestern limit of State-aid Application 9021, about 0.2 of a mile northwest of the intersection of Route 755 and State-aid Application 9021, in Schuylkill County, a distance of about 3.6 miles.

Route 53090. Beginning at a point on Route 290 at Mintzers, thence northwesterly via Tamanend, through Rush Township, to a point on Route 53041 at Quakake, in Schuylkill County, a distance of about 3.4 miles.

Route 53091. Beginning at a point on Route 53068, at or near Zion's Grove, thence in a general northwesterly direction through North Union Township to a point on the Schuylkill-Columbia County line, in Schuylkill County, a distance of about 2.6 miles.

Route 53092. Beginning at a point on Route 185, approximately 0.1 of a mile south of McAdoo Borough, thence northeasterly through Kline Township to a point on the Schuylkill-Carbon County line, in Schuylkill County, a distance of about 0.9 of a mile.

Amend Section 2, Page 131 by inserting after Line 8, ending with the word "miles" and before Line 9, the following:

Route 55128. Beginning at a point on Route 222 near Ogletown, thence in a northerly and northwesterly direction through Ogle Township to the Somerset-Cambria County line, in Somerset County, a distance of about 3.3 miles.

Route 55129. Beginning at a point on Route 55088, near the intersection of Application 6448, thence in a northeasterly direction through Shade Township to a point beyond a township road intersection, in Somerset County, a distance of about 1.0 mile.

Route 55130. Beginning at a point on Route 55079, about 1.1 miles east of the Central City Borough-Shade Township line, thence extending in a southeasterly direction through Shade Township for a distance of about 2.9 miles to the village of Daley, at a cross road; thence continuing in a general northerly direction for a distance of about 1.2 miles to a road intersection; thence continuing in a northeasterly and southeasterly direction to the Somerset-Bedford County line, in Somerset County, a total distance of about 5.3 miles.

Route 55131. Beginning at a point on Route 55042 near Gebharts, thence in a southeasterly direction through Milford Township to a point on Route 53043, about 0.5 of a mile north of Rockwood Borough, in Somerset County, a distance of about 2.0 miles.

Amend Section 2, Page 145 by striking out all of Lines 2 to 6, inclusive, and substituting in lieu thereof the following:

Route 62162. Beginning at a point on Route 62092, about 0.8 of a mile northwest of the intersection of Routes 62092 and 108, thence in a general northwesterly direction through North Strabane and Chartiers Townships to a point on Route 802 near the Houston Borough-Chartiers Township line, in the village of Moninger, in Washington County, a distance of about 1.7 miles.

Amend Section 2, Page 151 by inserting after Line 15 ending with the word "miles" and before Line 16, the following:

WYOMING COUNTY

Route 65056. Beginning at a point on Route 65009 near Falls, thence in a general southerly direction through Falls

Township to a road intersection about 0.4 of a mile northwest of the Falls Township-Lackawanna County line, in Wyoming County, a distance of about 2.4 miles.

Route 65057. Beginning at the western end of Route 65034, thence in a southerly direction through Falls Township to a point on Route 232 about 0.25 of a mile south of the Tunkhannock-Falls Township line, in Wyoming County, a distance of about 2.3 miles.

Route 65058. Beginning at a point on Route 365, about 1.0 mile east of the intersection of Routes 365 and 65012, thence in a northeasterly direction through Falls Township, via Dixon Corners, to a point on the Falls Township-Lackawanna County line, in Wyoming County, a distance of about 1.8 miles.

Route 65059. Beginning at a point on Route 92, at or near the Susquehanna River, thence in a general northwesterly direction through Eaton Township to the Susquehanna River, in Wyoming County, a distance of about 3.8 miles.

Route 65060. Beginning at a point on Route 65028, about 0.4 of a mile east of the intersection of Routes 65028 and 65029, thence in a northwesterly direction through Nicholson Township to a point on the Nicholson Township-Susquehanna County line, in Wyoming County, a distance of about 0.4 of a mile.

Route 65061. Beginning at a point on Route 241, about 0.25 of a mile southeast of Taques Creek, thence in a general northerly direction through Tunkhannock and Washington Townships to a point on Route 65053 about 0.8 of a mile southeast of the intersection of Routes 65053 and 65036, in Wyoming County, a distance of about 1.7 miles.

Route 65062. Beginning at the western terminus of Route 65042, thence in a general northwesterly direction through Windham Township, via Golden Bill, to a point on the Windham Township-Bradford County line, in Wyoming County, a distance of about 2.7 miles.

Route 65063. Beginning at a point on the northeastern line of Meshoppen Borough, thence in a northeasterly direction through Meshoppen Township for 0.75 of a mile to a road intersection; thence in a general northeasterly direction through Meshoppen Township to the Meshoppen Township-Susquehanna line, in Wyoming County, a distance of about 2.75 miles.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section and title were separately read and agreed to as follows:

Section 3 The highways established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the approval of this act but shall be taken over not later than the first day of January one thousand nine hundred thirty-six

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2120, as follows:

An Act to amend sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of and to add section one thousand eight hundred twelve to the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" further providing for and regulating methods of making appropriations expenditures contracts and purchases by the city and its agents and the making of the annual budget on forms prepared by representatives of the League of Third Class Cities of Pennsylvania and the Department of Internal Affairs requiring a copy of the annual budget and the annual financial report to be filed with the Department of Internal Affairs imposing duties upon the director of accounts and finance and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand eight hundred four one thousand eight hundred nine one thousand eight hundred eleven and one thousand nine hundred four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1804 Regulations Concerning Appropriations No debt shall be created by any department of the city except in pursuance of previous authority of law ordinance or resolution No money shall be paid out of the city treasury except upon appropriation according to law and on warrant drawn by the proper officer in pursuance thereof No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded No hirings or purchases made or orders or warrants issued not provided for by any appropriation or which shall cause any appropriation to be exceeded shall be valid In every case in which an appropriation shall be exhausted and the object of which is not completed the director of accounts and finance shall immediately report the fact to the city council and accompany such report with a statement of the moneys which have been drawn on such appropriatiin and the particular purpose for which they were drawn The council shall have the power to authorize the transfer within the same fund of any unexpended balance or any portion thereof from one spending agency to another but such action shall be taken only on the recommendation of a director of one of the Departments and only during the last six months of the fiscal year

Section 1809 Annual Budget The director of accounts and finance shall at the first stated meeting in December in each year or at least thirty days prior to the adoption of the annual budget present to council a [detailed statement of] proposed budget showing the estimated receipts expenditures and liabilities of every kind for the ensuing year with the balance of unexpended appropriations and all other information of value as a basis for fixing the levy and tax rate for the next fiscal year Such budget shall be prepared on forms furnished as provided in section one thousand eight hundred twelve of this act shall be prepared on forms furnished as provided in section one thousand eight hundred twelve of this act

The several departments of the city government shall before the [first stated meeting in December present] budget is presented as above provided furnish to the council an estimate of the probable receipts and expendi-

tures and of the amount required by each of said departments for the public service during the ensuing fiscal year as a basis for making the annual appropriations thereto

Final action shall not be taken on the proposed budget until at least one public hearing has been held thereon after public notice by publication not more than two times in at least one newspaper of general circulation at least ten days prior to the date of the hearing It shall be the duty of the council to arrange for and hold such hearing The budget when submitted by the director of accounts and finance to the council shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the hearing After such hearing has been had the council shall after making such changes and modifications therein as appear proper adopt the budget and any necessary appropriation measures required to put it into effect

The council may during any fiscal year make additional appropriations or increase existing appropriations to meet emergencies such as epidemics floods fire or other catastrophies the funds therefor to be provided from unexpended balances in existing appropriations from unappropriated revenues if any or from temporary loans Such temporary loans when made shall be approved by a two-thirds vote of the council

Within fifteen days after the adoption of the budget the director of accounts and finance shall file a copy of the same in the office of the Department of Internal Affairs

Section 1811 Annual Reports Publications Filing Report with Department of Internal Affairs Penalty The director of accounts and finance shall make a report verified by oath or affirmation to the council at the stated meeting in March in each year of the public accounts of the city and of the trusts in its care for the preceding fiscal year exhibiting all of the expenditures thereof respectively and the sources from which the revenue and funds are derived and in what measures the same have been disbursed Each account shall be accompanied by a statement in detail of the several appropriations made by council the amount drawn on each appropriation and the balance outstanding to the debit or credit of such appropriation at the close of the fiscal year

Such report accompanied by a statement of the present funded and floating indebtedness of the city and the date and maturity of the funded debt a schedule of its assets and the character and value thereof and the amount of taxable property therein shall be published once in not more than two newspapers printed and circulated in such city as required by section one hundred and nine of this act provided council may cause such statement to be printed in pamphlet form in addition to the publications made as aforesaid

The director of accounts and finance shall also annually make report of the financial condition of the city to the Department of Internal Affairs within sixty days after the close of the fiscal year signed and duly verified by the oath of the director Any director of accounts and finance refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each days' delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented in the form as provided in section one thousand eight hundred and twelve of this act

Section 2 That said act is hereby amended by adding thereto the following section

Section 1812 Committee to Prepare Uniform Forms The uniform budget and report forms specified in the foregoing sections of this act shall be prepared by a committee consisting of four representatives of the League of Third Class Cities of Pennsylvania and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act Such representatives shall be chosen from among finance officers or third class cities or other officers of such cities who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent cities in the various population groups within the range of cities of the third class The president of the League of Third Class Cities shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediatly upon their appointment

Said representatives shall serve without compensation but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of cities of the various population groups producing separate forms if necessary to the end that said forms shall not be inconsistent with the general administrative practices of the cities of various sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with said committee In the event that said committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall complete the preparation of the forms After their preparation he shall issue said forms and distribute them annually as needed to the designated officers of each city of the third class

Section 1904 Designation of Appropriations Certification in Excess of Appropriation Contracts for Governmental Services for More than One Year Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded and the estimated amount of the expenditure thereunder shall be charged against such item and so certified by the director of accounts and finance on the contract before it shall take effect as a contract The payments required by such contract shall be made from the fund appropriated therefor If the director of accounts and finance shall certify any contract in excess of the appropriation made therefor or not provided for by any appropriation the city shall not be liable for such excess or for such contract not provided for by any appropriation but the Director of accounts and finance shall be liable for the same which may be recovered in an action at law by the contracting party aggrieved But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

It shall be the duty of the director of accounts and finance to certify contracts for the payment of which sufficient appropriations have been made and he shall within ten days after any certification of a contract report back to the council in writing that he has or has not certified the same in accordance with the provisions of this section

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-six and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-five

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 785, entitled:

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth or in the service of boards bureaus public agencies and institutions maintained in whole or in part by the Commonwealth at a salary or compensation of any mar-

ried person whose spouse is regularly employed in a gainful occupation and providing for certain exceptions

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to provide for a more equitable distribution of gainful occupations and aid in lessening unemployment it is provided that hereafter no officer and no executive or administrative department and independent or departmental administrative board or commission of the Commonwealth shall employ or continue to employ in the service of the Commonwealth at a salary or compensation payable by the Commonwealth any married person whose spouse is regularly employed in a gainful occupation at a salary of one thousand dollars ($1000) per year or more No person shall hereafter employ or continue to employ in the service of any board bureau public agency or institution maintained in whole or in part by funds of the Commonwealth any married person whose spouse is regularly employed in a gainful occupation at a salary of one thousand dollars ($1000) per year or more

No person employed contrary to the provisions of this act shall be legally entitled to receive or to collect any salary or compensation for services rendered

It shall be unlawful for any officer or agent to knowingly draw any requisition or warrant in favor of or to issue any check for the payment of any salary or compensation to any person employed contrary to the provisions of this act Any officer or agent knowingly violating the provisions of this act shall be liable to surcharge for any moneys illegally expended

Nothing contained in this act shall prohibit the employment of a married person who does not cohabit with his or her spouse and who receives no support from such spouse

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SCHWARTZ. Mr. SPEAKER, I move that this bill be recommitted to the Committee on State Government for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2776, as follows:

An Act fixing the salaries of certain county officers in counties of the fourth class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salaries of all county officers in counties of the fourth class shall be as follows namely

Of the district attorney five thousand dollars

Of the first assistant district attorney three thousand dollars

Of the second assistant district attorney two thousand five hundred dollars

Of the third assistant district attorney two thousand five hundred dollars

Of the fourth assistant district attorney two thousand five hundred dollars

Of the sheriff four thousand five hundred dollars

Of the prothonotary four thousand five hundred dollars

Of the clerk of courts three thousand dollars

Of the register of wills and ex officio clerk of the orphans' court three thousand five hundred dollars

Of the recorder of deeds three thousand five hundred dollars

Of the county treasurer four thousand dollars

Of the county commissioners each four thousand dollars

Of the county controller three thousand five hundred dollars

Of the jury commissioners each five hundred dollars\

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1913, as follows:

An Act to promote the general welfare by establishing a State Employment Authority to investigate causes of unemployment and provide productive work in factories and mines for the unemployment the products of which shall be distributed under the supervision of the Authority to the unemployed and needy persons to cooperate with existing Federal and State agencies to relieve unemployment in the distribution of products and necessities to persons in need and in distress imposing a penalty and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That DECLARATION OF POLICY It shall be the declared policy of the Commonwealth to provide employment and the material necessities of life to its unemployed and needy before funds devoted to relief are diverted to other social objects whose primary consideration is not the providing of employment and the necessities of life to its unemployed and needy

Section 2 DEFINITIONS The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section

"Authority" shall mean the State Employment Authority as herein created

"Municipality" shall include cities boroughs towns and townships

"Person" shall include any individual corporation association or partnership

"Licensee" shall refer to person operating under the authority of the State Employment Authority under license thereof

Section 3 STATE EMPLOYMENT AUTHORITY (a) There is hereby created and established a State Employment Authority to consist of an Executive Director (to be appointed by the Governor for a term of two years by and with the advice and consent of two-thirds of all the members of the Senate) and the Governor the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Labor and Industry the Director of the State Emergency Relief Board the Auditor General the Speaker of the House and the Lieutenant Governor

(b) The Authority shall appoint whatever assistants and clerical help may be necessary for the purpose of organizing and carrying out the work of the Authority and shall fix their compensation

Section 4 GENERAL POWERS AND DUTIES OF THE AUTHORITY (a) The Authority shall study unemployment conditions throughout the Commonwealth and shall devise ways and means of giving productive employment to the unemployed and shall devise ways and means of furnishing necessities of life to the unemployed and those in distress and in need

(b) The Authority shall have power to rent or lease and operate any idle place of business or mine or factory or mill equipped to produce necessities of life which may be distributed by the Authority to the unemployed and those in distress and in need The Authority may license any person firm partnership or municipality to engage

[illegible] in the production of necessities of life which are to be distributed under the supervision of the Authority

(c) The Authority may advance moneys to individuals firms partnerships or municipalities to engage in the production of necessities under license of the Authority and may prescribe the conditions under which such moneys may be advanced and are to be expended and repaid

(d) Employes of the Authority or of any license thereof shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

(e) The Authority shall distribute the products manufactured by it or under its supervision by licensees free to the unemployed and those in distress and in need including those engaged in the production or distribution of those products under it authority

(f) The Authority is authorized and directed to secure by purchase loan or otherwise from the United States Surplus Commodity Corporation such raw materials as are necessary for the manufacture of the products under its authority or for distribution Provided however That in the event of its inability to secure such raw materials most cheaply from this source it shall be authorized to secure them by purchase after proper competitive bidding

(g) The Authority shall have power to do all things necessary to carry out the powers expressly given in this act

Section 5 LICENSE RESTRICTIONS (a) The licensing power of the authority shall be confined to new projects or to persons firms or partnerships whose plants are idle and wish to engage in the production of necessities for the Authority and in order to give employment to the unemployed

(b) The licensee shall be under strict supervision of the Authority as to manufacture costs wages and hours and such wages and hours shall be governed as provided in paragraph (c) of this section

(c) The maximum working hours in any mine or factory operated by the Authority or under its supervision shall be thirty hours per week and the minimum wage to be paid shall not be less than the minimum fixed for the particular industry under the Federal NRA Codes Provided however That where no codes are in existence the wages shall not be less than the prevailing rate of wages

Section 6 REPORTS AND INVESTIGATIONS In order properly to make a survey or unemployment conditions and in order that the Authority may inquire into the affairs and transactions of any licensee it may call upon the licensee for regular reports and for that purpose the Authority or any of its members shall have power to administer oaths and power to subpoena and require the attendance of witnesses at any place in the Commonwealth designated by the Authority and to require the production of books and papers pertaining to the investigation and may examine such books or witnesses in relation to any matter the Authority has power to investigate

Section 7 COMPETITION WITH EXISTING INDUSTRIES It is the intention of this act that products of the Authority shall not be placed on sale in the open market and in competition with the products of privately owned and operated industries

Section 8 FUNDS There shall be allocated to the Authority the sum of twenty million dollars ($20,000,000) from the relief funds for the purposes of the Authority with full authority and power in the State Emergency Relief Board to allocate such further sums that it may be deemed necessary for the purposes of the State Employment Authority shall also have authority to apply to any Federal agency for funds for the purpose of this act and to devote them to such purposes

Section 9 REPORTS TO GENERAL ASSEMBLY The Authority shall report to the General Assembly of the Commonwealth annually as to expenditures employment savings in relief and other matters or so often as the General Assembly by resolution reports

Section 10 PENALTY It shall be unlawful to sell in the open market any product manufactured by the Authority or by licensee of the Authority by its order Any person violating this provision shall be subject to a fine of one thousand dollars ($1,000) or imprisonment for a term of one year or both

Section 11 LICENSES The Authority shall have power to issue licenses to basic industries in the manner and form to be determined by the Authority and no such basic industry shall operate under the provisions of this act unless licensed by the Authority

Section 12 TITLE This act may be cited as the State Employment Authority Act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2501, as follows:

An Act providing for the utilization of labor of adult men who are employed and receiving relief through the State Emergency Relief Board in the construction and maintenance of airports and hangars for Boroughs Cities and Counties in which they reside

Whereas Many unemployed persons receiving public relief are unable to secure employment and

Whereas It is the duty of the Commonwealth to provide shelter for unemployed persons and moneys are appropriated to the State Emergency Relief Board for such purposes and

Whereas The Commonwealth cannot indefinitely continue to provide relief for unemployed persons without some reimbursement in the form of constructive improvement of the Commonwealth for the benefit of its taxpaying citizens and creating some new business or occupations which can when established furnish work in ways not now available and

Whereas The present policy of administering relief produces nothing which will tend to end the necessity for relief by making new fields of employment therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the county commissioners of any county the mayor of any city or the burgess of any borough shall have authority to employ men eighteen years of age or older residing in their county city or borough who are receiving public relief for periods up to thirty hours per week and not over six hours per day upon the construction extension improvement or maintenance of airports and hangars thereon belonging to or leased by said county city or borough

They shall provide transportation for said workers so employed to and from work where the distance is over one mile from the said workers residence They shall carry workmens compensation insurance on said workers They shall pay said workers so employed at the end of each period of thirty hours such wages as said county city or borough can reasonably afford but not less than the sum of ten cents per hour in cash Said compensation shall be in addition to any relief now received and shall not be considered as employment which will deprive the worker so occupied and receiving such compensation of the right to continue to receive unemployment relief in the same manner and to the same extent as though he were wholly unemployed Provided however that any such person offered such employment and who shall refuse to accept such employment or to work thereon willingly when physically able to do so and without having any other renumerative work available shall be reported by said commissioner mayor or burgess to the State Emergency Relief Board who shall upon being satisfied of such refusal having been made without good cause deprive such individual refusing such work of all further public relief This refusal howeved shall not deprive the wife and children of relief which however must

thereafter be administered solely to and through the wife or mother

Section 2 The State Emergency Relief Board shall adopt such rules and regulations as may be deemed necessary to carry into effect the provisions of this Act and prevent benefits of public relief going to individuals refusing employment offered upon projects conducted under this Act

Section 3 This Act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, Te be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1687 as follows:

An Act to amend sections one thousand four hundred and two two thousand five hundred and fifty-two two thousand five hundred and fifty-four section two thousand five hundred and fifty-six as amended sections two thousand five hundred and fifty-seven two thousand five hundred and fifty-eight sections two thousand five hundred and fifty-nine two thousand five hundred and sixty-seven as amended and section two thousand five hundred and sixty-eight and to repeal section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for the collection of city county school and poor taxes in cities of the third-class by the city treasurer as tax collector providing for his compensation and for deputies clerks and assistants and their compensation to be fixed and paid jointly by the city county and school district requiring the city treasurer to give one bond as treasurer and collector of all of said taxes the premiums thereof to be paid jointly by the county city and school district and generally revising and clarifying the powers and duties of said tax collector

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand four hundred and two two thousand five hundred and fifty-two and two thousand five hundred and fifty-four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" are hereby amended to read as follows

Section 1402 Bond Salary The city treasurer shall give lawful bond to the [city] Commonwealth with two or more sufficient sureties or with a surety company authorized by law to act as surety to be approved by the council in such sum as it may by ordinance direct conditioned for the honest and faithful discharge of his official duties and the safe-keeping and payment over of all public moneys entrusted to his care and that as tax collector of city county school and poor taxes he shall well and truly perform his duties [collect] and pay over all taxes penalties and interest collected to the taxing authority entitled thereto [or] and account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him by the several taxing authorities during his term of office by payment over of the taxes collected by showing exonerations by the return of real estate on which taxes remain unpaid or by the making out of schedules of city county school and poor taxes uncollected upon his duplicates as provided in section two thousand five hundred and sixty-eight of this act The city treasurer shall be required to give but one bond [to the city] which shall include his duties as city treasurer and collector of city county school and poor taxes and shall cover the full term of his office Should the city county school district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the city treasurer shall be for the use of the city the county the school district and the poor district

He shall as city treasurer receive a fixed annual salary to be provided by ordinance His compensation as tax collector for the city county school district and poor district shall be fixed as provided in article twenty-five of this act

Section 2552 City Treasury to be Tax Collector The city treasurer by virtue of his office shall be the collector of the city county school and poor taxes assessed or levied in the city by the proper authorities therein

Section 2554 Oath of City Treasurer as Collector of Taxes At the time the city treasurer enters upon his duties he shall take and subscribe enters upon his duties he shall take and subscribe his oath of office as collector of city county school and poor taxes which oath shall be filed with the city clerk

Section 2 That section two thousand five hundred and fifty-six of said act which was amended by the act approved the twenty-seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws ninety-one) is hereby further amended to read as follows

Section 2556 Treasurer as Tax Collector of City County School and Poor Taxes Compensation Assistants Expense to be Shared The compensation or commission of the said treasurer as collector of city county school and poor taxes shall during the terms of the tax collectors in office at the time this act takes effect be and remain as now provided by law Thereafter the said tax collector shall be paid an annual salary for the collection of all city county school and poor taxes which salary shall be fixed before the election of any tax collector jointly by the city council the county commissioners and the board of school directors within the limits hereinafter prescribed In fixing the salary of the tax collector the city [shall have five votes each member of the council having one vote and] the school district [shall have five votes to be distributed equally among the members of the board of school directors each director having five-ninths or five-sevenths of a vote depending on the number of directors] and the county shall each have one vote

In cities having a population of twenty-five thousand inhabitants and less the annual salary of the tax collector shall not be less than one thousand six hundred dollars ($1,600) nor more than three thousand five hundred dollars ($3,500)

In cities having a population of more than twenty-five thousand inhabitants [and not exceeding fifty thousand] the annual salary of the tax collector shall not be less than three thousand five hundred dollars ($3,500) nor more than five thousand dollars ($5,000)

[In cities having a population of more than fifty thousand inhabitants and not exceeding fifty-five thousand inhabitants the annual salary of the tax collector shall be six thousand dollars ($6,000)

In cities having a population of more than fifty-five thousand inhabitants the annual salary of the tax collector shall be seven thousand five hundred dollars ($7,500)]

The tax collector shall appoint all necessary deputies clerks and assistants whose number and salaries shall be fixed jointly by the city council [and] the board of school directors and the county commissioners in the same manner as in the case of the tax collector

The city shall provide and furnish for the tax collector at his office as city treasurer suitable office space light heat furniture and janitor service

The city county and the school district shall in equal proportions pay the cost of stationery supplies printing notices postage telephone service and incidental expenses

necessarily incurred in the conduct of the tax collector's office and the salaries of the tax collector and his deputies clerks and assistants Said salaries shall be paid monthly or semi-monthly in the same manner as other officers of said city county and school district

[If at any time the city treasurer shall fail to qualify as collector of school taxes his compensation for the collection of city taxes shall be one-half of that fixed in accordance with this act which salary and all other expenses as hereinbefore provided shall be paid by the city]

The city county and the school district [respectfully] shall be required to pay each one-third of the [premiums] premium on the [bonds] bond required to be given by law by the tax collector to the [city and the school district] Commonwealth The city treasurer upon the expiration of his term of office shall surrender the unsatisfied tax duplicate or duplicates in his possession to his successor in office who shall collect the unpaid taxes charged therein and settle the duplicate or duplicates as provided by law Before such duplicates are surrendered to a successor the tax accounts of the outgoing treasurer shall be adjusted and balance to the satisfaction of the incoming treasurer and the respective taxing authorities before any release of the bond of the outgoing treasurer shall be given

Section 3 That sections two thousand five hundred and fifty-seven and two thousand five hundred and fifty-eight of said act are hereby amended to read as follows

Section 2557 Date of Delivery of Duplicate Collection The council of each city and the poor authorities now empowered or which may be hereafter empowered to levy taxes upon persons and property within the city shall on or before the first day of March in each year make out and deliver their respective duplicates of taxes assessed to the city treasurer as the collector of the said taxes which shall be collected by the city treasurer by virtue of his office as aforesaid The proper county and school authorities shall make out and deliver the county and school duplicates of their respective [school districts and said] taxes in such city at the time and in the manner provided by the school laws of the Commonwealth All duplicates of taxes placed in the hands of said treasurer shall at all times be open to proper inspection of the taxpayers and of the proper auditing and examining officers of said city county or [of the] school district as the case may be and shall be delivered by said treasurer at the expiration of his term to his successor in office

Section 2558 Warrants for Collection of Taxes The said several duplicates shall be accompanied with the warrants of the proper authorities directing and authorizing the said treasurer as the collector of taxes to collect the same The warrant for the collection of any school tax shall be executed in the manner provided by the school laws of the Commonwealth The warrant for the tax levied by the city shall be executed by the mayor and be countersigned by the city controller In the case of county and poor taxes the warrant shall be executed by the authority levying the tax

Section 4 That sections two thousand five hundred and fifty-nine and two thousand five hundred and sixty-seven which were amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twenty-seven) are hereby further amended to read as follows

Section 2559 Powers of City Treasurer as Tax Collector The city treasurer as the collector of taxes may appoint as many deputies as [shall be necessary] may be authorized to enable him to collect the said taxes or any of them which deputies shall be paid by the said treasurer [The respective authorities levying the tax shall not in any wise be liable for their compensation nor for their official conduct] The city treasurer as the collector of the several taxes and his deputies shall have and exercise all the powers vested by law in the several collectors of State and county taxes and in all the remedies for the collection thereof and shall have additional power and authority after five days' notice to seize by levy and distress any personal property on the premises assessed belonging to tenants purchasers or others without regard to the date of assessment or levy of the tax and to sell the same giving ten days' public notice of such sale by written or printed advertisement and to levy upon any personal property of the delinquent that may be found within the county for the collection of said taxes and after notice of sale to sell the same for the payment of said taxes The several warrants shall be effectual to authorize the said treasurer as collector of taxes to collect the said taxes

Section 2567 Rights of Treasury After Expiration of Term of Office Upon the expiration of the term of office of the city treasurer in case of any of the taxes which he was commanded to collect remain unpaid he shall [have the right

(a) To collect all the delinquent taxes for the space of one year after the expiration of his term of office and for this purpose all warrants issued to him during his term of office shall be effective to him as collector of taxes for the space of one year after the expiration of his term as city treasurer

(b) To certify real estate taxes remaining unpaid and delinquent to the city solicitor for filing in the court of common pleas as a city lien

(c) Or he may] turn over the unpaid or delinquent taxes [on real estate] to his successor in office who shall have power to collect the same [by having the taxes filed in court as a lien by selling the property at public sale as provided by law authorizing the sale of real estate for the payment of delinquent taxes or by levying upon personal property on the premises assessed as provided in this act] in the same manner as in the case of the treasurer to whom the warrants were first issued

In case the city treasurer as collector of taxes pays the taxes levied against any property without having collected the same he shall be entitled to collect the same from the person or persons who are liable therefor by his warrant so long as it is in force or have real estate taxes filed in court as a lien for his use [and after the expiration of his term as city treasurer he shall continue in office as the collector of school taxes until the end of the then current school year]

Sectioon 5 That section two thousand five hundred and sixty-eight of said act is hereby amended to read as follows

Section 2568 Tax Liens Schedule of Uncollected Taxes Liability for False Return Upon the settlement of the duplicates of city county poor and school taxes which by law are made a lien on real estate the city treasurer as collector of said taxes shall make out schedules of said city county school or poor taxes uncollected upon his duplicates or those delivered to him by his predecessor with a brief description of the properties against which the same are assessed for the purpose of having the same entered for lien or sold according to law [Each schedule shall be accompanied by his affidavit thereto setting forth that after proper efforts he could not find sufficient personal property out of which the said taxes or any part thereof could be made or collected as provided by law] The failure of the said collector to collect the said taxes from personal property when the same could have been collected shall not impair the lien thereof or affect any sale made for the collection thereof In case any such collector shall make any wilfully false return he shall be liable therefor to any person or persons injured thereby

Section 6 The following acts and parts of acts are hereby repealed

The act approved the tenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws thirty-four) entitled "An act to provide for the appointment of collectors of State and county taxes in cities of the third class and defining their powers"

The act approved the twenty-sixth day of March one thousand nine hundred and twenty-five (Pamphlet Laws sixty-nine) entitled "An act to provide for an additional system for the collection of State and county taxes in cities of the third class"

Section two thousand five hundred and fifty-three of the act approved the twenty-third day of June one thou-

sand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto"

This act shall be in force in each city only as to city treasurers elected after the effective date of this act In case of city treasurers in office upon the effective date of this act the laws in force prior to the adoption of this act shall continue and for such purpose the acts repealed by this act shall be deemed to continue in force until this act is in complete operation in all cities of the third class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2897, as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five hundred thousand ($500,000) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred thirty-five to be by it paid to the homes hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such homes in the manner prescribed by law

Aged Colored Women's Home Williamsport ....$
Allegheny Temporary Home for Children .....
Almira Home Association New Castle .....
Baby Welfare Association Philadelphia .....
Beacon Light Mission Bradford .....
Beaver County Children's Home New Brighton ..
Benevolent Home Association for Children Pottsville .....
Berean Manual Training School .....
Bethel Orphanage .....
Beulah Anchorage Reading .....
Boys Industrial Home Oakdale .....
Chester Day Nursery and Children's Boarding Home .....
Children's Aid Society of Franklin County Chambersburg .....
Children's Aid Society of Pennsylvania Philadelphia .....
Children's Aid Society of Western Pennsylvania Pittsburgh .....
Children's Home of Easton .....
Children's Home of the City of York .....
Children's Home of South Bethlehem .....
Children's Home Society of Pennsylvania .....
Children's Industrial Home Harrisburg .....
Christian Home of Johnstown .....
Coleman Industrial Home for Colored Boys Pittsburgh .....
Colored Children's Bureau .....
Colored Women's Relief Association of Western Pennsylvania Pittsburgh .....
Curtis Home for Destitute Women and Children Pittsburgh .....
Erie Home for the Friendless .....
Erie Infant's Home and Hospital .....
First Allegheny Day Nursery Pittsburgh .....
Florence Crittenton Circle Wilkes-Barre .....
Florence Crittenton Home Erie .....
Florence Crittenton Home Harrisburg .....
Florence Crittenton Home Philadelphia .....
Florence Crittenton Mission Williamsport .....
Friends' Home for Children .....
George Junior Republic Association Grove City
Home for the Aged Philadelphia .....
Home for Aged Couples Philadelphia .....
Home for Aged of Westmoreland County .....
Home for Aged and Infirm Women Easton .....
Home for Aged and Infirm Colored Women Pittsburgh .....
Home for Colored Children Pittsburgh .....
Home for the Friendless Harrisburg .....
Home for Friendless Children Lancaster .....
Home for Friendless Children Reading .....
Home for Friendless Williamsport .....
Home for Friendless Women Scranton .....
Home of Industry for Discharged Prisoners Philadelphia .....
Home for Veterans of Grand Army of the Republic and Wives Philadelphia .....
Home for Widows and Single Women Lebanon ..
Home for Widows and Single Women Reading ..
Industrial Home for Crippled Children Pittsburgh
Julia White Priscilla Home for Colored People Lamotte .....
Ladies of Grand Army of the Republic Home Hawkins Station .....
Lithuanian National Catholic Vilinus .....
McKeesport Day Nursery McKeesport .....
Margaret Henry Children's Home of New Castle
Meadville Children's Aid Society and Home for Aged .....
Nazarene Home for Aged Philadelphia .....
New Future Association Sherman Avenue North Side Pittsburgh .....
Northern Home for Friendless Children Philadelphia .....
Northern Tier Home Harrison Valley .....
Old Ladies Home Philadelphia .....
Orphans Asylum of Holy Family Emsworth ....
Pennsylvania Memorial Home at Brookville ....
Pennsylvania Association for Blind Pittsburgh ..
Philadelphia Associatioon for Protection of Colored Women .....
Pennsylvania Home Teaching Society and Free Circulating Library for Blind Philadelphia ..
Pennsylvania Seaman's Friend Society Philadelphia .....
Pennsylvania Society to Protect Children from Cruelty Philadelphia .....
Pennsylvania Working Home for the Blind Philadelphia .....
Philadelphia Home for Incurables .....
Philadelphia Home for Infants .....
Pittsburgh Home for Babies .....
Pittsburgh and Allegheny Home for the Friendless .....
Robert Wood's Industrial Home and Day Nursery of Philadelphia .....
Seaman's Church Institute of Philadelphia .....
Tabor Home for Children Doylestown .....
United Charities Home for Children Hazleton ....
Union Home for Old Ladies West Philadelphia
Westmoreland County Children's Aid Society Greensburg .....
Western Temporary Home Philadelphia .....
Williamsport Training Home for Girls .....
Woods Run Settlement Association Pittsburgh ..
Workingmen's Home for Aged at Warrington Bucks County .....
York Society to Protect Children and Aged Persons .....
Zoar Home for Mothers Babies and Convalescents of Allison Park Allegheny County .....

Section 2 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare hereunder shall be paid to any home therein named if such home is a denominational or sectarian institution or corporation or association

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2896 as follows

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven million five hundred thousand dollars ($7,500,000) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate of three dollars ($3) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals who are entitled to free service and for each day of part pay service such proportion of the three dollars ($3) per diem rate as the part of the regular charge which the person treated is not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Abington Memorial Hospital .....$
Alrian Hospital Association Punxsutawney ....
Allegheny General Hospital Pittsburgh .....
Allegheny Valley Hospital Tarentum .....
Allentown Hospital Allentown .....
Altoona Hospital .....
American Hospital for Diseases of Stomach Philadelphia .....
American Oncologic Hospital Philadelphia .....
Barnes Simon H Memorial Hospital .....
Beaver Valley General Hospital New Brighton
Belvedere Hospital Pittsburgh .....
Berwick Hospital .....
Blair J C Memorial Huntingdon .....
Bloomsburg Hospital .....
Braddock General Hospital .....
Bradford Hospital .....
Broad Street Hospital Philadelphia .....
Brookville Hospital .....
Brownsville General Hospital .....
Butler County Memorial Hospital .....
Canonsburg General Hospital .....
Carbondale General Hospital .....
Carlisle Hospital .....
Centre County Hospital Bellefonte .....
Chambersburg Hospital .....
Charleroi-Monessen Hospital .....
Chester County Hospital West Chester .....
Chester Hospital City of Chester .....
Chestnut Hill Hospital Philadelphia .....
Children's Hospital of Philadelphia .....
Children's Hospital of Pittsburgh .....
Christian H Buhl Hospital Sharon .....
Citizens General Hospital New Kensington .....
Clearfield Hospital .....
Coatesville Hospital .....
Columbia Hospital Columbia .....
Community Hospital Kane .....
Conemaugh Valley Memorial Hospital .....
Corry Hospital Association .....
Coudersport General Hospital .....
Delaware County Hospital .....
Eagleville Sanatorium for Consumptives .....
Easton Hospital .....
Elizabeth Steel Magee Pittsburgh .....
Elk County General Hospital Ridgway .....
Ellwood City Hospital Ridgway .....
Eye and Ear Hospital Pittsburgh .....
Frankford Hospital Philadelphia .....
Franklin City Hospital .....
Frederick Douglass Memorial Hospital and Training School Philadelphia .....
Frick Henry Clay Memorial Hospital Mt Pleasant
Geisinger George F Memorial Hospital Danville ..
General Hospital East Stroudsburg .....
Germantown Dispensary and Hospital .....
Good Samaritan Hospital Lebanon .....
Grandview Hospital Sellersville .....
Grandview Hospital for Consumptives Oil City ..
Greene County Memorial Hospital Waynesburg ..
Greenville Hospital Greenville .....
Grove City Hospital .....
Hahnemann Hospital Philadelphia .....
Hahnemann Hospital Scranton .....
Hamot Hospital Association Erie .....
Hanover General Hospital Hanover .....
Harrisburg Hospital Harrisburg .....
Harrisburg Polyclinic Hospital Harrisburg .....
Homeopathic Hospital of Chester County West Chester .....
Homeopathic Medical and Surgical Hospital Pittsburgh .....
Homeopathic Medical and Surgical Hospital Reading .....
Homestead Hospital .....
Indiana Hospital .....
Jamison Memorial Hospital Association (Shenango Valley) New Castle .....
Jefferson Medical College .....
Kane Summit Hospital Association .....
Kensington Hospital for Women Philadelphia ..
Kittanning General Hospital .....
Lancaster County Tuberculosis Society (Rossmere) .....
Lancaster General Hospital .....
Latrobe Hospital .....
Lee Homeopathic Hospital Johnstown .....
Lewistown Hospital .....
Lock Haven Hospital .....
Lying-in-Charity Hospital Philadelphia .....
Maple Avenue Hospital Association DuBois ....
Maternity Hospital Philadelphia .....
McKeesport Hospital .....
Meadville City Hospital .....
Memorial Hospital Association Monongahela City
Memorial Hospital Roxborough Philadelphia ....
Mercy Hospital Altoona .....
Mercy Hospital Philadelphia .....
Mercy Hospital Wilkes-Barre .....
Mid-Valley Hospital Blakely .....
Milliken A C Hospital Pottsville .....
Miners' Hospital of Northern Cambria .....
Montefiore Hospital Pittsburgh .....
Montgomery Hospital Norristown .....
Mount Sinai Hospital Philadelphia .....
Nason Hospital Association Roaring Springs .....
National Stomach Hospital Philadelphia .....
Northern Liberties Hospital .....
Northeastern Hospital of Philadelphia .....
North Pennsylvania General Hospital and Sanatorium Austin .....
Northwestern General Hospital Philadelphia ....
Ohio Valley General Hospital McKees Rocks ....
Oil City Hospital .....
Packer Mary M Hospital Sunbury .....
Packer Robert Hospital Sayre .....
Passavant Hospital Pittsburgh .....
Pennsylvania Epileptic Hospital and Colony Farm Oakburne .....
Pennsylvania Hospital of Philadelphia—(Contributors) .....

Philadelphia College of Osteopathy and Osteopathy and Osteopathic Hospital of Philadelphia
Philadelphia Orthopaedic Hospital and Infirmary
Phoenixville Hospital .....
Pittsburgh Hospital Association .....
Pittston Hospital Association .....
Pottstown Homeopathic Hospital .....
Pottstown Hospital .....
Pottsville Hospital .....
Presbyterian Hospital Pittsburgh .....
Providence Hospital of Beaver County .....
Quakertown Hospital Association .....
Reading Hospital .....
Renovo Hospital .....
Rochester General Hospital .....
Roselia Foundling Asylum and Maternity Hospital
Rush Hospital for Consumptives Philadelphia ..
Saint Christopher's Hospital for Children Philadelphia .....
Saint Francis' Hospital Pittsburgh .....
Saint John's General Hospital Pittsburgh .....
Saint Joseph's Hospital Carbondale .....
Saint Luke's Hospital South Bethlehem .....
Saint Luke's Homeopathic Hospital Philadelphia
Children's Homeopathic Hospital Philadelphia ..
Saint Vincent's Hospital Association Erie .....
Samaritan Hospital Philadelphia .....
Sewickley Valley Hospital .....
Somerset Community Hospital .....
South Side Hospital Pittsburgh .....
Spencer Hospital Meadville .....
Stetson Hospital Philadelphia .....
Suburban General Hospital Bellevue .....
Taylor Hospital Association .....
Taylor Hospital Ridley Park .....
Temple University Hospital Philadelphia .....
Garretson Hospital .....
Titusville Hospital .....
Tuberculosis League of Pittsburgh .....
Two Lick Hospital .....
Uniontown Hospital .....
University of Pennsylvania Hospital Philadelphia
University of Pennsylvania—Graduate Hospital ..
University of Pennsylvania—Polyclinic Hospital
Medico-Chirurgical Hospital Philadelphia .....
Howard Hospital Philadelphia .....
Warner Annie M Hospital Gettysburg .....
Warren General Hospital .....
Washington Hospital .....
Wayne County Memorial Hospital Honesdale ...
Waynesboro Hospital .....
Western Pennsylvania Hospital Pittsburgh .....
Westmoreland Hospital Association Greensburg ..
West Philadelphia General Homeopathic Hospital
West Side Hospital Association Scranton .....
West Side Hospital Association Scranton (Flushing Mines) .....
Wilkes-Barre General Hospital .....
Williamsport Hospital .....
Wills Eye Hospital Philadelphia .....
Women's Homeopathic Hospital Philadelphia ..
Women's Hospital of Philadelphia ....
Women's Medical College Philadelphia .....
Wyoming Valley Homeopathic Hospital Wilkes-Barre .....
York Hospital .....
Zem Zem Hospital for Crippled Children of Erie ..

Section 2 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare thereunder shall be paid to any hospital therein named if such hospital is a denominational or sectarian institution or corporation or association

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2412, entitled:

An Act to declare the necessity of creating public bodies corporate and politic to be known as county housing authorities to engage in slum clearance and projects to provide dwelling accomodations for persons of small income to provide for the creation of such housing authorities to define the powers a ndduties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain renting and selling property and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to authorize housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof to define the application of local zoning regulations to projects built by such housing authorities to provide that the bonds of the authority shall be legal investments for funds in the hands of the Commonwealth political subdivisions and municipalities thereof and officers thereof and of insurance companies and associations savings banks and savings institutions and fiduciaries to provide that housing authorities their properties and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

The first, second, third and fourth sections were separately read and agreed to as follows:

Section 1 Short Title This act may be referred to as the "Housing Authorities Law"

Section 2 Declaration of necessity It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various counties of the Commonwealth and that such unsafe or unsanitary conditions arise from overcrowding and concentration of population the obsolete and poor condition of the buildings improper planning excessive land coverage lack of proper light air and space unsanitary design and arrangement lack of proper sanitary facilities and the existence of conditions which endanger life or property by fire and other causes that in all such counties many persons of low income are forced to reside in unsanitary or unsafe dwelling accommodations that in various counties of the Commonwealth there is a lack of safe or sanitary dwelling accommodations available to all the inhabitants thereof and that consequently many persons of low income are forced to occupy overcrowded and congested dwelling accommodations that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health safety morals and welfare of the citizens of the Commonwealth and impair economic values that these conditions cannot be remedied by the ordinary operations of private enterprises that the clearance replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency and the necessity in the public interest for the provision hereinafter enacted is hereby declared as a matter of legislative determination

Section 3 Definitions The following words terms and phrases where used or referred to in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Authority" "or housing authority" A public body and a body corporate and politic organized in accordance with the provisions of this act

"Bonds" Any bonds interim certificates notes debentures or orther obligations of the authority issued pursuant to this act

"County" The county which is or is about to be included in the territorial boundaries of an authority when created hereunder

"Member" One of the members of an authority appointed in accordance with the provisions of this act

"Community facilities" Real and personal property and buildings and equipment for recreational or social assemblies for educational health or welfare purposes and necessary utilities when designed primarily for the benefit and use of the housing authority or the occupants of the dwelling accommodations

'Contract" Any agreement of an authority with or for the benefit of an obligee whether contained in a resolution trust indenture mortgage lease bond or other instrument

"Federal Government" The United States of America the Federal Emergency Administration of Public Works or any agency instrumentality corporate or otherwise of the United States of America

"Government" Includes the State and Federal Governments and any subdivision agency or instrumentality corporate or otherwise of either of them

"Housing project" All real and personal property buildings and improvements stores offices lands for farming and gardening and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking (a) to demolish clear remove alter or repair unsanitary or unsafe housing or (b) to provide safe and sanitary dwelling accommodations for persons of low income The term "housing project" may also be applied to the planning of the buildings and improvements the acquisition of property the demolition of existing structures the construction reconstruction alteration and repair of the improvements and all other work in connection therewith

"Municipality" Any city borough town or township which is located within the territorial boundaries of an authority

"Mortgage" Deeds of trust mortgages building and loan contracts or other instruments conveying real property as security for bonds and conferring a right to foreclose and cause a sale thereof

"Obligee of the authority" or "obligee" Any bondholder trustee or trustees for any bondholders any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof and the United States of America when it is a party to any contract with the authority

"Real property" Lands lands under water structures and any and all easements franchises and incorporeal hereditaments and every estate and right therein legal and equitable including terms for years and liens by way of judgment mortgage or otherwise

"Trust indenture" Instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof

The singular shall include the plural and the masculine the feminine and neuter

Section 4 Creation of Housing Authority In each county of this Commonwealth there is hereby created a body corporate and politic to be known as the "Housing Authority" of said county provided however that such authority shall not become operative nor transact any business until and unless the Board of County Commissionors of the county in which it is created by proper resolution shall declare at any time hereafter that there is need for an authority to function in said county and shall issue a certificate reciting the adoption of such a resolution If the Board of County Commissioners fails to adopt such a resolution and issue such a certificate within ninety (90) days from the date of the enactment of this act any twenty-five (25) citizens and taxpayers resident in such county may submit over their signatures to the Governor of the Commonwealth a petition setting forth that there is need for an authority to function in said county and requesting that the Governor declare the existence of such need If the Governor after receipt of such petition shall determine that there is need for such a housing authority in a county he shall issue a certificate declaring such need

The Board of County Commissioners or the Governor as the case may be shall declare that there is need for a housing authority in a county if said Board of the Governor shall find (1) that unsanitary or unsafe inhabited dwelling accommodations exist in the county or (2) that there is a lack of safe or sanitary dwelling accommodations in the county for all the inhabitants thereof In determining whether dwelling accommodations are unsafe or unsanitary said Board or the Governor as the case may be shall take into consideration the degree of overcrowding the percentage of land coverage the light and air available to the inhabitants of such dwelling accommodations the size and arrangement of the rooms the sanitary facilities and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes

A housing authority shall constitute a public body corporate and politic of the county for the public purposes set forth and shall exercise an essential governmental function in effectuating such purposes The Board of County Commissioners or the Governor as the case may be shall cause the aforesaid certificate issued by said Board or the Governor respecting the need for an authority in a county to be filed with the Prothonotary of the Court of Common Pleas of said county who shall file such certificate in his office

In any suit action or proceeding involving the validity or enforcement of or relating to any contract of the authority the authority shall be conclusively deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate of the creation of the housing authority by the Board of County Commissioners or the Governor respecting the need for an authority in a county A copy of such certificate duly certified by the Prothonotary of the Court of Common Pleas of said county shall be admissible in evidence in any such suit action or proceeding and shall be conclusive proof of the filing and contents thereof

The fifth section was read as follows:

Section 5 Appointment Qualifications and Tenure of Members When the aforesaid certificate of the Board of County Commissioners or the Governor respecting the need of a housing authority in a county has been filed with the Prothonotary of the Court of Common Pleas of said county said court shall appoint five (5) persons to be members of the housing authority No public official may become a member of a housing authority

The members who are first appointed shall serve for terms of one two three four and five years respectively from the date of their appointment Thereafter the term of office shall be five years A member shall hold office until his successor has been appointed and has qualified Vacancies shall be filled within ten (10) days for the unexpired term A member shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties

An authority shall select from among its members a chairman and a vice-chairman and it may employ a secretary (who shall be executive director) technical experts and such other officers agents and employes permanent and temporary as it may require and shall determine their qualifications Three members shall constitute a quorum An authority may call upon the chief law officer of the county for such legal services as it may require or it may employ its own counsel and legal staff Members of the authorities shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors of the housing authority shall be solely against

such authority An authority may delegate to one or more of its agents or employes such powers or duties as it may deem proper

On the question,

Will the House agree to the section?

Mr. RUFFENNACH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 5, page 12, line 6 by striking out after the word "county" and before the word "court" the word: [said] and inserting in lieu thereof the words: the President Judge of the"

Amend Section 5, page 12, line 6 by inserting after the word "court" and before the word "shall" the words: in which the "proceedings are filed"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth and seventh sections were separately read and agreed to as follows:

Section 6 Duty of the Authority and Members of the Authority The authority and it members shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this act and the laws of the Commonwealth and in addition thereto with each and every term provision and covenant in any contract of the authority on its part to be kept or performed

Section 7 Interested Members or Employes No member or employe of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any propect nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project If any member or employe of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority Failure to so disclose such interest shall constitute misconduct in office

The eighth section was read as follows:

Section 8 Removal of Members The appointing court may remove a member for inefficiency or neglect of duty or misconduct in office but only after the member shall have been given a copy of the charges against him at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel

Any obligee of the authority may file with said appointing court written charges that the authority is violating wilfully any law of the Commonwealth or any term provision or covenant in any contract to which the authority is a party Such officer shall give each of the members a copy of such charges at least ten days piror to the hearing thereon and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of such charges remove any member of the authority who shall have been found to have acquiesed in any such wilful violation

A member shall be deemed to have acquiesed in a wilful violation by the authority of a law of this Commonwealth or of any term provision or covenant contained in a contract to which the authority is a party if before a hearing is held on the charges against him he shall not have filed a written statement with the authority of his objections to or lack of participation in such violation

On the question,

Will the House agree to the section?

Mr. RUFFENNACH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 8, page 14, line 5 by inserting after the word "city" and before the word "appointing" the words "President Judge of said"

Amend Section 8, page 14, line 13 by inserting after the word "officer" and before the word "said" the words: "the President Judge of"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth sections, and the title were separately read and agreed to as follows

Section 9 Powers of Authority Any authority shall constitute a public body and a body corporate and politic exercising public powers and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act including the following powers in addition to others herein granted

To investigate into living dwelling and housing conditions and into the means and methods of improving such conditions to determine where unsafe or unsanitary dwelling or housing conditions exist to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing replanning and reconstruction of areas in which unsafe or unsanitary dwelling or housing conditions exist and the providing of dwelling accommodations for persons of low income and to co-operate with any city municipal or regional planning agency to prepare carry out and operate housing projects to provide for the construction reconstruction improvement alteration or repair of any housing project or any part thereof to take over by purchase lease or otherwise any housing project located within its boundaries undertaken by any government to act as agent for the Federal Government in connection with the acquisition construction operation or management of a housing project or any part thereof to arrange with any city or municipality located in whole or in part within its boundaries or with the Federal or State government for the furnishing planning replanning installing opening or closing of streets roads roadways alleys sidewalks or other places or facilities or for the acquisition by such city municipality or the Federal or State government of property options or property rights or for the furnishing of property or sevices in connection with a project to arrange with the Commonwealth its subdivisions and agencies and any county city or municipality of the State to the extent that it is within the scope of each of their respective functions (a) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority or the occupants of any housing projects and (b) to provide and maintain parks and sewerage water and other facilities adjacent to or in connection with housing projects and (c) to change the municipality map to plan replan zone or rezone any part of the municipality to lease or rent any of the dwelling or other accommodations or any of the lands buildings structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor to enter upon any building or property in order to conduct investigations or to make surveys or soundings to purchase lease obtain options upon acquire by gift grant

bequest devise or otherwise any property real or personal or any interest therein from any person firm corporation municipality or government to acquire by eminent domain any real property including improvements and fixtures thereon Provided however That when exercised in its own name the Authority shall first have acquired by purchase or option more than fifty per centum of the real property or site involved to sell exchange transfer assign or pledge any property real or personal or any interest therein to any person firm corporation municipality or Federal or State government to own hold clear and improve property to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable to procure insurance or guarantees from a Federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project to borrow money upon its bonds notes debentures or other evidences of indebtedness and to secure the same by pledges of its revenues and (subject to the limitations hereinafter imposed) by mortgages upon property held or to be held by it or in any other manner in connection with any loan to agree to limitations upon its right to dispose of any housing project or part thereof or to undertake additional housing projects in connection with any loan by the Federal or State government to agree to limitations upon the exercise of any powers conferred upon the authority by this act to invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control to sue and be sued to have a seal and to alter the same at pleasure to have perpetual succession to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority to make and from time to time amend and repeal by-laws rules and regulations not inconsistent with this act to carry into effect the powers and purposes of the authority to conduct examinations and investigations and to hear testimony and take proof under oath or affirmation at public or private hearings on any matter material for its information to issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the Commonwealth or unable to attend before the authority or excused from attendance and to make available to such agencies boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within its territorial limits its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health morals safety or welfare Any of the investigations or examinations provided for in this act may be conducted by the authority or by a committee appointed by it consisting of one or more members or by the counsel or by an officer or employe specially authorized by the authority to conduct it Any member counsel for the authority or any person designated by it to conduct an investigation or examination shall have power to administer oaths take affidavits and issue subpoenas or commissions An authority may exercise any or all of the powers herein conferred upon it either generally or with respect to any specific housing project or projects through or by an agent or agents which it may designate including any corporation or corporations which are or shall be formed under the laws of this Commonwealth and for such purposes an authority may cause one or more corporations to be formed under the laws of this Commonwealth or may acquire the capital stock of any corporation or corporations Any corporate agent all of the stock of which shall be owned by the authority or its nominee may to the extent permitted by law exercise any of the powers conferred upon the authority herein In addition to all of the other powers herein conferred upon it an authority may do all things necessary and convenient to carry out the powers expressly given in this act No provisions with respect to the acquisition operation or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state

Section 10 Co-operation between Authorities Any two or more authorities may co-operate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing planning constructing or operating a housing project or projects located partly within the boundaries of each of said authorities

Section 11 Eminent Domain The authority shall have the right to acquire by eminent domain any real property including fixtures and improvements which it may deem necessary to carry out the purposes of this act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use If the property is acquired by eminent domain the title acquired shall be a fee simple absolute unless a lesser title shall be designated in the eminent domain proceedings and the procedure shall be in accordance with the procedure prescribed in Section forty-one of the Corporation Act of one thousand eight hundred seventy-four (Act approved the twenty-ninth day of April one thousand eight hundred seventy-four Pamphlet Laws seventy-three) as amended or supplemented and in Sections one and two of the Act approved the seventeenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred thirty-one) as amended or supplemented

Property already devoted to a public use may be acquired Provided That no property belonging to any municipality or to the Federal or State government may be acquired without its consent and Provided further That no property belonging to a public utility company may be acquired without the approval of The Public Service Commission of the Commonwealth

Section 12 Acquisition of Land for Government The authority may acquire by purchase or by exercise of its power of eminent domain as aforesaid any property real or personal for any housing project being constructed or operated by a government The authority upon such terms and conditions with or without consideration as it shall determine may convey title or deliver possession of such property so acquired or purchased to such government for use in connection with such housing project

Section 13 Zoning and Building Laws All housing projects of an authority shall be subject to the planning zoning sanitary and building laws ordinances and regulations applicable to the locality in which the housing project is situated except that a site plan for a project may differ from those area provisions of the zoning ordinance which are applicable to standard lot and block subdivisions which have prevailed hitherto provided that the site plan assures equal or greater provisions of light air ventilation and amenity than the zoning ordinance requires

Section 14 Types of Bonds The authority shall have the power and is hereby authorized from time to time in its discretion to issue for any of its corporate purposes

(a) Bonds on which the principal and interest are payable

(1) Exclusively from the income and revenue of the housing project financed with the proceeds of such bonds or with such proceeds together with the proceeds of a grant from the Federal Government to aid in financing the construction thereof or

(2) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds provided however that the credit of the authority shall not be pledged to the payment of such bonds but such bonds shall be payable only (and the bonds shall so state on their face) from the revenues of the designated housing project or projects and the funds received from the sale or disposal thereof and if the authority so determines shall be additionally secured by a trust indenture pledging such revenues or in certain instances as hereinafter provided by a mortgage of the property comprising such designated housing project or projects and the revenues therefrom

(b) Bonds for the payment of the principal and interest of which the credit of the authority is pledged and which may be additionally secured by a pledge of the revenues of the authority or any part thereof pursuant to a resolution or trust indenture of the authority or in certain in-

stances as hereinafter provided may be additionally secured by a mortgage of the property and revenues of the authority or any part thereof

Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof

The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of any municipality located within its boundaries or of the Commonwealth and neither the Commonwealth nor any such municipality shall be liable thereon nor in any event shall they be payable out of any funds or properties other than those of the authority The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction Bonds may be issued under this act notwithstanding any debt or other limitation prescribed by any statute

Section 15 Form and Sale of Bonds The bonds of the authority shall be authorized by its resolution and shall be issued in one or more series and shall bear such date or dates mature at such time or times not exceeding sixty (60) years from their respective dates bear interest at such rate or rates not exceeding six per centum (6%) per annum payable semi-annually be in such denominations (which may be made interchangeable) be in such form either coupon or registered carry such registration privileges be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide

The bonds may be sold at public sale held after notice published once at least ten days prior to such sale in a newspaper having a general circulation in the city and in a financial newspaper published in the City of New York State of New York or in the City of Philadelphia Commonwealth of Pennsylvania provided however that such bonds may be sold to the Federal Government at private sale without any public advertisement The bonds may be sold at such price or prices as the authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum (6%) per annum

Pending the authorization preparation execution or delivery of definitive bonds the authority may issue interim certificates or other temporary obligations to the purchaser of such bonds Such interim certificates or other temporary obligations shall be in such form contain such terms conditions and provisions bear such date or dates and evidence such agreements relating to their discharge or payment or the delivery of definitive bonds as the authority may by resolution trust indenture or mortgage determine

In case any of the officers whose signatures appear or any bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery

The authority shall have the power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest Provided however That bonds payable exclusively from the revenues of a designated project or projects shall be purchased out of any such revenues available therefor All bonds so purchased shall be cancelled This paragraph shall not apply to the redemption of bonds

Any provision of any law to the contrary notwithstanding any bonds interim certificates or other obligations issued pursuant to this act shal be fully negotiable

Section 16 Provisions of Bonds Trust Indentures and Mortgages In connection with the issuance of bonds or the incurring of any obligation under a lease and in order to secure the payment of such bonds or obligations the authority shall have the power

(1) To pledge by resolution trust indenture mortgage (subject to the limitations hereinafter imposed) or other contract all or any part of its rents fees or revenues

(2) To covenant against mortgaging all or any part of its property real or personal then owned or thereafter acquired or against permitting or suffering any lien thereon

(3) To covenant with respect to limitations on its right to sell lease or otherwise dispose of any housing project or any part thereof or with respect to limitations on its right to undertake additional housing projects

(4) To covenant against pledging all or any part of its rents fees and revenues to which its right then exists or the right to which may thereafter come into existence or against permitting or suffering any lien thereon

(5) To provide for the release of property rents fees and revenues from any pledge or mortgage and to reserve rights and powers in or the right to dispose of property which is subject to a pledge or mortgage

(6) The covenant as to the bonds to be issued pursuant to any resolution trust indenture mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise and as to the use and disposition of the proceeds thereof

(7) To covenant as to what other or additional debt may be incurred by it

(8) To provide for the terms form registration exchange execution and authentication of bonds

(9) To provide for the replacement of lost destroyed or mutilated bonds

(10) To covenant that the authority warrants the title to the premises

(11) To covenant as to the rents and fees to be charged the amount (calculated as may be determined) to be raised each year or other period of time by rents fees and other revenues and as to the use and disposition to be made thereof

(12) To covenant as to the use of any or all of its property real or personal

(13) To create or to authorize the creation of special funds in which there shall be segregated (a) the proceeds of any loan and/or grant (b) all of the rents fees and revenues of any housing project or projects or parts thereof (c) any moneys held for the payment of the costs of operation and maintenance of any such housing projects or as a reserve for the meeting of contingencies in the operation and maintenance thereof (d) any moneys held for the payment of the principal and interest on its bonds or the sums due under its leases and/or as a reserve for such payments and (e) any moneys held for any other reserves or contingencies and to covenant as to the use and disposal of the moneys held in such funds

(14) To redeem the bonds and to covenant for their redemption and to provide the terms and conditions thereof

(15) To covenant against extending the time for the payment of its bonds or interest thereon directly or indirectly by any means or in any manner

(6) To prescribe the procedure if any by which the terms of any contract with bond holders may be amended or abrogated the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given

(17) To covenant as to the maintenance of its property the replacement thereof the insurance to be carried thereon and the use and disposition of insurance moneys

(18) To vest in an obligee of the authority the right in the event of the failure of the authority to observe or perform any covenant on its part to be kept or performed to cure any such default and to advance any moneys necessary for such purpose and the moneys so advanced may be made an additional obligation of the authority with such interest security and priority as may be provided in any trust indenture mortgage lease or contract of the authority with reference thereto

(19) To covenant and prescribe as to the events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived

(20) To covenant as to the rights liabilities powers and duties arising upon the breach by it of any covenant condition or obligation

(21) To covenant to surrender possession of all or any part of any housing project or projects upon the happening of an event of default (as defined in the contract) and to vest in an obligee the right without judicial proceedings to take possession and to use operate manage and control such housing projects or any part thereof and to collect

and receive all rents fees and revenues arising therefrom in the same manner as the authority itself might do and to dispose of the moneys collected in accordance with the agreement of the authority with such obligee

(22) To vest in a trustee or trusttes the right to enforce any covenant made to secure to pay or in relation to the bonds to provide for the powers and duties of such trustee or trustees to limit liabilities thereof and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any such covenant

(23) To make covenants other than in addition to the covenants herein expressly authorized of like or different character

(24) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties which may contain such covenants and provisions in addition to those above specified as the government or any purchaser of the bonds of the authority may reasonably require

(25) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority tend to make the bonds more marketable notwithstanding that such covenants acts or things may not be enumerated herein it being the intention hereof to give the authority power to do all things in the issuance of bonds in the provisions for their security that are not inconsistent with the constitution of the State and no consent or approval of any judge or court shall be required thereof provided however that the authority shall have no power to mortgage all or any part of its property real or personal except as provided in Section 17 hereof

Section 17 Power to mortgage when project financed with aid of a Government In connection with any project financed in whole or in part or otherwise aided by a government (whether through a donation of money or property a loan the insurance or guarantee of a loan or otherwise) the authority shall also have power to mortgage all or any part of its property real or personal then owned or thereafter acquired and thereby

(a) To vest in a government the right upon the happening of an event of default (as defined in such mortgage) to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings so long as a government shall be the holder of any of the bonds secured by such mortgage

(b) To vest in a trustee or trustees the right upon the happening of an event of default (as defined in such mortgage) to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings

(c) To vest in other obligees the right to foreclose such mortgage by judicial proceedings

(d) To vest in an obligee including a government the right in foreclosing any mortgage as aforesaid to foreclose such mortgage as to all or such part or parts of the property covered thereby as such obligee (in its absolute discretion) shall elect the institution prosecution and conclusion of any such foreclosure proceedings and/or the sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforesaid

Section 18 Remedies of an Obligee of Authority An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractural restrictions binding upon such obligee

(a) By mandamus suit action or proceeding in law or equipt to compel the authority and the commissioners officers agents or employes thereof to perform each and every term provision and covenant contained in any contract of the authority and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this act

(b) By suit action or proceeding in equity to enjoin any acts or things which may be unlawful or the violation of any of the rights of such obligee of the authority

(c) By suit action or proceeding in any court of competent jurisdiction to cause possession of any housing project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority

Section 19 Additional Remedies Conferrable by Mortgage or Trust Indenture Any authority shall have power by its trust indenture mortgage lease or other contract to confer upon any obligee holding or representing a specified amount in bonds lease or other obligations the right upon the happening of an "event of default" as defined in such instrument

(a) By suit action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof If such receiver be appointed he may enter and take possession of such housing project or any part or parts thereof and operate and maintain same and collect and receive all fees rents revenues or other charges thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct

(b) By suit action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust

Section 20 Remedies Cumulative All the rights and remedies hereinabove conferred shall be cumulative and in addition to all other rights and remedies that may be conferred upon such obligee of the authority by law or by any contract with the authority

Section 21 Limitations on Remedies of Obligee No interest of the authority in any property real or personal shall be subject to sale by the foreclosure of a mortgage thereon either through judicial proceedings or the exercise a power of sale contained in such mortgage except in the case of the mortgages provided for in Section 17 hereof All property of the authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same No judgment against the authority shall be a charge or lien upon its property real or personal The provisions of this section shall not apply to or limit the right of obligees to foreclose any mortgage of the authority provided for in Section 17 hereof and in case of a foreclosure sale thereunder to obtain a judgment or decree for any deficiency due on the indebtedness secured thereby and issued on the credit of the authority Such deficiency judgment or decree shall be a lien and charge the property of the authority which may be levied on and sold by virtue of an execution or other judicial process for the purpose of satisfying such deficiency judgment or decree

Section 22 Subordination of Mortgage to Agreement with Government The authority may agree in any mortgage made by it that such mortgage shall be subordinate to a contract for the supervision by a government of the operation and maintenance of the mortgaged property and the construction of improvements thereon in such event any purchaser or purchasers at a sale of the property of an authority pursuant to a foreclosure of such mortgage or any other remedy in connection therewith shall obtain title subject to such contract

Section 23 Contracts with Federal Government In addition to the powers conferred upon the authority by other provisions of this act the authority is empowered to borrow money or accept grants from the Federal government for or in aid of any housing project which such authority is authorized to undertake to take over any land acquired by the Federal government for the construction or operation of a housing project to take over or lease or manage any housing project constructed or owned by the Federal government and to these ends to enter into such contracts mortgages trust indentures leases or other agreements as the Federal government may require including agreements that the Federal government shall have the right to supervise and approve the construction maintenance and operation of such housing project It is the purpose and intent of this act to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the Federal government in the

undertaking construction maintenance and operation of any housing project which the authority is empowered to undertake

Section 24 Security for Funds Deposited by Authorities The authority may by resolution provide that (1) all moneys deposited by it shall be secured by obligations of the United States or of the Commonwealth of a market value equal at all times to the amount of such deposits or (2) by any securities in which savings banks may legally invest funds within their control or (3) by an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon and all banks and trust companies are authorized to give any such security for such deposits

Section 25 Bonds Legal Investments All public officers and bodies of the Commonwealth municipal corporations political subdivisions all insurance companies and associations all savings banks and savings institutions including savings and loan associations all executors administrators guardians trustees and all other fiduciaries in the Commonwealth may legally invest funds within their control in bonds of the authority when they are secured by a pledge of the revenues of or a first mortgage lien on property and when such pledge or lien does not secure outstanding bonds in excess of sixty-six and two-thirds per centum of the value of such property provided however that the county any municipality and the Commonwealth and their respective officers may legally invest in any and all bonds of an authority

Section 26 Tax Exemptions The authority shall be exempt from the payment of taxes for State purposes including capital stock tax and other corporate taxes under the provisions of existing laws

Section 27 Reports The authority shall at least once a year file with the Governor of the Commonwealth and the Court of Common Pleas a report of its activities including a financial statement for the preceding year and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this act

All accounting and other transactions of the housing authority shall be subject to the inspection and approval and annual audit by the Auditor General of the Commonwealth or an agent designated by him

Section 28 Severability That if any one or more sections clauses sentences or parts of this act shall for any reason be adjudged unconstitutional or invalid such judgment shall not affect impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid and the inapplicability or invalidity of any section clause or provision of this act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance

Section 29 Act controlling That in so far as the provisions of this act are inconsistent with the provisions of any other law the provisions of this act shall be controlling

Section 30 Effective Date This act shall become effective immediately upon its final enactment

An act to declare the necessity of creating public bodies corporate and politic to be known as county housing authorities to engage in slum clearance and projects to provide dwelling accommodations for persons of small income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain renting and selling property and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to authorize housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof to define the application of local zoning regulations to projects built by such housing authorities to provide that the bonds of the authority shall be legal investments for funds in the hands of the Commonwealth political subdivisions and municipalities thereof and officers thereof and of insurance companies and associations savings banks and savings institutions and fiduciaries to provide that housing authorities their properties and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards and for other purposes

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 181, as follows:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the City of Pittston and Duryea Borough line

Section 1 Be it enacted by the Senate and House fo Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" which was last amended by section two of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nineteen) is hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purposes of this article every person sixteen years of age and upward upon application to any county treasurer within the Commonwealth or to the Department of Revenue and the presentation of proof that he has been a bona fide resident of this Commonwealth for a period of thirty days preceding his application and was born in the United States or was fully naturalized under the laws of the United States shall upon the payment to the county treasurer or the Department of Revenue of a license fee of one dollar and fifty cents for the use of the Commonwealth and in the event that the license is issued by a county treasurer a fee of ten cents for the use of the county treasurer be entitled to the license herein referred to as "a resident fishing license"

Upon the making of an application by any person to the department or county treasurer for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar for the use of the Commonwealth and ten cents for the use of the county treasurer where application is made to him such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea borough line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Eroe,	McCreary,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shortz,
Allen,	Ferko,	McDevitt,	Shreiner,
Altenburg,	Finnerty,	McElroy,	Shugarts,
Andrews,	Fitch,	McHenry,	Siegel,
Arnold,	Flanagan,	McKinney,	Simon,
Atkins,	Flinchbaugh,	Melchiorre,	Simpson,
Aukerman,	Flynn,	Mentzer,	Sinwell,
Baine,	Forrest,	Merrell,	Sloan,
Baker, F. T.,	Furman,	Moomaw,	Smith, J. A.,
Baker, J J.,	Gates,	Mooney,	Smith, W. G.,
Baldi,	Gerard,	Moore,	Snyder, F. E.,
Barber,	Gillette,	Moran,	Snyder, J. L.,
Barnhardt,	Habbyshaw,	Moul,	Sowers,
Bernhard,	Haberlen,	Muir,	Spangler,
Blumberg,	Hagerty,	Munley,	Sproul,
Boose,	Haluska,	Murrin,	Stank,
Boyd, R.,	Hamilton, F. P.,	Nagel,	Stevens,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stewart,
Bradley,	Harkins,	O'Keefe,	Stockham,
Brancato,	Harmuth,	Ominsky,	Stone,
Brennan,	Hart,	O'Neill,	Stott,
Brown, H. S.,	Hartman,	Panton,	Sumney,
Brown, J. E.,	Hefferon,	Parks,	Surface,
Brownfield,	Hermansen,	Patterson, C.,	Terry,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tronzo,
Burke,	Hindman,	Pearson,	Trout,
Cannon,	Hirsch,	Perry,	Tumelty,
Caputo,	Hoffner,	Peters,	Turner,
Carr,	Holland,	Pfaff,	Van Allsburg,
Carson,	Holstrom,	Phillips,	Van Sickle,
Castor,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Weidemann,
Cochran,	Jones,	Reynolds,	Weiss,
Cohen,	Kane,	Rhys,	Welliver,
Coleman,	Kelder,	Roan,	Welsh,
Condon,	Kelso,	Robinson,	Westrick,
Conner,	Kilroy,	Rooney,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klingler,	Ruffennach,	Winner,
Davies,	Kobelak,	Ruth,	Witkin,
Decker,	LaRue,	Sarraf,	Wood,
Denning,	Linderman,	Scanlon,	Woodside,
Dent,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1369, as follows:

An Act to amend section one thousand and twenty-five of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the power of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended increasing the penalty for failure to stop and render assistance under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and twenty-five of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain nosts upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1025 Duty to Stop in Event of Accident

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident

(b) The driver and owner if present of any vehcile involved in any accident resulting in injury or death to any person or damage to property shall upon request give his name address and the registration number of his vehicles and exhibit his operator's license to the person struck or the driver or occupants of any vehicle involved and shall render to any person injured in such accident reasonable assistance including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person

Penalty Any Person violating any of the provisions of this section when the accident resulted in inquiry to any person or damage to property shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than two hundred ($200) dollars and costs of prosecution or undergo imprisonment for not more than three (3) years or suffer both such fine and imprisonment When the accident resulted in death to any person any one violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof in a court of quarter sessions be sentenced to pay a fine of not more than five hundred ($500) dollars and cost of prosecution or undergo imprisonment for not more than four (4) years or suffer both such fine and imprisonment at the discretion of the court

On the question,

Shall the bill pass finally?

Mr. COLEMAN. Mr. Speaker and members of the House, ordinarily I would regard it as being foolhardy to talk on a bill where obviously there is no opposition, but lest the membership fail to recognize that the bill has been

amended, I desire to call their attention to that fact. The original bill called for a penalty of six years in jail and a fine of five hundred dollars. This bill is designed to take cognizance of the ever increasing number of fatal hit and run accidents. There is no provision in the present law that specifically provides for penalty where a death occurs. As a matter of fact the law does not differentiate between damage to a car and the death of an occupant. This bill has been amended, of course, to meet objections on the ground that the bill originally was unnecessary drastic.

In the area embracing the city of Scranton with which I am quite familiar the 1935 traffic toll is appalling. The number of accidents has been 739, the number of injuries 441, and the deaths 29. Of the 29 people that have died, four of them have been victims of hit and run drivers, who never stopped to ascertain as to whether or not anybody had been injured. The necessity for the passage of legislation of this sort was forcibly called not only to the attention of the adminisration but to the membership as well several weeks ago when the wife of the Governor of this great Commonwealth was an occupant in a car struck by a hit and run driver, who never stopped to find out whether or not anybody had been injured.

I dislike to use the hackneyed, the time worn, moth eaten method of logic that we used to use in our debates on capital punishment back in high school by asking what you would do if it were your own flesh and blood, but I wonder what the reaction would be if ony one of the members of this House would go home and find lying cold in death one of their flaxen haired youngsters, the victim of a hit and run driver, particularly if the doctor had told you that immediate medical attention might have saved her life.

I have always regarded life as the supernatural gift bestowed by the Divine Master upon man and He alone should take it away. It is three thousand years since the promulgation of the ten commandments, and let me remind you tonight that all of them, including "Thou shalt not kill" are as true and as binding tonight as when God gave them to Moses on the hill of Siniai. I appeal to the membership of this House in behalf of the survivors of these hit and run victims, in behalf of the thousands of men and women in the state, among them whom pedestrianism is by no means a lost art, and I appeal to the membership of this House to support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Siegel,
Altenburg,	Fitch,	McHenry,	Simon,
Andrews,	Flanagan,	McKinney,	Simpson,
Arnold,	Flinchbaugh,	Melchiorre,	Sinwell,
Atkins,	Flynn,	Mentzer,	Sloan,
Aukerman,	Forrest,	Merrell,	Smith, J. A.,
Baine,	Furman,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gates,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Moran,	Snyder, J. L.,
Baldi,	Gillette,	Moul,	Sowers,
Barber,	Greenstein,	Muir,	Spangler,
Barnhardt,	Habbyshaw,	Munley,	Sproul,
Bernhard,	Haberlen,	Murrin,	Stank,
Blumberg,	Hagerty,	Nagel,	Stevens,
Boose,	Haluska,	Nothnagle,	Stewart,
Boyd, R.,	Hamilton, F. P.,	O'Keefe,	Stockham,
Boyer,	Hamilton, R. S.,	Ominsky,	Stone,
Bradley,	Harkins,	O'Neill,	Sumney,
Brancato,	Harmuth,	Panton,	Surface,
Brennan,	Hartman,	Parks,	Tahl,
Brown, H. S.,	Hefferon,	Patterson, C.,	Terry,
Brown, J. E.,	Hermansen,	Patterson, J. W.,	Tronzo,
Brownfield,	Hetrick,	Pearson,	Trout,
Brumbaugh,	Hindman,	Perry,	Tumelty,
Burke,	Hirsch,	Peters,	Turner,
Cannon,	Hoffner,	Pfaff,	VanAllsburg,
Caputo,	Holland,	Phillips,	Van Sickle,
Carr,	Holstrum,	Piole,	Walker,
Carson,	Hoopes,	Powers,	Wall,
Castor,	Horst,	Reising,	Wasserman,
Chervenak,	Jackson,	Reynolds,	Weidemann,
Coakley,	Jones,	Rhys,	Weiss,
Cochran,	Kane,	Rinn,	Welliver,
Cohen,	Kelder,	Roan,	Welsh,
Coleman,	Kelso,	Robinson,	Westrick,
Condon,	Kilroy,	Rooney,	White,
Coolahan,	Kinney,	Root,	Wickersham,
Cordier,	Klingler,	Ruffennach,	Winner,
Davies,	Klingler,	Ruth,	Witkin,
Decker,	LaRue,	Sarraf,	Wood,
Dent,	Linderman,	Scanlon,	Woodside,
Diehl,	Long,	Schrock,	Yeakel,
Dilley,	Longaker,	Schrope,	Yourishin,
Downey, G. E.,	Lovett,	Schwab,	Zappala,
Downey, J. J.,	Lynch,	Schwartz,	Zimmerman,
Duffort,	Male,	Shaw,	Sarig,
Eberharter,	Mallen,	Shepard,	
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1786, as follows:

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An Act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by defining and prohibiting certain acts related to the practice of the law by persons partnerships associations and corporations not duly and regularly admitted to practice law and defining the practice of law and defining those who may engage in the practice of law and providing for penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred seventeen) entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer attorney-at-law or counsellor-at-law in any county of the State of Pennsylvania unless duly admitted to practice by a court of record of any county in this Commonwealth and providing a penalty therefor" as amended by the act approved the twenty-fourth day of April one thousand nine hundred and thirty-three (P. L. 66) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this Act it shall not be lawful for any person partnership association [or] corporation or foreign corporation in any county in the State of Pennsylvania to practice law or to hold himself herself or itself out to the public as being entitled to practice law or use or advertise the

title of lawyer attorney-at-law attorney and counsellor-at-law counsellor or the equivalent in any language in such manner as to convey the impression that he she or it is a practitioner of the law of this or any other State nation country or land or in any manner to advertise that he she or it either alone or together with another person or persons has owns conducts or maintains a law office or law and collection office of any kind for the practice of the law of this or any other State nation country or land without having first been duly and regularly admitted to practice law in a court of record of any county in this Commonwealth or the Supreme Court in accordance with the regularly established rules governing such admission Provided however That nothing herein contained shall be construed as prohibiting corporations of the first class acting in good faith and in pursuance of the purposes of their charters from rendering through attorneys-at-law legal service to the members officers and employes of such corporations about the business of such corporation

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Falkenstein,	Male,	Schwab,
Alexander,	Ferko,	Mallen,	Shaw,
Allen,	Finnerty,	Mason,	Shepard,
Altenburg,	Fitch,	McCreary,	Shortz,
Andrews,	Flanagan,	McDermott,	Shugarts,
Arnold,	Flinchbaugh,	McDevitt,	Siegel,
Atkins,	Flynn,	McElroy,	Simon,
Aukerman,	Forrest,	McHenry,	Simpson,
Baine,	Furman,	McKinney,	Sinwell,
Baker, J. J.,	Gates,	Melchiorre,	Sloan,
Baldi,	Gerard,	Mentzer,	Smith, J. A.,
Barber,	Gillette,	Merrell,	Smith, W. G.,
Barnhardt,	Greenstein,	Moomaw,	Snyder, F. E.,
Blumberg,	Haberlen,	Mooney,	Sowers,
Boose,	Hagerty,	Moran,	Spangler,
Boyd, R.,	Haluska,	Moul,	Stank,
Boyer,	Hamilton, F. P.,	Muir,	Stevens,
Bradley,	Hamilton, R. S.,	Munley,	Stewart,
Brancato,	Harkins,	Murrin,	Stockham,
Brennan,	Harmuth,	Nagel,	Stone,
Brown, H. S.,	Hart,	Nothnagle,	Stott,
Brown, J. E.,	Hartman,	O'Keefe,	Sumney,
Brownfield,	Hefferon,	Ominsky,	Surface,
Brumbaugh,	Hermansen,	O'Neill,	Tahl,
Burke,	Hetrick,	Panton,	Terry,
Cannon,	Hindman,	Parks,	Tronzo,
Caputo,	Hirsch,	Patterson, C.,	Trout,
Carr,	Hoffner,	Patterson, J. W.,	Tumelty,
Carson,	Holland,	Pearson,	Turner,
Castor,	Holstrum,	Peters,	Van Allsburg,
Chervenak,	Hoopes,	Pfaff,	Van Sickle,
Coakley,	Horst,	Phillips,	Walker,
Cochran,	Jackson,	Piole,	Wall,
Cohen,	Jones,	Powers,	Wasserman,
Coleman,	Kane,	Reising,	Weiss,
Condon,	Kelder,	Reynolds,	Welliver,
Coolahan,	Kelso,	Rhys,	Welsh,
Cordier,	Kilroy,	Rinn,	Westrick,
Davies,	Kinney,	Roan,	White,
Decker,	Klingler,	Robinson,	Wickersham,
Dent,	Kobelak,	Rooney,	Witkin,
Diehl,	LaRue,	Root,	Woodside,
Dilley,	Linderman,	Ruffennach,	Yeakel,
Downey, G. E.,	Long,	Ruth,	Yourishin,
Downey, J. J.,	Longaker,	Sarraf,	Zappala,
Duffort,	Lovett,	Scanlon,	Zimmerman,
Eberharter,	Lynch,	Schrope,	Sarig,
Eroe,			

NAYS—11

Baker, F. T.,	Perry,	Snyder, J. L.,	Winner,
Bernhard,	Schrock,	Sproul,	Wood,
Habbyshaw,	Shreiner,	Weidemann,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. HOLLAND. Mr. Speaker, I desire to call up at this time House Bill No. 1083, Printer's No. 1087, on page 21 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HOLLAND.

The House resumed the consideration on final passage of House Bill No. 1083, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of operators having charge of stationary steam boilers pressure vessels steam or internal combustion engines and turbines designating the requirements necessary to secure the licensure providing for the collection of fees making it a misdemeanor to operate or cause to be operated such apparatus without licensure and providing penalties

On the question recurring,

Shall the bill pass finally?

Mr. SOWERS. Mr. Speaker, I ask the sponsor of this bill to explain the bill.

Mr. HOLLAND. Mr. Speaker and members of the House, at the present time we find that engineers are licensed by the cities through political pulls. In fact, it has been proven that men have actually worked on dead men's licenses. By placing this in the hands of the state, we will safeguard the lives of the people. This bill does not affect those who fire small boilers; it merely affects those who fire large engines or boilers. It does not affect the churches, the schools, the hot-houses, the small apartments, the hospitals, the stores, or garages. It is very true that in the city of Philadelphia they now have a local ordinance. This does not in any way deprive the city of Philadelphia of the home rule or the revenue. It merely gives uniform protection to the whole state. At the present time the state is discriminated against in favor of the city. It also affords the State an income.

There are sixty thousand engineers in the state. At two dollars per year for a license, it would bring one hundred and twenty thousand dollars. Six thousand applicants for examination at five dollars each, after the act goes into effect, brings in thirty thousand dollars additional, or a total income of one hundred and fifty thousand dollars. The estimated cost of administration would be fifty thousand dollars. That would give the state an income of one hundred thousand dollars.

By subjecting these engineers to examination, you will be sure to get efficient men and not simply men who, due to some political string can get a license. I wonder if this answers the gentleman from Philadelphia, Mr. Sower's, question.

Mr. SOWERS. Not quite. Mr. Speaker and members of the House, the bill you have before you for consideration appears to be very innocent but it is a very serious bill and one of vital importance. The bill pretends to be a safety measure, but in reality it is not a safety measure. The bill provides for engineers to operate boilers where equipment is attached, and it provides for no protection to the public where no equipment is attached. For instance, a fifty pound pressure boiler used to heat a large apartment house or to heat a show place or a theater or to heat a schoolhouse or to heat some educational institution is entirely eliminated from the bill, and there is as much danger to the public with the high pressure boiler

used for heating purposes as there is from a high pressure boiler used to drive equipment. There isn't any doubt that by increasing the size of the cylinders, even a ten or fifteen pound pressure boiler can drive equipment. Even a higher pressure is used in many buildings to heat those buildings.

Now, the places that should be protected would naturally be schoolhouses and places where a large number of people gather, but this bill eliminates them entirely.

In Philadelphia, we have a very satisfactory system. For thirty-five years we have had no boiler explosions of any consequence or account, and no one has been injured. Our boiler inspection system has been maintained to the highest degree of efficiency, and if this bill is enacted into law we might be deprived of having control of inspection over apartment houses, or schools, and the various other places where large populations congregate. Now you have in addition to that the old system that has existed since eighteen ninety-one. In eighteen ninety-one, this legislature saw fit to give to the insurance companies the right to write policies of insurance, and the insurance companies, with the permission of the authorities, appointed inspectors. These inspectors inspect the boilers and then issue a policy. If this bill becomes a law there is some opportunity of saying that the acts of eighteen ninety-one relating to insurance and relating to boiler inspection by insurance companies is repealed, and therefore the people of Pennsylvania, instead of having the protection of insurance against damage and injury would have none.

I ask the members of the House to vote "no" on this bill because it is not a safety measure. It does not protect the public. It is merely a measure to regulate engineers that operat power equipment machinery, and it exempts all boilers that may cause great damage and injure many persons, and it may repeal the insurance law and it will undoubtedly upset the boiler insurance system in first, second, and third class cities.

Mr. HOLLAND. Mr. Speaker and members of the House, in answer to Mr. Sowers, I will state that there is a clause in this bill which states, "This bill will not affect any existing laws now in effect in any of the cities."

It will also cut down the insurance rates which the gentleman from Philadelphia complains about.

Mr. EBERHARTER. Mr. Speaker and members of the House, in addition to what Mr. Sowers has stated, respecting the regulations and ordinances of the city of Philadelphia, I want to say that the city of Pittsburgh has at the present time and has had for many years a very good ordinance regulating the operation of boilers and boiler inspections. There has been for many years no serious accidents in that city, and no appointments so far as I know have been made from a purely political standpoint. Therefore, I feel insofar as second class cities are concerned, this bill is entirely unnecessary and that it will do more harm than good.

I want to call the attention of the members of the House to page two of this bill where it says: "As used in this Act 'boiler' shall mean a steam or mercury boiler in which pressure is generated to drive equipment." My interpretation of that is that any truck which uses pressure in order to lift equipment or anything on to that truck will come under the provisions of this act. In other words, a truck driver would have to have the license of an engineer in order to operate one of those trucks, for instance, a concrete truck, a loading truck or a truck of that sort.

I also call the attention of the members of the House to page five of this bill, wherein it states that when a licensed operator changes his place of employment he must within ten days notify the Department of Revenue and also the employer must within ten days notify the Department of Revenue. This seems to me to be too strict a provision for this House to enact into law.

Also on page 5, section 10, it gives the Department the power to alter, amend, or repeal rules and regulations for the examination and registration of operators of equipment.

I feel that this act is very badly drawn and is totally unnecessary and I ask the members of the House to vote "no."

Mr. HOLLAND. Mr. Speaker and members of the House, in answer to Mr. Eberharter, I wish to direct his attention to page 2, line 9, which defines equipment. This does not affect elevators or any hand hoists or any trucks which may be using dumps.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—65

Arnold,	Hagerty,	McElroy,	Scanlon,
Aukerman,	Haluska,	Mentzer,	Shepard,
Baine,	Harmuth,	Mooney,	Sinwell,
Baker, J. J.,	Hermansen,	Moran,	Smith, W. G.,
Barber,	Hirsch,	Nothnagle,	Sproul,
Bernhard,	Holland,	Ominsky,	Stevens,
Brown, J. E.,	Holstrum,	Panton,	Sumney,
Brumbaugh,	Hoopes,	Patterson, C.,	Tronzo,
Cannon,	Jackson,	Pearson,	Tumelty,
Coakley,	Kelder,	Pfaff,	Van Allsburg,
Cochran,	Kinney,	Piole,	Walker,
Eroe,	Klinger,	Powers,	Weidemann,
Falkenstein,	Long,	Reising,	Welsh,
Finnerty,	Lovett,	Reynolds,	Yourishin,
Fitch,	Male,	Rinn,	Zappala,
Flanagan,	McDermott,	Sarraf,	Sarig,
Haberlen,			

NAYS—89

Achterman,	Flinchbaugh,	Moomaw,	Snyder, F. E.,
Allen,	Flynn,	Moul,	Snyder, J. L.,
Altenburg,	Forrest,	Muir,	Sowers,
Andrews,	Gates,	Munley,	Spangler,
Atkins,	Gillette,	Parks,	Stank,
Baker, F. T.,	Habbyshaw,	Patterson, J. W.,	Stewart,
Baldi,	Hamilton, F. P.,	Perry,	Stockham,
Barnhardt,	Harkins,	Peters,	Stone,
Boose,	Hart,	Phillips,	Stott,
Boyer,	Hefferon,	Rhys,	Surface,
Brennan,	Hindman,	Robinson,	Terry,
Carson,	Hoffner,	Root,	Trout,
Castor,	Kane,	Ruffennach,	Wall,
Chervenak,	Kelso,	Ruth,	Weiss,
Cohen,	LaRue,	Schrock,	Westrick,
Coleman,	Linderman,	Schwab,	White,
Cordier,	Longaker,	Shreiner,	Wickersham,
Davies,	Lynch,	Shugarts,	Winner,
Decker,	McCreary,	Siegel,	Witkin,
Diehl,	McHenry,	Simon,	Wood,
Downey, J. J.,	McKinney,	Simpson,	Woodside,
Ebetharter,	Merrell,	Smith, J. A.,	Yeakel,
Ferko,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON FINAL PASSAGE

Mr. BURKE. Mr. Speaker, I desire to call up at this time House Bill No. 2002, Printer's No. 1185, on page 23, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BURKE.

The House resumed the consideration on final passage of House Bill No. 2002, entitled:

An Act fixing a maximum rate telephone companies may charge for listings in telephone directories

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—124

Achterman,	Eberharter,	Male,	Scanlon,
Alexander,	Eroe,	McCreary,	Schrock,
Allen,	Falkenstein,	McDermott,	Schrope,
Altenburg,	Finnerty,	McElroy,	Schwab,
Andrews,	Fitch,	Melchiorre,	Shaw,
Arnold,	Flanagan,	Mentzer,	Shepard,
Atkins,	Flinchbaugh,	Moomaw,	Shugarts,
Aukerman,	Flynn,	Mooney,	Siegel,
Baine,	Furman,	Moran,	Simon,
Bradley,	Gerard,	Moul,	Sinwell,
Brancato,	Haberlen,	Munley,	Smith, J. A.,
Brown, H. S.,	Hagerty,	Murrin,	Smith, W. G.,
Brown, J. E.,	Haluska,	Nagel,	Sowers,
Brownfield,	Hamilton, F. P.,	O'Keefe,	Stank,
Brumbaugh,	Hartman,	Ominsky,	Stevens,
Burke,	Hermansen,	O'Neill,	Stewart,
Cannon,	Hindman,	Panton,	Sumney,
Caputo,	Hirsch,	Patterson, C.,	Tronzo,
Carr,	Holland,	Patterson, J. W.,	Tumelty,
Carson,	Hoopes,	Pearson,	Van Allsburg,
Coakley,	Jackson,	Pfaff,	Van Sickle,
Cochran,	Kelso,	Piole,	Walker,
Cohen,	Kilroy,	Powers,	Weiss,
Coleman,	Kinney,	Reising,	Welliver,
Condon,	Klingler,	Reynolds,	Welsh,
Decker,	Kobelak,	Rinn,	Westrick,
Dent,	LaRue,	Robinson,	Yourishin,
Diehl,	Long,	Rooney,	Zappala,
Downey, G. E.,	Lovett,	Ruth,	Sarig,
Downey, J. J.,	Lynch,	Sarraf,	

NAYS—44

Baker, J. J.,	Greenstein,	Phillips,	Wall,
Baldi,	Habbyshaw,	Shreiner,	Wasserman,
Barnhardt,	Hefferon,	Simpson,	Weidemann,
Brennan,	Hoffner,	Sloan,	White,
Castor,	Kane,	Snyder, F. E.,	Wickersham,
Cordier,	Longaker,	Spangler,	Winner,
Davies,	McDevitt,	Sproul,	Witkin,
Ferko,	McKinney,	Stockham,	Wood,
Forrest,	Merrell,	Stott,	Woodside,
Gates,	Muir,	Terry,	Yeakel,
Gillette,	Nothnagle,	Trout,	Zimmerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2684, as follows:

An Act providing for the registration regulation and control of lobbyists and lobbying of for by or on behalf of any person partnership association or corporation imposing duties on employes of lobbyists on the Secretary of the Commonwealth and lobbyists and providing, penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purposes of this act the term "person" shall include an individual partnership association or corporation The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 2 Every person (hereinafter designated as an employer who or which employs or agrees to employ or retain any person to promote or oppose in any manner directly or indirectly the passage by the General Assembly of any legislation or to promote or oppose executive approval of such legislation or to act in any manner in connection with any legislation shall within one week after the date of such employment or agreement therefor furnish a signed statement to the Secretary of the Commonwealth containing in addition to such information as the secretary may require the following information

(1) The full name and business address of the employer and in addition in the case of a partnership the name and address of each partner and in the case of a corporation the names and addresses of each of its officers

(2) The full name and place of residence or business address and business or occupation or profession as the case may be and the unmounted photograph not exceeding three inches square of each person so employed and in addition in the case of a partnership the name and address of each partner and in the case of a corporation the names and addresses of each of its officers In case a partnership or corporation is so employed the unmounted photograph of the person or persons who are actually engaged or to be engaged in promoting or opposing legislation shall be furnished

(3) The date of the employment or agreement therefor and the length of time that the employment is to continue if such time can be determined

(4) The compensation paid or to be paid to such person for his services If the compensation for such services is included in an employment by annual salary then the employer shall specify the total amount of such compensation and the amount thereof apportioned for such legislative services

(5) The legislation pending or that may legally come before the General Assembly or either branch thereof or before any committee thereof with respect to which such person is employed

(6) Whether the person employed is to act as a legislative counsel or legislative agent as hereinafter defined

When any change modification or addition to such employment or the subject matter of the employment is made the employer shall within one week of such change modification or addition furnish in similar manner full information regarding same to the Secretary of the Commonwealth

Section 3 The Secretary of the Commonwealth shall prepare and keep two legislative dockets One of such dockets shall be known as "legislative counsel docket" and the other as "legislative agents docket" In the legislative counsel docket shall be entered the above information pertaining to persons and the photographs of the proper persons employed by any employer to appear at any hearing before the General Assembly or either branch thereof or any committee thereof for the purpose of making an argument or examining witnesses including the names of all lawyers representing any such employer who act or advise in relation to legislation Such persons for the purposes of this act shall be designated as legislative counsel In the legislative agents docket shall be entered the above information pertaining to persons and the photographs of the proper persons employed by employers as agents for promoting or opposing any legislation by any other means than those set forth above especially by personal interview with members of the General Assembly or by personal communications with the members of the General Assembly or the Governor and persons ordinarily employed for other purposes who render or will render any service in promoting or opposing or attempting to promote or oppose any legislation Such persons for the purposes of this act shall be designated as legislative agents

Such information entered in the above dockets shall be appropriately indexed so as to show all employers and employes the compensation paid or to be paid for such employment and the subject matter of such employment

The dockets required by this section shall be open to inspection by any citizen of the Commonwealth on demand at any time during the regular business hours of the Secretary of the Commonwealth Upon the termination of each such employment the employer shall notify the Secretary of the Commonwealth who shall cause such fact to be entered in the proper docket opposite the name of the person previously employed The Secretary of the Commonwealth shall similarly note all changes modifications or additions to any employment or subject matter of employment within the purview of this act

Section 4 Every person retained or employed for compensation to act as legislative counsel or agent by any employer shall before rendering any service in promoting or opposing directly or indirectly any legislation make written application to the Secretary of the Commonwealth for an identification certificate as hereinafter provided Such application shall be made on a form furnished by the Secretary of the Commonwealth and shall set forth information similar to that required of employers by section two of this act The Secretary of the Commonwealth shall issue to the applicant upon the payment of a fee of two dollars an identification certificate if the employer has filed the information required by section two of this act and if the applicant is not disqualified under this act from acting as legislative counsel or agent Such certificate shall show the name of the applicant the name of the employer the particular legislative matter in respect to which the applicant is employed the duration of the employment or retainer the period for which the certificate is valid and whether the applicant is a legislative counsel or agent Certificates issued to the legislative counsel shall be readily distinguishable from certificates issued to legislative agents Such certificates shall be valid until the legislative dockets open at the time of their issuance are closed as hereafter provided It shall be the duty of every legislative counsel or agent upon demand to exhibit his identification certificate at any time to any member of the General Assembly.

It shall also be the duty of every such person so retained or employed or agreed to be retained or employed upon arriving in Harrisburg in pursuance of such retainer employment or promise of employment to register forthwith the Secretary of the Commonwealth his name the particular legislation he is interested in the date of his arrival and the probable length of time he will be present in Harrisburg on his legislative mission which information the Secretary of the Commonwealth shall forthwith certify to both branches of the General Assembly

Section 5 (a) It shall be unlawful and a violation of this act for any person to act in any manner as legislative counsel or agent for or on behalf of any employer in respect to any legislation unless he is the holder of a proper identification certificate as required by this act

(b) It shall be unlawful and a violation of this act for any person to employ directly or indirectly any person to act as a legislative counsel or agent in respect to any legislation unless the name of the person so employed and the information required by this act is duly entered upon the proper legislative docket

(c) It shall be unlawful and a violation of this act for a legislative counsel to act as a legislative agent or for a legislative agent to act as a legislative counsel unless the name of the person so acting is duly entered upon both legislative dockets and such person is a holder of the proper identification certificates as required by this act

(d) It shall be unlawful and a violation of this act for any person to employ or retain or agree to employ or retain any person as a legislative counsel or agent or for any person to act as a legislative counsel or agent for or on behalf of any such person for a compensation dependent in any manner upon the passage or defeat or any proposed legislation or upon any other contingencies connected with the action of the General Assembly or either branch thereof or of any committee thereof

(e) It shall be unlawful and a violation of this act for any legislative agent to render any service as such agent or to approach any member of the General Assembly directly or indirectly outside the City of Harrisburg It shall be the duty of any member of either branch of the General Assembly to report promptly to the Secretary of the Commonwealth each and every instance in which he is approached by a legislative agent outside of Harrisburg whereupon it shall be the duty of the Secretary of the Commonwealth to strike the name of such agent from the legislative agents docket

(f) It shall be unlawful and a violation of this act for any legislative counsel or agent to go upon the floor of either branch of the General Assembly reserved for the members thereof while in session except upon the invitation of such branch of the General Assembly

(g) It shall be unlawful and a violation of this act for any public officer appointee agent or employe in the service of the Commonwealth to act as a legislative counsel or agent

Section 6 The legislative dockets shall be closed biennially upon the adjournment of the General Assembly and the dockets for the ensuing two years shall then be opened The Secretary of the Commonwealth may adopt such rules and regulations as he shall deem necessary for the keeping of such legislative dockets

Section 7 Within thirty days after the adjournment of the General Assembly every person appearing upon the legislative dockets of the previous two years as having employed any legislative counsel or agent shall render to the Secretary of the Commonwealth a full complete and detailed statement under oath or affirmation by the person making the same or if a copartnership by the partners thereof or if a corporation by both president and treasurer of all expenses paid or incurred by such person in connection with such employment of legislative counsel or agents or in connection with promoting or opposing in any manner directly or indirectly the passage by the General Assembly of any legislation within the terms of this act

Every legislative counsel or agent within thirty days after the adjournment of the General Assembly shall file with the Secretary of the Commonwealth an itemized statement under oath or affirmation showing in detail all moneys received from or promised by any person directly or indirectly in connection with a legislation pending at the last previous session with the names of the payers and the amount paid by each and the nature of such legislation

Such reports shall be made in such form as shall be prescribed and approved by the Secretary of the Commonwealth and shall be open to public inspection

Section 8 The Secretary of the Commonwealth is hereby charged with the enforcement of the provisions of this act and he is hereby authorized and it shall be his duty to make such investigations as he shall deem necessary to effect such enforcement

Section 9 Any employer who or which shall violate any provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall for each offense be subject to a fine of not less than two thousand dollars nor more than five thousand dollars in the discretion of the court Any person who shall act as legislative counsel or agent contrary to the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment for not more than six months or both in the discretion of the court and shall also be disqualified thereafter from acting as a legislative counsel or agent

It shall be the duty of the Attorney General or any district attorney upon information to bring prosecutions for violations of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—119

Achterman,	Downey, G. E.,	Kobelak,	Ruth,
Alexander,	Eberharter,	LaRue,	Sarraf,
Allen,	Eroe,	Long,	Scanlon,
Arnold,	Falkenstein,	Lovett,	Schrock,
Aukerman,	Finnerty,	Lynch,	Schrope,
Baine,	Fitch,	Male,	Schwab,
Baker, J. J.,	Flanagan,	McCreary,	Shaw,
Barber,	Flinchbaugh,	McDermott,	Shepard,
Bernhard,	Flynn,	McElroy,	Shugarts,
Bradley,	Furman,	McHenry,	Siegel,
Brancato,	Gerard,	Melchiorre,	Simon,
Brown, H. S.,	Haberlen,	Mentzer,	Sinwell
Brown, J. E.,	Hagerty,	Moomaw,	Smith, J. A.,
Brownfield,	Haluska,	Mooney,	Smith, W. G.
Brumbaugh,	Hamilton, F. P.,	Moore,	Stank,
Burke,	Harkins,	Moran,	Stevens,
Cannon,	Harmuth,	Moul,	Stone,
Caputo,	Hartman,	Nagel,	Sumney,
Carson,	Hermansen,	Ominsky,	Tronzo,
Coakley,	Hetrick,	O'Neill,	Tumelty,
Cochran,	Hindman,	Patterson, C.,	VanAllsburg,
Cohen,	Hirsch,	Patterson, J. W.,	VanSickle,
Coleman,	Holland,	Pearson,	Walker,
Condon	Holstrom,	Pfaff,	Wasserman,
Coolahan,	Hoopes,	Piole,	Weiss,
Cordier,	Kelder,	Powers,	Welliver,
Davies,	Kelso,	Reising,	Welsh,
Decker,	Kilroy,	Rinn,	Westrick,
Dent,	Kinney,	Robinson,	Zappala,
Diehl,	Klingler,	Ruffennach,	Sarig,
Dilley,			

NAYS—56

Altenburg,	Hefferon,	Phillips,	Tahl,
Baker, F. T.,	Hoffner,	Reynolds,	Terry,
Baldi,	Horst,	Root,	Trout,
Barnhardt,	Jackson,	Shortz,	Wall,
Blumberg,	Jones,	Shreiner,	Weidemann,
Boyer,	Kane,	Simpson,	White,
Brennan,	Longaker,	Snyder, F. E.,	Wickersham,
Castor,	Mallen,	Snyder, J. L.,	Winner,
Downey, J. J.,	McDevitt,	Spangler,	Witkin,
Ferko,	McKinney,	Sproul,	Wood,
Forrest,	Merrell,	Stewart,	Woodside,
Greenstein,	Muir,	Stockham,	Yeakel,
Habbyshaw,	Perry,	Stott,	Zimmerman,
Hamilton, R. S.,	Peters,	Surface,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2524, entitled:

An Act to amend section one thousand two hundred three of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "For the protection of the public safety; regulating the use of the highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justice of the peace, the courts and clerks thereof, owners of vehicles, and garage keepers! providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation and providing for refunds" by providing for the right of arrests on view by certain peace officers for summary offenses in certain cases, and regulating the procedure with respect thereto.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TAHL. Mr. Speaker, I would like to interrogate the sponsor of this bill, the gentleman from Northampton, Mr. Coakley.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. COAKLEY. I will, Mr. Speaker.

Mr. TAHL. Mr. Speaker, I understand that this is an amendment to the Motor Vehicle Code. Will the gentleman from Northampton please explain to the members of the House the amendments? I would like the sponsor to explain the amendments to this bill.

Mr. COAKLEY. Mr. Speaker and members of the House, the purpose of this bill is for officers to arrest on view. If Mr. Tahl will give me permission to just read what the chiefs of police of Pennsylvania say in reference to this bill, I would like to do so:

"The Chiefs of Police of Pennsylvania are appalled at the constant increase in the number of deaths and accidents in this state by automobile. From our experience, we feel that this is largely due to the fact that under the present laws the police, with the exception of the Highway Patrol, can not arrest any offender on view for summary violations of the Vehicle Code. Consequently, racketeers, bandits, and other law breakers are immune from immediate arrest for a great number of violations. Because of this condition we feel that there is a general disregard for all motor vehicle laws in this state. We, therefore, urge you to support Bill No. 2524 which restores police officers to police duties and permits arrest on view of persons violating the summary provisions of the Vehicle Code. The amendment as drawn is in flexible enough form to prevent any hardship upon any law abiding motorist.

We also urge you to support Bill No. 2064 which provides for the training of police officers at the training school of the Pennsylvania State Police. It is our constant effort to raise the standard of all police officers in this state and we believe that the passage of this Bill would be a forward step on the proper training of men for police duties throughout the state.

Our organization is confident that you, as law-makers, appreciate the importance of having the laws you adopt properly administered. We, on our part, are anxious to administer these laws fairly and uniformly and ask your cooperation in securing the passage of these particular Bills for the benefit of all the people of Pennsylvania."

Mr. TROUT. Mr. Speaker and members of the House, there was a similar law on the Statute Books of the State from 1927 to 1929 when it was repealed, and it was repealed because of abuses and because of the creation of a large number of fining squires throught the Commonwealth. We recognize just what was said and we also recognize the fact that this bill is being fostered by the police in Philadelphia and Pittsburgh, and there probably is a reason for that. But I want to call attention of the members of the House just to this one fact. On page 8 it is provided that "If the defendant is unable to give bail in the usual legal form for a hearing or continued hearing or for his appearance in court the magistrate shall accept as bail any article of sufficient value or if the defendant is owner thereof and tenders the

same shall hold in custody the vehicle found in his possession and the court or magistrate after the trial of the defendant or when bail in the usual legal form is given shall make such order as to the disposition of such vehicle or other articles accepted as bail as shall seem just and proper."

I submit to the members of the House that that is a hardship that may befall any one particular motor vehicle operator following an accident. I believe it is vicious legislation. I believe that all of us are in a position at times when we may not be able to pay a fine, when it would be a hardship to have our vehicle held as bail. I think that the bill should be defeated.

Mr. BLUMBERG. Mr. Speaker and members of the House, this bill does not originate in either Philadelphia or Pittsburgh. It originates at a conference of all the police officials of the State of Pennsylvania and results from a conference had by a committee of that association with our Secretary of Revenue. It is the first real forward step that this association has proposed in order to make the highways of Pennsylvania safe for pedestrians. We have experimented with the present law and the amount of injuries and deaths increases yearly, so that today in Pennsylvania each year finds a greater toll of lives than Pennsylvania has lost in the World War. If anyone will take the trouble to read this bill, he will see that every opportunity has been given to the one arrested so that no hardship will be imposed upon him. If we are going to get respect for our traffic laws we will have to do more than simply send a notice to someone to appear, if and as they want to appear. This act provides that the officer may arrest on view but he must do several things after the arrest. First, he may either take the name and address of the offender. Now, that undoubtedly will be done where the violation is slight. Second, where the violation is of a more serious character, he may take the arrested person before a magistrate, and the defendant is given the right to elect whether he be given an immediate hearing or whether he post bail for a hearing ten days from that date. Third, he is taken to the headquarters of the police department, and he shall have the right to immediate release, except in cases of a felony or a misdemeanor, or in cases that result in injury or death to any person, and he is entitled to have his release upon depositing a sum of money with such office equal to the amount of the maximum fine or the fine and the costs applicable to the offense. The next provision is in the event he does not have the fine, he may if he is the owner of the automobile leave that as security, or any other article of value, which article is returned to him at such time as he does post the bail. As I read this bill, aside from a real honest attempt to safeguard the pedestrian, and to cut down this enormous toll that these automobiles take each year in this state, the offender is put to no great inconvenience. He must post bail, and if he cannot post bail he leaves security. If he has no security he can put up the cash. It is non-partisan, gentleman, and I think this is a real bill to get behind. We have got to do something. Here is a bill on which all of the elements have agreed. I therefore ask the House to vote aye on the bill.

Mr. ALEXANDER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blumberg.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Blumberg, permit himself to be interrogated?

Mr. BLUMBERG. I will, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, may I ask the gentleman from Philadelphia, Mr. Blumberg, whether this bill would permit a township or borough justice of the Peace cooperating with officers of that borough to arrest on sight.

Mr. BLUMBERG. Mr. Speaker, this bill would undoubtedly permit the peace officer to arrest where there has been a violation of the law, with or without any cooperation on the part of the justice of the peace.

Mr. ALEXANDER. Mr. Speaker, previous to 1929 and in 1927, 1928 and 1929, in our county there were several instances where there was a regular racket performed by the justices of the peace and the constables or officers of those boroughs. It caused a lot of inconvenience to the traveling public and if this in any way would bring about that same condition I would have to be very much opposed to the bill.

Mr. KILROY. Mr. Speaker and members of the House, I heartily agree with my colleague from Philadelphia, Mr. Blumberg, but he has covered all the important parts of this bill and the recommendation of the Superintendent of Police of Philadelphia also the Director of Public Safety, and I am asking the members of this House to vote aye on this bill.

Mr. HOMER S. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blumberg.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BLUMBERG. I will Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, am I correct in assuming that this bill applies to non-residents who may be guilty of a minor offense the same as residents.

Mr. BLUMBERG. Mr. Speaker, it applies to all who use the highways of the state.

Mr. HOMER S. BROWN. Mr. Speaker, am I correct in assuming therefore, that a non-resident may post his own recognizance for his appearance?

Mr. BLUMBERG. Mr. Speaker, that is a matter of discretion with the magistrate or the justice of the peace. Undoubtedly where the affender is a non-resident he would be required to post bail or leave sufficient security to cover the imposition of the maximum fine.

Mr. HOMER S. BROWN. So that page 5, line 2, down to line 16, does not make it mandatory upon the justice of the peace or the committing magistrate to make a non-resident post security, Mr. Speaker.

Mr. BLUMBERG. Mr. Speaker, no the provisions of Section 1, 2 and 3, would be sub-divisions, or alternative provisions, and referring back to page 4 you will note that it says that "The arresting officer shall thereupon either," and then it takes in Sections 1 and 2.

Mr. HOMER S. BROWN. Mr. Speaker, then it is not mandatory?

Mr. BLUMBERG. Mr. Speaker, no, sir.

Mr. HOMER S. BROWN. Mr. Speaker, let us assume then that a justice of fthe peace or a committing magistrate will be as lenient with the non-residents as he would be with the residents and would let a non-resident post his own recognizance, and the non-resident does not appear. Do you believe that the non-resident could be extradited to stand the charge of the misdemeanor under this act?

Mr. BLUMBERG. Mr. Speaker, no, unless the offense is an extraditable offense the non-resident could not be brought within the jurisdiction. I am assuming that the administering officer would use his own discretion and will be honest. May I also add that at the present time that the situation as you have described is possible, and that situation is not changed under this act.

On the question recurring,

Shall tht bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—105

Arnold,	Flanagan,	Melchiorre,	Simon,
Baker, J J.,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Baldi,	Flynn,	Moomaw,	Sproul,
Barnhardt,	Forrest,	Moran,	Stevens,
Bernhard,	Furman,	Murrin,	Stone,
Blumberg,	Gerard,	Nothnagle,	Stott,
Bradley,	Greenstein,	O'Keefe,	Tahl,
Brancato,	Hagerty,	Ominsky,	Tumelty,
Brown, J. E.,	Harmuth,	O'Neill,	Turner,
Burke,	Hindman,	Patterson, C.,	Van Sickle,
Cannon,	Hirsch,	Perry,	Walker,
Caputo,	Hoffner,	Peters,	Wall,
Carson,	Holstrom,	Pfaff,	Wasserman,
Coakley,	Jackson,	Phillips,	Weidemann,
Coleman,	Kilroy,	Powers,	Weiss,
Coolahan,	Kinney,	Rhys,	Welliver,
Cordier,	Long,	Rinn,	Westrick,
Davies,	Longaker,	Rooney,	Winner,
Dent,	Lovett,	Root,	Witkin,
Dilley,	Male,	Ruffennach,	Wood,
Downey, G. E.,	Mallen,	Ruth,	Woodside,
Downey, J. J.,	McCreary,	Sarraf,	Yeakel,
Eroe,	McDermott,	Scanlon,	Yourishin,
Falkenstein,	McDevitt,	Schrock,	Zappala,
Ferko,	McElroy,	Schrope,	Zimmerman,
Finnerty,	McHenry,	Schwartz,	Sarig,
Fitch,			

NAYS—70

Achterman,	Diehl,	Klingler,	Shortz,
Alexander,	Eberharter,	Kobelak,	Shreiner,
Allen,	Habbyshaw,	LaRue,	Shugarts,
Andrews,	Haluska,	McKinney,	Simpson,
Aukerman,	Hamilton, F. P.,	Merrell,	Sinwell,
Baine,	Harkins,	Mooney,	Snyder, J. L.,
Baker, F. T.,	Hart,	Moul,	Spangler,
Boose,	Hartman,	Muir,	Stank,
Boyer,	Hefferon,	Munley,	Stewart,
Brennan,	Hermansen,	Nagel,	Stockham,
Brown, H. S.,	Hetrick,	Patterson, J. W.,	Surface,
Brownfield,	Holland	Pearson,	Terry,
Brumbaugh,	Hoopes,	Piole,	Tronzo,
Castor,	Horst,	Reising,	Trout,
Chervenak,	Jones,	Roan,	Van Allsburg,
Cochran,	Kane,	Robinson,	Welsh,
Condon,	Kelder,	Shaw,	White,
Decker,	Kelso,	Shepard,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 28, 1935.

Resolved (if the Senate concur), That this session of the General Assembly adjourn sine die, Friday, June 21, 1935, at twelve o'clock noon.

TIME EXTENDED ON BILL

Mr. RUTH. Mr. Speaker, I move that the time on House Bill No. 2206, Printer's No. 1041, entitled:

An Act to amend section one thousand three hundred and one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended establishing a compulsory tax levy for fire protection

on page 37 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. RUTH. Mr. Speaker, I move that the time on House Bill No. 2207, Printer's No. 1086, entitled:

An Act to amend clause four of section seven hundred two and clause five of section nine hundred five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" permitting townships to enter in contracts directly with fire organizations in adjacent municipalities for fire protection and requiring the levy of a tax for fire protecton

on page 37 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. COHEN from the Committee on Appropriations reported as amended, House Bill No. 2683, entitled:

An Act to amend the act approved the twentieth day of December, 1933-1934 (P. L. 89), entitled "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available for the reimbursement of the General Fund for certain services rendered or supplied by certain departments.

BILLS INTRODUCED

Mr. COHEN asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk for the information of the House as follows:

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud, corruption or dishonesty or profit to such councilmen, and where the borough is in possession of and uses such fire apparatus.

Mr. RUTH asked and obtained unanimous consent to introduce a bill the title of which was read by the Clerk for the information of the House as follows:

An Act to amend section four of the act approved the sixteenth day of May, one thousand nine hundred thirty-five, (Act number ninety-one) entitled, "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations, joint-stock associations ,and limited partnerships; providing for the assessment and collection of the tax and appeals to courts, conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; making an appropriation; and providing penalties", by changing the time of payment,

Mr. RINN asked and obtained unanimous consent to introduce a Joint Resolution the title of which was read by the Clerk for the information of the House as follows:

A Joint Resolution creating a Farm Survey Commission; defining its powers and duties; and making an appropriation.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on State Government will meet immediately after tomorrow morning's session in room 323.

The Committee on Appropriations will meet tomorrow at 9:00 A. M. in room 326.

The Committee on Agriculture will meet tomorrow at 9:15 A. M. in room 324.

The Committee on Counties will meet tomorrow at 9:30 A. M. in room 323.

The Committee on Fisheries will meet tomorrow at 10:00 A. M. in room 324.

The Committee on Judiciary General will meet tomorrow at 10:00 A. M. in room 325.

The Committee on Ways and Means will meet tomorrow at 10:00 A. M. in room 326.

The Bi-Partisan House Committee of 26 for real estate tax relief will meet tomorrow at 10:00 A. M. in room 521.

The Committee on Cities will meet tomorrow at 10:30 A. M. in room 323.

The Commitee on Constitutional Amendments will meet tomorrow at 10:45 A. M. in room 326.

The Committee on Banking will meet immediately after tomorrow morning's session in room 323.

The Committee on Labor will meet one half hour after tomorrow morning's session in room 325.

The Committee on Highways will not meet tomorrow.

The Committee on Elections will not meet tomorrow.

ADJOURNMENT

Mr. HARMUTH. Mr. Speaker, I move that this House do now adjourn until 11:00 A. M.

The motion was agreed to, and (at 12:47 A. M.) the House adjourned until Tuesday, June 4, 1935; at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., TUESDAY, JUNE 4, 1935 No. 71

SENATE

TUESDAY, June 4, 1935

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

As flowers in a garden and as the leaves of the forest turn their faces toward the sun, so turn our souls unto Thee, O God. To whom else shall we go? "Thou hast the words of eternal life."

In times of confusion and uncertainty we have sought help in many places, and too frequently have we been disappointed. But when we have approached Thee, seeking Thy counsel, our hearts have been comforted and the tangled paths have been made clear and straight.

May such seeking after Thee become the habit of our lives. Here, in legislative assembly, at home amid our daily duties, in every department of our lives, may we ask Thy guidance. We are assured of Thy willingness to help us by the promise "Him that cometh unto me I will in no wise cast out."

We thus pray in the name of Thy Son. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk preceded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

PROTESTING AGAINST ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from a number of churches and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

OPPOSING SENATE BILL NO. 1366

The Chair also laid before the Senate petition signed by a number of citizens of Philadelphia protesting against Senate Bill No. 1366.

Which was referred to the Committee on Judiciary General.

FAVORING SENATE BILL NO. 338

The Chair also laid before the Senate petition signed by numerous residents of Philadelphia County favoring Senate Bill No. 338.

Which was referred to the Committee on Labor and Industry.

OPPOSING SENATE BILL NO. 501

The Chair also laid before the Senate petition from the Pittsburgh Ministerial Union opposing Senate Bill No. 501.

Which was referred to the Committee on Municipal Government.

FAVORING SENATE BILL NO. 757

Mr. McCREESH presented petition from the Capital City Milk Producers Association favoring Senate Bill No. 757.

Which was referred to the Committee on Public Health.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1369 (Senate Bill No. 1521), entitled:

An Act to amend section one thousand and twenty-five of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," as amended, increasing the penalty for failure to stop and render assistance under certain circumstances.

Which was committed to the Committee on Highways.

House Bill No. 2002 (Senate Bill No. 1522), entitled:

An Act fixing a uniform rate telephone companies may charge for listings in telephone directories.

Which was committed to the Committee on Public Utilities.

House Bill No. 1786 (Senate Bill No. 1523), entitled:

An Act to further amend section one of the act "An Act to amend section one of the act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (P. L. 117), entitled "An act making it unlawful for any person to hold himself out or advertise himself as a lawyer, attorney-at-law, or counsellor-at-law in any county of the State of Pennsylvania, unless duly admitted to practice by a court of record of any county in this Commonwealth, and providing a penalty therefor,'" as amended, by defining and prohibiting certain acts related to the practice of the law by persons, partnerships, associations, and corporations not duly and regularly admitted to practice law, and defining the practice of law

and defining those who may engage in the practice of law, and providing for penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 2684 (Senate Bill No. 1524), entitled:

An Act providing for the registration, regulation and control of lobbyists and lobbying of, for, by, or on behalf of any person, partnership, association, or corporation; imposing duties on employers of lobbyists, on the Secretary of the Commonwealth and lobbyists; and providing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 2524 (Senate Bill No. 1525), entitled:

An Act to amend section one thousand two hundred three of the act approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws nine hundred five), entitled "Vehicles Code," by providing for the right of arrests on view by certain peace officers for summary offenses in certain cases, and regulating the procedure with respect thereto.

Which was committed to the Committee on Highways.

AMENDMENT TO HOUSE BILL NO. 181 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 181, entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925" as amended, permitting eel chutes on the north branch of the Susquehanna river to the Wyoming-Luzerne County line.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 2270

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 2270, entitled:

An Act to further amend section three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1530), entitled "Pymatuning Swamps Reservoir Project Law" conferring additional powers and duties on the Water and Power Resources Board.

PRESIDENT AND CONGRESS MEMORIALIZED TO INCLUDE WITHIN THE PUBLIC WORK PROGRAM, THE EXTENSION OF THE MARKET STREET SUBWAY TO FIFTY-SECOND STREET AND REMOVAL OF THE ELEVATED STRUCTURE IN PHILADELPHIA

He also presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, April 17, 1935.

Whereas, The President and Congress in order to alleviate unemployment in developing various public works and

Whereas, In the City of Philadelphia Pennsylvania there is planned a construction and extension of the Market Street subway to Fifty-second Street and the removal of the Elevated Structure and

Whereas, The work of equipping said subway extension and the removal of the Elevated Structure would give employment to many persons now unemployed and

Whereas, The full completion of this project would result in great usefulness to the citizens of the entire City of Philadelphia and West Philadelphia in particular therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully memorialize the President and Congress of the United States to consider the advisability and feasibility of including within the public work program the extension of the Market Street Subway to Fifty-second Street and the removal of the Elevated Structure and be it further

Resolved, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives and the Chief Clerk of the Senate to the President of the United States the Vice President and the President of the Senate and to the Speaker of the House of Representatives and to all the Senators and Representatives in the Congress of the United States from the Commonwealth of Pennsylvania

Mr. EALY. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions be referred to an appropriate committee be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. EALY. Mr. President, I object.

The Chair hears objection. The Resolution will be referred to the committee on Federal Relations.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 804, entitled:

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue and the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fines and costs imposed before the restoration of operating privilege in certain cases and imposing duties upon clerks of the courts

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

SENATE CONCURS IN HOUSE AMENDMENTS TO HOUSE BILL NO. 1885 RECALLED FROM THE GOVERNOR.

Mr. LAW. Mr. President I move that the Senate do now proceed to the consideration of House Bill No. 1885 recalled from the Governor and amended, in which amendments the Senate has non-concurred. The bill is now on the table.

Mr. HARVEY. Mr. President I second the motion.

The motion was agreed to.

Mr. LAW. Mr. President, I move that the Senate recede from its non-concurrence and concur in the House amendments.

Mr. HARVEY. Mr. President, I second the motion.

On the question,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Salus,
Bean,	Howell,	Pierson,	Shapiro,
Bennett,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Staudenmeier,
Cavalcante,	Kahle,	Rankin,	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Dauphin)	Thompson, (Westmoreland)
Clark,	Law,	Reed, (Washington)	Trainer,
Coyne,	Mallery,	Rice,	Woodward,
Daly,	McClure,	Roberts,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEE

Mr. NORTON from the Committee on Insurance reported as committed Senate Bill No. 952, entitled:

An Act to amend section three hundred and ten of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789) entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability

Also from the Committee on Insurance reported as committed, Senate Bill No. 1514, entitled:

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. ——) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person, not exceeding one hundred dollars per month," by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe

Also from the Committee on Insurance reported as amended, Senate Bill No. 1029, entitled:

An Act to amend section 410 of the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies Lloyds, associations, reciprocal and inter-insurnace exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties, and repealing existing laws" so that the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident, and further to amend the provisions relating to participation in surplus

Also from the Committee on Insurance reported as amended, Senate Bill No. 1033, entitled:

An Act to amend Article 6 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

Also from the Committee on Insurance reported as amended, Senate Bill No. 1035, entitled:

An Act to amend the Act approved the 17th day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," so that a new section, to be known as section four hundred and ten B (410B) is added, providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

Mr. ZIESENHEIM from the Committee on County Government reported as committed, Senate Bill No. 1290, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of.

Mr. TRAINER from the Committee on County Government reported as committed, Senate Bill No. 1206 (House Bill No. 1692), entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made

Mr. CLARK from the Committee on Appropriatioons reported as committed, Senate Bill No. 1486 (House Bill No. 812), entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies

Also from the Committee on Appropriations reported as amended, Senate Bill No. 1099 (House Bill No. 2113), entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster

Mr. McGINNIS from the Committee on County Government reported as committed, Senate Bill No. 586 (House Bill No. 252), entitled:

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipalties and quasi-municipal corporations which levy their taxes on county assessments and valuation; amending, revising and consolidating the law relating thereto; and repealing existing laws," abolishing the county poll tax in counties of the third class; and eliminating provisions for the assessment and consolidation of poll taxes for voting purposes.

Also from the Committee on County Government reported as committed, Senate Bill No. 514 (House Bill No. 540), entitled:

An Act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (P. L. 559) entitled "An act to provide for the election of prothonotaries clerks recorders and registers" so far as the same relates to Cumberland County

Mr. RANKIN from the Committee on County Government reported as committed, Senate Bill No. 1496 (House Bill No. 2325), entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

Mr. COYNE from the Committee on Executive Nominations reported with favorable recommendation, the following:

EXECUTIVE NOMINATIONS

NOTARIES PUBLIC

Commonwealth of ennsylvania,
Governor's Office, Harrisburg, June 3, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

W. J. Bealles, 222 Sagamore Street, Pittsburgh.
Miss Donna E. Mansfield, Gulf Building, Pittsburgh.

BLAIR COUNTY

Mrs. May C. Shields, Altoona.

DAUPHIN COUNTY

Clarence R. Burris, Harrisburg.

ERIE COUNTY

A. C. Knablein, Erie.

FAYETTE COUNTY

Richard P. Wright, Masontown.

PHILADELPHIA COUNTY

Miss Dorothy Goldberg, 1911 Packard Building, Philadelphia.
William H. Lewis, Foot of Reed Street, Philadelphia.
Miss A. Marguerite McDowell, 1535 Land Title Building, Philadelphia.
James J. O'Reilly, 6027 Locust Street, Philadelphia.
Miss Clara H. Wright, 232 South 7th Street, Philadelphia.

SCHUYLKILL COUNTY

W. John Krommes, Pottsville.

VENANGO COUNTY

Earl S. Fowler, Oil City.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations:

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Aron,	Harvey,	Norton,	Rupp,
Batchelor,	Homsher,	Owlett,	Salus,
Baumer,	Howell,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Dauphin)	(Centre)
Coyne,	Mallery,	Reed,	Thompson,
Ealy,	McClure,	(Washington)	(Westmoreland)
Frey,	McCreesh,	Rice,	Trainer,
Gelder,	McGinnis,	Roberts,	Woodward,
Graff,	Miller,	Rodgers,	Ziesenheim.
Harris,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELDER from the Committee on County Government reported as committed, Senate Bill No. 116, entitled:

An Act to amend section one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 910), entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class, and repealing existing acts relating thereto," by changing such compensation.

Also from the Committee on County Government reported as committed, Senate Bill No. 117, entitled:

An Act to re-enact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

Mr. BENNETT from the Committee on Game and Fisheries, re-reported as amended, Senate Bill No. 1149 (House Bill No. 1683), entitled:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain fire arms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances.

Mr. STAUDENMEIER from the Committee on County Government reported as committed, Senate Bill No. 1181 (House Bill No. 926), entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments

BILLS INTRODUCED

Mr. SORDONI read in his place and presented to the Chair, Senate Bill No. 1526, entitled:

An act fixing the salary of the Clerk to the President of the Senate.

Which was committed to the Committee on State Government.

Also read in his place and presented to the Chair, Senate Bill No. 1527, entitled:

An Act defining the term "fiduciary"; prescribing the nature and kind of investments which may be made by such fiduciaries; validating certain investments heretofore made by such fiduciaries; and repealing acts and parts of acts inconsistent herewith.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 1528, entitled:

An Act to amend section thirteen of the act approved the nineteenth day of March, one thousand nine hundred and nine (Pamphlet Laws forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the esablishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners: to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act" as amended; prohibiting osteopaths from using the title "Doctor" or the abbreviation "Dr." before their names without the word "Osteopath" or "Osteopathist" or the words "Osteopathic Physician" immediately following.

Which was committed to the Committee on Public Health.

Also read in his place and presented to the Chair, Senate Bill No. 1529, entitled:

An Act when a bank or trust company has been appointed a fiduciary, and later merges or consolidates with a national banking association, or is converted into a national banking association, such surviving or new national banking association shall be entitled to act as fiduciary in the place of said bank or trust company and under the original appointment.

Which was committed to the Committee on Banking.

Also read in his place and presented to the Chair, Senate Bill No. 1530, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry, and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealng certain acts;" as amended, requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

Which was committed to the Committee on Labor and Industry.

Mr. PRINCE read in his place and presented to the Chair, Senate Bill No. 1531, entitled:

An Act to regulate, and, under certan circumstances, to prohibit the use of the names of breeds of dairy cattle in connection with corporate, trade and fictitious names and in advertisements, trade-marks and brands; conferring powers on the Department of Agriculture; and providing penalties.

Which was committed to the Committee on Agriculture.

Mr. EALY read in his place and presented to the Chair, Senate Bill No. 1532, entitled:

An Act to enable city, county, poor, ward, school, borough, and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act.

Which was committed to the Committee on County Government.

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 1533, entitled:

An Act to regulate and improve the civil service of the Commonwealth of Pennsylvania to make any violation of its provisions a misdemeanor and to provide penalties for any violation thereof.

Which was committed to the Committee on State Government.

Mr. SALUS read in his place and presented to the Chair, Senate Bill No. 1534, entitled:

An Act providing for the adjustment and settlement of certain legal and moral claims against the Commonwealth by the State Emergency Relief Board arising out of contracts for the slaughter of drought cattle; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. PIERSON read in his place and presented to the Chair, Senate Bill No. 1535, entitled:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

Which was committed to the Committee on Appropriations.

Mr. HUFFMAN read in his place and presented to the Chair, Senate Bill No. 1536, entitled:

An Act to require counties, cities, boroughs, town, townships, school districts and poor districts to progressively reduce their tax rates on real estate, and conferring certain powers upon courts of quarter sessions.

Which was committed to the Committee on County Government

RESOLUTION FOR APPOINTMENT OF COMMITTEE TO INVESTIGATE CHARGES OF VARIOUS NEWSPAPERS RELATIVE TO THE PASSAGE OF "PITTSBURGH RIPPER BILL"

Mr. BATCHELOR. Mr. President, I move that the Senate do now proceed to the consideration of Senate Resolution No. 1, relative to the "Pittsburgh Ripper Bill," reported from Committee on Municipal Government at yesterday's Sessions.

Mr. ARON. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the Senate, June 3, 1935.

Whereas There was introduced into the General Assembly a bill commonly known as the Pittsburgh Ripper Bill that if enacted into law will abolish the office of Mayor in the City of Pittsburgh and

Whereas The real purpose of this bill seems to be to remove the Honorable William McNair from the office of Mayor of the City of Pittsburgh by legislative authority nothwithstanding that he could be removed by appropriate legal proceedings if found guilty of malfeasance in office or that he had been elected to the office of Mayor at the preceding election by a large majority of the votes cast or that a newspaper poll taken after the introduction into the General Assembly of the above mentioned bill indicated that a large majority of the voters were still desirous of having him as their chief executive and

Whereas The real objection to having the said William McNair serve as Mayor for the full term to which he had been elected seems to be that his independence in the administration of his official duties especially his dispensing of political patronage is not satisfactory to the Democratic organization of that City and

Whereas Various newspapers circulating in Pennsylvania have published news items and have given considerable editorial space to the above mentioned bill generally agreeing that all the Democratic Senators will support the bill and inferring if not actually alleging that in order to secure the votes of seven Republican Senators necessary to have the bill pass that parties having at their disposal political patronage were offering Republican Senators jobs or positions for their friends or constituents in return for votes to have the said bill reported out of committee and for final passage in the Senate and

Whereas This seems to be a serious reflection on the honesty and integrity of members of the Senate therefore be it

Resolved That the President pro Tempore of the Senate appoint a committee consisting of three Senators to investigate the charges made by various newspapers as to the methods used to secure the passage of said bill and of all lobbying done in the interest of this bill or of any offer made to any member of the General Assembly for his or her support in favor of said bill and to all other matters in connection therewith The said committee to make a report of its findings to the Senate for such action as may seem desirable And be it further

Resolved That the said committee shall have power to issue subponeas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents as the committee may deem necessary

Such subpoenas may be served upon any person and shall have the force and effect of subponeas issued out of the courts of the Commonwealth Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books papers records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

On the question,

Will the Senate agree to the Resolution?

Mr. HUFFMAN. Mr. President, this is an important paper, and I think a matter as important as this is, which alleges certain things, or a great many things, without very much proof back of it, requires that the Senate rules be adhered to and a printed copy of the resolution be placed on the desk of the Senators before it is voted upon.

The PRESIDENT. Does the Senator from Northampton, Mr. Huffman, make that as a motion?

Mr. HUFFMAN. Mr. President, I think the rule provides for that.

The PRESIDENT. The Secretary will read the Rule.

The Rule was read as follows:

"The following resolutions after they have been twice read, shall be referred to an appropriate committee, without debate (unless by unanimous consent the Senate shall otherwise direct) and if favorably reported by the committee, shall lie over one day for consideration, after whic hthey may be called up as, of course, under their appropriate order of business."

Mr. HUFFMAN. Mr. President, I have not had the time to go over the Rules and the Constitution, but my recollection is that either the Rules or the Constitution require that a resolution must be printed and placed on the desks of the Senators, but we have not been adhering to it.

The PRESIDENT. The Chair is unable to find anything in the Rules to require the printing of the resolution.

Mr. CAVALCANTE. Mr. President, I think that is a Constitutional provision which requires all resolutions of this kind to be printed for the use of the members before they are acted upon.

The PRESIDENT. What section is the Senator from Fayette referring to?

Mr. CAVALCANTE. Mr. President, Article 3, Section 2.

The PRESIDENT. That refers to a bill. This is no bill.

Mr. HUFFMAN. Will the sponsor of the bill permit the resolution to be put on our desks?

Mr. BATCHELOR. Mr. President, I would be very glad indeed to have the resolution printed, and I do think that every member ought to be absolutely familiar with it before voting upon it. I have no objections to withdrawing my request for consideration of the resolution at this time, and in deference to the request from the Senator from Monroe, Mr. Huffman.

MOTION TO PRINT RESOLUTION

Mr. BATCHELOR. Mr. President, I move that the resolution be printed, and that a copy be placed on the file of each Senator.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Warren, Mr. Chapman, will state his question of personal privilege.

Mr. CHAPMAN. Mr. President, how can the school system of Pennsylvania be improved?

On April 24th, I discussed in a brief way the educational problems before the Senate in a broadcast. I said at that time that we faced a new Commonwealth and new problems, some of which have been before the present Legislature, namely adequate relief, sufficient finances to carry on the functions of government, social security and methods of revising the Constitution. All the foregoing must be given consideration. We must, however, not loose sight of the fact that equally important with those previously mentioned is the problem of education. The security of Pennsylvania in the final analysis depends on the wisdom and intelligence of the citizens. These qualifications in the words of William Penn do not descend with worldly inheritance. Some agency must have as its chief responsibility in the propagation of wisdom and intelligence if they are to remain a part of the heritage of Pennsylvania. This is the responsibility of public education in the public schools of the Commonwealth. I desire to suggest a program for the betterment of the school system of Pennsylvania. I wish to make it clear that I do not necessarily voice the sentiment of the Senate of Pennsylvania, neither do I speak as Chairman of the Educational Committee of the Senate, I rather speak as a citizen who is interested in the public schools. I speak as one who has made careful observation of the work of the schools—one who by reading has kept in touch with writings on educational problems—and as one who has sought the opinions of educators. Frankly, then, I am presenting my own opinions secured from by own thinking, observations, and discussions on the subject.

I do not voice the sentiment of the Senate of Pennsylvania as I discuss these somewhat specific details but I should be very much remiss if I did not tell you that without exception my colleagues in the Senate hold education as one of the important activities of the Commonwealth of Pennsylvania.

How can the school system of Pennsylvania be made better? This topic, I am sure, is of interest to everyone. Those who have children in school are anxious that the children learn. Those who pay the bills, the tax payers, are anxious to receive full value for every dollar expended. And if the Commonwealth of Pennsylvania itself could speak, I am sure it would voice the sentiment that every child of Pennsylvania—every youth capable of learning—should be provided with such education as would enable him to be of service to the State as a useful and happy citizen.

Not so many years ago we thought of education as comprising mainly reading, writing, and arithmetic. The schools in which these subjects are taught are now commonly called the elementary schools. In my own thinking I like to think of these elementary schools as the place in which children are taught fundamentals. Some people call these three subjects the tools of learning. Personally, I am a strong believer in building solid foundations and in good tools. Whether we call these subjects of the elementary school the fundamental subjects of the school curriculum or whether we call them tools of learning is of minor significance. The important thing to me is that the subjects be well taught and that following the period of schooling in the elementary school, our boys and girls shall be able to speak the English language well and effectively—to read with intelligence and understanding—to write legibly and with a forceful style—and to be expert in the simple arithmetical computations.

My chief interest in this connection is accuracy rather than speed. Speed with inaccuracy is as dangerous in the educational field as it is on the public highways. No one from my observation has ever been taught to use the English language too well—to write too legibly—to spell too accurately—nor to be too correct in arithmetical calculations. It is upon these subjects that the rest of the education of the individual is largely built, which, therefore, gives them their importance.

My first suggestion, then, for the betterment of the school system of Pennsylvania would be to teach better and better the fundamental subjects of the elementary school.

By this emphasis on the fundamental subjects I do not mean to minimize other subjects taught in the elementary school. Surely everyone should have a clear understanding of the history of the Commonwealth, the State, and the nation in which one lives. Surely everyone should know

about the geography of his country. Surely, as a physician, I would be the last one not to emphasize the need for knowing about the laws of health as taught in health education. Likewise, the joy that comes from knowing and participating in music and to be trained so that one has an appreciation of color combinations, great pictures, and to engage in a simple way in art activities make these two subjects very important.

All of these are so interwoven in our everyday life that to be even an intelligent reader of the daily newspaper or to select wisely good music on the radio requires that our boys and girls have some education and experience in these other subjects of the elementary school.

If I should make a second suggestion for the betterment of the school system of Pennsylvania as it applies to the elementary school, it would be that these subjects of health, art, and music be provided for more generously in the rural schools of our Commonwealth. Notwithstanding the fact that they are part of our school curriculum, there are thousands of boys and girls in the rural areas of Pennsylvania who even today are not receiving proper and adequate instruction in health education, in music, and in art. These boys and girls of the country have within their souls the same cords yearning to respond to the beautiful in art and in music. It remains for the schools to set these cords vibrating in such manner that the beautiful in art and in music may be woven into their life activities.

My next suggestion for betterment has to do with the high schools. These schools in the past had as their chief purpose the preparation for college. Chief emphasis was placed upon teaching those subjects which would enable the boys and girls when they graduated to enter professional courses in college such as those preparing for the ministry, for law, for medicine, or for teaching.

The percentage of our population, however, that is engaged in these professions is very small, probably not more than ten per cent. Suddenly, as a people, we realize that this vast expenditure for our high schools benefited only approximately ten per cent of the pupils because ninety per cent of all our students could never become ministers, lawyers, or doctors.

This large group of boys and girls needed a more practical teaching than those who are going into the professions.

Pennsylvania was one of the early states to recognize this need and in about 1914 passed laws to provide for the teaching of boys in agriculture and trade and industrial subjects and girls in home economics. These schools were called vocational schools.

Later, the Federal government through the Smith-Hughes Act made Federal appropriations to different states to encourage and promote the teaching of agriculture in the rural areas; trade, industrial, and shop subjects in city areas; and home making education for girls everywhere.

I consider this one of the big steps forward in education. I have a feeling that education should be worth while to carpenters, plumbers, bricklayers, hodcarriers, farmers, machinists, in fact to every skilled tradesman. In my opinion it is just as important to teach the farmer, the mason, the bricklayer, the machinist how to make a living as it is to teach the lawyer, the minister, and the doctor.

We in Pennsylvania now appropriate $1,000,000 per biennium to aid school districts in providing this type of training. In my opinion this is not sufficient. I believe our schools could be greatly improved to the advantage of many of our people who need vocational training by making provision for the increase of this type of education so that it would be available to anyone who desires to secure training better to prepare himself for engaging in a worth-while vocation by means of which he might earn a livelihood.

This is particularly important at the present time because of the rapid shifting in occupations. Some opportunity should be provided by which if a new machine removes the opportunity for employment, the schools will provide restraining programs for other types of employment.

I wish to make it clear that I do not have in mind that vocational education should deal only with teaching how to make a living. All of our people need to have a scientific education in government in addition to their vocational skills. They need to have a knowledge of how the government of the United States works. They need to have a good cultural education. They need to have an appreciation of beauty and art so that they may take their place as useful citizens and fulfill their civic responsibilities in the communities in which they happen to live.

Another very important part of vocational education is that which has to do with home making. This includes the proper teaching of girls in the responsibilities of home life. It should include both teaching and practice in cooking, in sewing, in budgeting and home management, in house furnishings, in the care of children, and the numerous activities that fall to the lot of the housewife. I consider this very important because in my opinion the home is our most important institution.

The type of education which I have described above, namely vocational education, requires high standards for the teaching personnel. I believe that the best teaching personnel possible is necessary for this type of education. The practical blacksmith, the plumber, or the carpenter can teach the simple trade practices but, in my opinion, these types of individuals are not satisfactory for teaching these important subjects.

My own belief is that the vocational teacher should be highly trained, of excellent reputation, of good moral character, of outstanding personality, and with high educational qualifications. Citizenship must ever be a first requisite in all teaching whether it be in vocational education or in general education. For this reason the vocational teacher must be well trained so that he can teach these future workers not only to perform expertly vocationally, but, in addition, to perform expertly as citizens.

Another problem which faces our public schools grows out of the depression. It has been estimated that there are approximately 500,000 boys and girls in Pennsylvania who have completed high school but who have not had sufficient funds to continue their education in higher institutions and who are at present unemployed. This group has been called the lost generation. They are neither in school nor at work. They are victims of the depression.

Their time is spent chiefly in idleness not of their own choosing but because jobs are not available for them.

They are at the most critical formative period of their lives. As future citizens they carry tremendous possibilities either for good or for evil. Something should be done for them. My own belief is that the schools should come to their rescue and provide some type of training or education to occupy their time and keep alive the spark of ambition until they may become employes. If this is not done, the State will lose the fine contributions which they could make to the life of the Commonwealth.

The school is no better than the teacher. As someone has said, a good teacher is worth her weight in gold; a poor teacher is dear at any price. It is for this purpose I believe the school program of Pennsylvania could be made better if we could strengthen the laws by which good teachers could be assured of re-election and employment so long as their services are satisfactory. Too frequently boards of school directors, without giving any reasons, terminate the contracts of all their teachers, re-employ those whom they desire, and give no reason for failure to re-employ the remainder. This is not fair to the teacher nor to the pupils. This practice cannot be justified and deserves condemnation.

It is my belief that a teacher before she is dismissed is entitled to the reason. I have, therefore, introduced a bill into the State Senate, Senate Bill No. 1384, which would require that before a board of school directors could terminate the contract of a teacher or fail to re-employ a teacher for the next year, the teacher must be given a notice in writing setting forth clearly the reason for dismissal. This bill also provides that the reason given must be one of those now specified in the School Code and that the teacher must have opportunity for a hearing before the local board of directors. I am hoping that this bill will be enacted into law. Already I have had many favorable comments in favor of it both from groups of teachers and from boards of school directors.

The passage of this bill, I believe will mean much for the betterment of the schools of Pennsylvania in that it will prevent boards of education from acting unjustly towards satisfactory, deserving and competent teachers. The Senate on May 28th passed this bill without an opposing vote.

Perhaps some of my radio audience have questions in their minds as to how these proposals which I have suggested can be accomplished. I have a suggestion on this matter also. I believe, and I have introduced a bill that there should be continuity in the management of the State system of public schools. For that reason the bill which I have sponsored, Senate Bill No. 1162, would amend the present Constitution of Pennsylvania so that the Superintendent of Public Instruction would be elected by the State Council of Education. The members of the State Council of Education, under the provisions of this bill, would consist of nine members, each one named for a term of nine years so that their terms would overlap the tenure of the Chief Executive.

Several of the neighboring states of Pennsylvania have similar plans, notably New York and Massachusetts. We find that in those two states this method has brought to the leadership of the public schools of these respective Commonwealths only outstanding educators of the highest ability. Moreover, being secure in the tenure of their position, they are able to plan programs of education, plan to better the existing programs of education and, without the interference of partisan politics, life the school programs in these states to a high level of efficiency.

I am hopeful, too, that this bill will be enacted into law so that educational leadership in Pennsylvania may be placed on the high plane which now exists in New York and Massachusetts.

In conclusion, may I tell you that it is my firm belief that the youth of Pennsylvania are her most precious assets. Properly taught in the paths of righteousness in their youth, they will not depart therefrom. I would have developed in them through the schools their individual personalities and proclivities.

We need more teachers rather than fewer teachers. We need less students per teacher rather than more students per teacher. We need more individual and personal training so that every student may become an invincible advisary against false and radical doctrines.

We need the application of more human psychology including the understanding of the adolescent child. We need to give more individual attention to the child of low mental ability so that he, too, may be developed to the highest levels of which he is capable. We need to study the child with the same detail and concern with which the physician diagnoses disease and provide for this child such opportunities in public school education and such teachers as will bring him to his highest development as a useful and happy citizen of the Commonwealth.

What greater use can the schools of our State become to our civilization than to achieve these ideals? What more noble work can our Commonwealth undertake? This, my friends, is where I stand and fall. More and better public schools are the answer. Future of Pennsylvania lies with TEACHERS, EDUCATORS, THE PUBLIC SCHOOLS OF PENNSYLVANIA.

REPORTS FROM COMMITTEE

Mr. BENNETT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BENNETT from the Committee on Banking reported as amended, Senate Bill No. 899, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercises of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers; and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary power of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers, imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

Mr. HARRIS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRIS from the Committee on County Government reported as amended, Senate Bill No. 456, entitled

An Act to amend section one of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1018) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for non-payment of taxes, and the reconveyance of such property" extending provisions of said act to devisees and grantees.

STATE EMERGENCY RELIEF BOARD URGED TO CONTINUE DISTRIBUTION OF MILK.

Mr. REED (Dauphin). Mr. President, I desire to call up at this time House Resolution No. 31, Senate Serial No. 210. It is now on the table, having been reported from Committee on May 14th.

The resolution was read as follows:

In the House of Representatives, January 28, 1935.

Whereas unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in the form of food and clothing vouchers or orders and

Whereas it is of paramount importance that milk be always available to the needy particularly to the ill and to children and

Whereas the State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly therefore be it

Resolved (if the Senate concur) by the General Assembly of the Commonwealth of Pennsylvania That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally and be it further

Resolved That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth

Mr. REED (Dauphin). Mr. President, I move the adoption of the resolution.

Mr. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the resolution be returned to the House of Representatives with the information that the Senate has passed the same, with amendments, in which the concurrence of the House is requested.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 609, as follows:

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That employes of the Department of Military Affairs of this Commonwealth whose specific duty is to aid and assist veterans and their widows children and dependents in the prosecution of claims before the veterans administration or other branch of the Federal government are hereby authorized and empowered to administer oaths and affirmations in all matters pertaining to and concerning such claims

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 55, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto section four hundred and eleven A which reads as follows

Section 411 A EFFECT OF MEDICAL EXAMINATION AND WAIVER THEREOF In any case where the medical examiner or physician acting as such or the agent of the insurer recording the answers of the applicant where a medical examination is waived of any insurance company doing business in this State shall issue a certificate of health or declare the applicant a fit subject for insurance or so report to the company or its agent under the rules and regulations of the company it shall thereby

be estopped from setting up in defense of the action on the policy or certificate issued to the insured that the insured was not in the condition of health required by the policy or certificate or by the company issuing the same at the time of the medical examination or the recording of the answers of the applicant where a medical examination is waived unless the same was procured by or through the fraud deceit or misrepresentation of the insured

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED (Dauphin). Mr. President, I move to reconsider the vote by which Senate Bill No. 55 passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. REED (Dauphin). Mr. President, I voted "aye".

Mr. BENNETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. BENNETT. Mr. President, I voted "aye".

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to amend section 411, page 3, line 9, by inserting after the word "of" the following: "or on behalf of".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. RANKIN. Mr. President, I ask unanimous consent that Senate Bill No. 718, on final passage, entitled:

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 759 (House Bill No. 371), as follows:

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four), entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "establishment" when used in this act shall mean any place within this Commonwealth where work is done for compensation of any sort to whomever payable Provided That this act shall not apply to [work] domestic service in private homes registered pharmacists assistant pharmacists and apprentice pharmacists employed in a registered pharmacy or hospital dispensary employes in hotels restaurants dining rooms and eating places nursing service in private homes nurses and nurses' helpers employes in hospitals and farming

The term "person" when used in this act shall be construed to include any individual partnership or other unincorporated association corporation and municipality

The term "week" when used in this act shall mean any seven consecutive days and the term "day" shall mean any twenty-four consecutive hours

Section 2 That section three of the said act as amended by the act approved the first day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred nine) is hereby further amended to read as follows

Section 3 (a) [No] Except as hereinafter provided in this section no female shall be employed or permitted to work in or in connection with any establishment for more than six days in any one week or more than [fifty-four] forty-eight hours in any one week or more than [ten] eight hours in any one day Provided That during weeks in which a legal holiday occurs and is observed by an establishment any female may be employed by such an establishment during three days of such week for a longer period of time than is allowed by this act but no female shall be permitted to work more than two hours overtime during any one of such three days or more than

the maximum hours per week specified in this act (b) Females employed in establishments other than manufacturing establishments and in employments other than those hereinafter specifically provided for shall not be employed or permitted to work in or in connection with any such establishments for more than six days in any one week or more than forty-eight hours in any one week or more than ten hours in any one day including any overtime as specified in subsection (a) Provided That for a period not to exceed two weeks during the first six months of the calendar year and for a period not to exceed three weeks during the second six months of the calendar year female workers whose basic work week is forty-eight hours as herein provided may work six hours per week more than their normal basic work week if the employer has notified the Department of Labor and Industry at least one day in advance of the beginning of such periods and if such periods of overtime shall be identical for all employes in an establishment but no female shall be permitted to work more than the maximum hours per day and the maximum days per week specified in this Act for such establishments And provided further That the maximum hours fixed in this section shall not apply to telephone and telegraph exchanges or offices where the service does not require more than three operators on duty at any one time

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost in the same week in consequence of the alteration repairs or accidents to machinery or plant upon which she was employed and dependent for employment but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment nor shall such overtime employment be legal unless a written report of the same is sent to the [Commissioner] Secretary of Labor and Industry but no female shall be permitted to work more than two hours overtime during any one day nor more than the maximum number of hours per week specified in this act [Provided That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products And provided further That the one day of holiday in seven may be subdivided into two days of twelve hours each for women employes in hotels boarding-houses and in charitable educational and religious institutions at the discretion of the Industrial Board of the Department of Labor and Industry Provided That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is for any reason invalid such holding shall not be taken in any case to affect or impair the remaining provisions of this section]

[(b)] (d) Whenever any female shall be employed or permitted to work in or in connection with more than one establishment in any one week or in any one day the aggregate number of hours during which she shall be employed or permitted to work in or in connection with such [establishment] establishments shall not exceed the number of hours prescribed in this section for such females in any one week or any one day

(e) The provisions of this section shall not apply [to the work of nurses in hospitals] to the work of females over twenty-one years of age earning at least twenty-five dollars a week if engaged in employment in cities under 25,000 population twenty-seven dollars and fifty cents a week if engaged in employment in cities of 25,000 to 100,000 population thirty dollars a week if engaged in employment in cities of 100,000 to 500,000 population and thirty-five dollars a week if engaged in employment in cities of over 500,000 population in any of the following occupations (1) bona fide executive positions (2) learned professions or (3) court stenographers

Section 3 That section six of the said act is hereby amended to read as follows

Section 6 Not less than [forty-five] thirty minutes shall be allowed to every female employed or permitted to work in or in connection with any establishment for the mid day meal which period shall not be considered a part of the hours of labor [Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment for less than eight hours in any one day the time allowed for the mid-day meal may be reduced to not less than thirty minutes]

Employees shall not be required to remain in the [work-rooms] workrooms during the time allowed for meals

Section 4 That section seven of the said act is hereby amended to read as follows

Section 7 No female shall be employed or permitted to work more than six hours continuously in or connection with any establishment without an interval of at least [forty-five] thirty minutes and no period of less than [forty-five] thirty minutes shall be deemed to interrupt a continuous period of work Provided That whenever any female shall be employed or permitted to work in or in connection with any establishment [for less than eight] on a shift of not more than six hours in any one day the interval between work periods may be reduced to not less than [thirty] fifteen minutes

Employees shall not be required to remain in the workrooms during the rest periods required by this section

Section 5 That section seventeen of the said act as amended by the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws six hundred seventeen) is hereby further amended to read as follows

Section 17 All prosecutions for violations of this act shall be instituted by the Department of Labor and Industry before a magistrate alderman or justice of the peace [who shall issue a summons commanding the person charged with a violation of the act to appear within not less than five nor more than eight days] and shall be in the form of summary proceedings Upon conviction after hearing the penalties provided in this act shall be imposed and shall be final unless an appeal be taken to the court of proper jurisdiction within twenty days after the imposition of the penalties aforesaid in the manner already provided by law in appeals from penalties

Section 6. This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Howell,	Pierson,	Salus,
Batchelor,	Huffman,	Prince,	Shapiro,
Baumer,	Hunsicker,	Pytko,	Sones,
Bean,	Kahle,	Rankin,	Sordoni,
Bennett,	Lanius,	Reed,	Staudenmeier,
Cavalcante,	Law,	(Dauphin)	Thompson,
Coyne,	Mallery,	Reed,	(Centre)
Frey,	McClure,	(Washington)	Thompson,
Gelder,	McCreesh,	Rice,	(Westmoreland)
Graff,	McGinnis,	Roberts,	Trainer,
Harris,	Norton,	Rodgers,	Woodward,
Harvey,	Owlett,	Rupp,	Ziesenheim,

NAYS—5

Buckman,	Clark,	Ealy,	Homsher,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 938 as follows:

An Act to amend section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" increasing the requirements for foreign companies to do business

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred one article three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 301 Requisites for Foreign Companies to do business No stock or mutual insurance company or association of any other state or foreign government shall be admitted and authorized to do business until

(a) It has filed with the Insurance Commissioner a certified copy of its charter or deed of settlement a statement of its financial condition and business signed and sworn to by its proper officers disclosing its assets to be of the same general character that companies organized under the laws of this Commonwealth are permitted to hold and copies of forms of all policies it proposes to issue in this Commonwealth with such other information as he may require

(b) It has satisfied the Insurance Commissioner that it is fully and legally organized under the laws of its State or government to do the business it proposes to transact [That it has if a stock company the requisite amount of capital fully paid up and unimpaired] and if a stock company that it in possession of at least the amount of fully paid up and unimpaired capital required for similar companies organized under the laws of this Commonwealth and if a mutual company that it is in possession of the required surplus

(c) It has filed with the Insurance Commissioner an agreement under its corporate seal that it will not transact in this Commonwealth any business which any similar insurance company organized under the laws of this Commonwealth may not transact It shall by a duly executed instrument filed in his office constitute and appoint the Insurance Commissioner or his successor its true and lawful attorney upon whom all lawful processes in any action rule order or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon him as its said attorney shall be of the same force and validity as if served on the company and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this Commonwealth

(d) It shall file in the office of the Auditor General a statement showing (I) The name of the company or association (II) The date of incorporation or organization (III) the Act of Assembly or authority under which incorporated or organized (IV) the place of business (V) the post-office address and names of the president secretary and treasurer (VI) the amount of capital authorized by its charter and (VII) the amount of capital paid into the treasury of the company

Any company or association which shall neglect or refuse to file such statement shall be subject to a penalty of five hundred dollars ($500.00) which penalty shall be collected on an account settled by the Auditor General and State Treasurer in the same manner as taxes on stock are settled and collected

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

BILL DROPPED FROM CALENDAR

Mr. NORTON. Mr. President, I move that Senate Bill No. 938, the bill just read, be dropped from the calendar.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 34 on third reading, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by providing for a State annuity for principals, supervising principals, and superintendents who separated from school service prior to the establishment of the retirement system.

be recommitted to the Committee on Education.

Mr. ARON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, this is one of two bills on the calendar for today. It deals with the question of retirement. This bill reduces the age of supervisors of schools from seventy years to sixty-two. I have received information from various school districts in Philadelphia, and I made an investigation of my own which convinces me that while the objections presented may be good, the effect of this bill may be to interfere with the reserves set up by the School Teachers' Retirement Fund, and it may work havoc to the whole fund certainly from an actuarial point of view.

I call that to the attention of the sponsor of the bill, and for that reason I think the bill should be recommitted. I should like to have the sponsor of the bill accept that suggestion.

Mr. CLARK. Mr. President, I accept the suggestion.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

Mr. McCREESH. Mr. President, I move that Senate Bill No. 848 on third reading, entitled:

An Act to provide for sexual sterilization of mental defectives

be recommitted to the Committee on Public Health.

Mr. HARRIS. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh, permit himself to be interrogated?

Mr. McCREESH. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia, Mr. McCreesh, state his purpose in recommitting this bill?

Mr. McCREESH. Mr. President, I have had on my desk for the last week or two a lot of objections to this bill.

Mr. SHAPIRO. Mr. President, what are the objections?

Mr. McCREESH. Mr. President, I think that there has been a lot of difference of opinion on the bill, and we should have a little meeting on the bill to tell us something about it. Perhaps some quack doctor or somebody else on the Committee will send some person to a hospital and have them cut up or do what he wishes with them.

Mr. SHAPIRO. Mr. President, I desire to inquire from the Senator from Philadelphia, Mr. McCreesh, if he had an impression that this is a labor bill.

Mr. McCREESH. Mr. President, there are a lot of quack lawyers and quack doctors at the present time, and I think we should look over a good many of the things that they intend to do before they do what they say.

Mr. SHAPIRO. Mr. President, I desire to know whether the Senator from Philadelphia, Mr. McCreesh, will permit himself to be interrogated further.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh, permit himself to be interrogated further?

Mr. McCREESH. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to ask the Senator from Philadelphia, Mr. McCreesh, whether he is familiar with the purpose of this bill.

Mr. McCREESH. Mr. President, that is the reason why I want to have a hearing, to learn something about the bill. I don't know much about it.

Mr. SHAPIRO. Mr. President, I object to this bill being recommitted. My reasons for doing so are these: I have a number of letters that I have also received objecting to this bill from people who apparently have not read the bill. This bill is of serious import to the Commonwealth of Pennsylvania and to a number of unfortunate citizens. Some years ago these bills were offered in the Senate. They were presented and public hearings were held and some of these hearings developed the fact that the results to be accomplished could not be accomplished without severe mutilation of the person affected. It has been developed since that time over a period of ten years that the results desired to be accomplished may not be the stopping of the propogation of the character of the people who always will be a burden on the Commonwealth, whether that can be accomplished by an operation which is not a mutilation in any sense of the word, and which is certainly a painless operation.

There are a great many people in Pennsylvania who have made a careful study of this subject, and they came to the conclusion that this bill ought to be passed because, first, there is a considerable expense to the Commonwealth because we are obliged to keep in confinement in institutions people who would be safe in public and along the streets, if they were subject to this operation.

Mr. LAW. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his point of order.

Mr. LAW. Mr. President, my point of order is that the Senator from Philadelphia, Mr. Shapiro, is not discussing the motion; he is discussing the merits of the bill.

Mr. SHAPIRO. Mr. President, I agree with the Senator from Mercer, Mr. Law.

The PRESIDENT. The Chair rules that the point of order is well taken, and the Senator from Philadelphia, Mr. Shapiro, will confine himself to the motion before the Senate.

Mr. SHAPIRO. Mr. President, for the reasons I have stated, I object to the motion that has been made.

Mr. ARON. Mr. President, a similar motion to recommit this bill was made late in yesterday's Session and the Senate voted it down, therefore, I think that the Senate ought to also vote this motion down.

Mr. McCREESH. Mr. President, I did not just get what the Senator from Philadelphia, Mr. Aron, stated.

Mr. ARON. Mr. President, I will repeat what I said. I thought I made myself clear. I stated that a similar motion was made by the Senator from Allegheny, Mr. Harris, last night, and the Senate voted the motion down. Now I do not know why we should reverse that action at this moment.

Mr. McCREESH. Mr. President, I cannot see why the Senator from Philadelphia, Mr. Shapiro, is so much interested in this bill, except that he might get a fee sometime. I do not think that it is a good thing to go any further with the bill until we know something about it.

Mr. SHAPIRO. Mr. President, I have not had a fee for so long a time that I would probably welcome one.

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege in order to be able to answer the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I am not thoroughly familiar with sex questions. If the Senator from Philadelphia, Mr. McCreesh, seems to be so much interested in the bill, he may be more familiar with it than I am, and that is the reason I ask the question that I did on the question of personal privilege. I want to say that this bill has been heard by various committees; that the committees that had this bill heard various speeches, and the Senator from Philadelphia, Mr. McCreesh, was in the room at the time the interested persons were heard. The bill was thoroughly explained to him, and if it requires any further explanation, I want to say frankly that I think we will be wasting time. I, therefore, say that I think this motion should be voted down.

Mr. McCREESH. Mr. President, I do not remember having been in the room at the time this bill was discussed, and I do say that to some extent it depends on the parents who think perhaps some children would be in the way when they get older, or they have some money, or for some other reason, want to put them in some insane institution. I think it is a very bad bill and we should look into it before we vote on it.

Mr. KAHLE. Mr. President, in regard to this bill being returned to Committee, I think we cannot give a bill of this kind too much study. The purpose of this bill is to

promote the public welfare. There is another side to this question. They are going to throw open to the public of this Commonwealth a temptation that will do a greater harm by far than by simply taking care of the few of of these people, and if I were permitted to speak on this bill, I would say furthermore that I think we should put this bill back in Committee and give it further consideration, because I think it is a vicious bill and one that is going to cause a great deal of disturbance if it is ever passed in this Senate.

Mr. TRAINER. Mr. President, Is the vote now being taken upon the motion to send the bill back to Committee?

The PRESIDENT. The question is, shall the bill be recommitted to the Committee on Public Health.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, twenty-five Senators voted in the affirmative and eighteen in the negative; whereupon the question was decided in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 939, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the reguation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new sub-division and section providing for the licensing of foreign mutual casualty insurance companies

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 942, entitled:

An Act to amend section three hundred twenty of article three of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Ziesenheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 944, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies other than life, for admission to do business in this Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 951, entitled:

An Act to amend section three hundred and thirteen of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Mr. NORTON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1315, on third reading, entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two and three hundred and forty-three of the act aproved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by defining and emplifying the rights of foreign insurance companies over real property within this Commonwealth and by validating certain titles thereto.

Mr. COYNE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the bill on third reading?

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 1315, go over in its order.

The PRESIDENT. Is there objectioon? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1075 (House Bill No. 1823), entitled:

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed, (Dauphin)	Thompson, (Centre)
Chapman,	Lanius,	Reed, (Washington)	Thompson, (Westmoreland)
Clark,	Law,	Rice,	Trainer,
Coyne,	Mallery,	Roberts,	Woodward,
Ealy,	McClure,	Rodgers,	Ziesenheim,
Frey,	McCreesh,		
Gelder,	McGinnis,		
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1084 (House Bill No. 2047), entitled:

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 392) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways

prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aided highways and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Aron,	Harris,	Norton,	Rupp,
Batchelor,	Harvey,	Owlett,	Salus,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Howell,	Prince,	Sones,
Bennett,	Huffman,	Pytko,	Sordoni,
Buckman,	Hunsicker,	Rankin,	Staudenmeier,
Cavalcante,	Kahle,	Reed,	Thompson,
Chapman,	Lanius,	(Dauphin)	(Centre)
Clark,	Law,	Reed,	Thompson,
Coyne,	Mallery,	(Washington)	(Westmoreland)
Ealy,	McClure,	Rice,	Trainer,
Frey,	McCreesh,	Roberts,	Woodward,
Gelder,	McGinnis,	Rodgers,	Zieseuheim,
Graff,	Miller,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECESS

Mr. CLARK. Mr. President, I move that the Senate do now take a recess until 4:30 P. M.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives as follows:

House Bill No. 1703 (Senate Bill No. 1537), entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing or selection incidental thereto on Sunday, during certain hours; and also during other hours, unless the electors of a municipality approve thereof; providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

Which was committed to the Committee on State Government.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 2242, entitled:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory, to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School.

House Bill No. 89, entitled:

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works.

House Bill No. 665, entitled:

An Act to amend clause twenty-five as amended and renumbered clause eighteen of section three hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code" by establishing the State Forests and Waters Fund; abolishing the State School Fund; and transferring moneys and securities in the State School Fund to the General Fund.

House Bill No. 861, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1808), entitled "An act fixing the time when statutory law hereafter enacted shall become effective."

House Bill No. 894, entitled:

An Act to amend section fifteen of the act approved the second day of May, one thousand nine hundred and twenty nine (P. L. 1237), entitled "Divorce Law," further regulating the jurisdiction of the courts in divorce actions.

House Bill No. 965, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs, to sell and convey a certain portion of the lands acquired for a State Military Cemetery.

House Bill No. 1024, entitled:

An Act to amend section two of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 409), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads."

House Bill No. 1130, entitled:

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions, shall be taken, regulating the disposition of such appeals, and repealing certain acts and parts of acts.

House Bill No. 1078, entitled:

An Act relating to judgments by agreement.

House Bill No. 1555, entitled:

An Act to amend section five hundred and three of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," as amended; providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

House Bill No. 1716, entitled:

An Act to amend section two thousand five hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance, of a public library, although a school library already exists.

House Bill No. 2044, entitled:

An Act to amend the act approved the twenty-third day of May, one thousand eight hundred ninety-one (P. L. 109) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street, road or highway, may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made.

House Bill No. 2049, entitled:

An Act to amend section one of Act, approved the fourth day of May, one thousand nine hundred thirty-three (P. L. 277), entitled "An Act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," to include as State highway portions of the highway outside municipalities under certain conditions.

House Bill No. 2050, entitled:

An Act to amend the Act entitled "An act to amend the Act approved the twelfth day of June, one thousand nine hundred and nineteen (P. L. 450), entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth; and providing the method for applying for said moneys, and for the approval thereof by the State Highway Department in certain cases,' as amended, extending the provisions of said Act to highways in cities," as amended.

House Bill No. 2167, entitled:

An Act to further amend section one thousand four hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes.

House Bill No. 2203, entitled:

An Act to amend section fifteen of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-seven (P. L. 273), entitled "Securities Act," requiring dealers in securities to make reports of their financial condition.

House Bill No. 2205, entitled:

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended providing for meetings of teachers.

House Bill No. 2380, entitled:

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation, and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEE

Mr. LAW. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW from the Committee on Military Affairs reported as amended, Senate Bill No. 838 (House Bill No. 1821), entitled:

An Act to amend sections four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three as amended, section four hundred and twenty-four section four hundred and twenty-six as amended, section four hundred and twenty-eight, section four hundred thirty-two as amended, and section four hundred and thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by clarifying the term "Deceased service men," specifying the form and contents of applications for county contributions; stipulating the material for markers; permitting contributions for lettering alone, permitting the removal of worn flags, requiring the appointment of grave registrars and providing a penalty.

Also from the Committee on Federal Relations reported as committed, the following resolution:

RESOLUTION MEMORIALIZING CONGRESS TO ALLOCATE FEDERAL PUBLIC WORKS EMERGENCY FUNDS FOR THE CONSTRUCTION OF VARIOUS RESERVOIRS IN ALLEGHENY AND MONOGAHELA RIVERS

In the Senate, June 3, 1935.

Whereas, For a period of 25 years studies and surveys have been made by the U. S. Army Corps of Engineers and Engineers of the Flood Commission of Pittsburgh for a system of flood control reservoirs in the headwaters of the Allegheny and Monongahela rivers, the expense of which surveys were met by moneys appropriated by the Congress of the United States, the Commonwealth of Pennsylvania, the County of Allegheny, the City of Pittsburgh, and by contributions of taxpapers both private individuals and industries; and

Whereas, Nine of the proposed reservoirs are in Pennsylvania and are part of a system of 14 reservoirs in Pennsylvania, West Virginia and Kentucky studied and approved by the Mississippi Committee of the National Resources Board, by the Corps of Engineers, U. S. A., by Major W. H. Gravell, P. W. A. Engineers for Pennsylvania and by the Tri-State authority, a voluntary organization of the mayors, burgesses and presidents of municipal council in the 230 municipalities in the States of Pennsylvania, Ohio and West Virginia; and

Whereas, The first reservoir in the system is now under construction on the Tygart river in West Virginia, a tributary of the Monongahela at a total cost of about $15,000,000, allocated entirely from the Federal Public Works Emergency funds, and already giving employment directly and indirectly to about 4,000 men; and

Whereas, The construction of the remaining 13 reservoirs in the system at a total estimated cost of $70,117,000 will give employment to an estimated 60,000 men out of a total of 200,000 unemployed in the vicinity of the reservoir sites, besides consuming great quantities of construction materials such as sand, gravel, cement, steel, lumber, tools and machinery, thus furnishing employment to additional thousands; and

Whereas, The construction of these proposed reservoirs and the Muskingum Project in Ohio are estimated by the Mississippi Valley Committee of the National Resources Board in its report of Oct. 1, 1934, to reduce floods 5 to 6

feet at Pittsburgh, 4 to 6 feet at Cincinnati, 2 to 4 feet at Louisville, and ½ to 1 foot at Cairo, (confluence of the Ohio and Mississippi Rivers) affording flood protection to a population of several million people and their properties, occupations and pursuits and thus constituting a project national in scope and effects; and

Whereas, In addition to furnishing protection from floods the proposed reservoirs will improve navigation in the Allegheny, Monongehala and Ohio Rivers in periods of low and high water, will benefit sanitary conditions of domestic water supplies to millions of population and provide possible future sources of hydro-electric energy; therefore be it

Resolved (if the House of Representatives concur), That the Senate of Pennsylvania memorialize the Federal Public Works Administration, through the Administrator, Secretary Harold L. Ickes, to procure allocation of Federal Public Works Emergency funds to begin at once construction of additional reservoirs in this system, of which the following have been located in Pennsylvania by the Corps of Engineers, U. S. A., the Allegheny reservoir, the Conemaugh, the French Creek, the Tionesta Creek, the Red Bank Creek, the Mahoning Creek, the Crooked Creek, the Loyalhanna Creek reservoirs, all on or tributary to the Allegheny river, and the Shenango river reservoir, tributary to the Ohio river at an estimated total cost of $54,900,000, all to be allocated out of Federal Public Works funds for temporary relief of unemployment, and for permanent social benefit to millions of population dwelling in the watersheds of the rivers referred to.

Resolved, That a copy of this resolution be transmitted to Secretary of the Interior Harold L. Ickes, the Secretary of War and the Chief of Engineers of the United States Army, by the Secretary of the Senate.

Mr. LAW. Mr. President, I ask unanimous consent that Rule 39 which requires that concurrent resolutions reported from committee lie on the table one day be suspended and that the Senate proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

It was agreed to.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEE.

Mr. PRINCE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PRINCE from the Committee on Military Affairs, reported as committed, Senate Bill No. 1200 (House Bill No. 2547), entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant

Also from the Committee on Federal Relations, reported as committed, Senate Bill No. 1217 (House Bill No. 2293), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon.

Mr. CLARK. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 1534, entitled:

An Act providing for the adjustment and settlement of certain legal and moral claims against the Commonwealth by the State Emergency Relief Board arising out of contracts for the slaughter of drought cattle; and making an appropriation.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1535, entitled:

An Act making an appropriation for the payment of unpaid bills incurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Federal Relations reported as committed, House Resolution No. 85, as follows:

JOINT COMMITTEE TO DEVELOP PLANS FOR PARTICIPATION IN THE CELEBRATION OF THE 150th ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION.

In the House of Representatives, March 12, 1935.

Whereas, The One Hundred and Fiftieth Anniversary of the signing of the Constitution of the United States occurs September 17, 1937; and

Whereas, The Congress of the United States has adopted a resolution calling for the participation of the Federal Government in a celebration of this historic event; therefore be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives shall appoint three members of the House, and the President Pro Tempore of the Senate shall appoint two Senators, who, together, shall constitute a Joint Legislative Committee, whose duty it shall be to develop plans for participation by the Commonwealth of Pennsylvania in the celebration of the One Hundred and Fiftieth Anniversary of the signing of the Constitution, and to make report to the General Assembly of 1937 of the plans proposed and any legislation necessary to carry the same into effect.

Which was laid on the table.

Mr. BUCKMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN from the Committee on Finance reported as committed, Senate Bill No. 829 (House Bill No. 1621), entitled:

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (P. L. 66) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto.

Mr. GELDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER from the Committee on Finance reported as committed, Senate Bill No. 1458, entitled:

An Act to amend sections six and ten of the act approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers county commissioners, and such distributors; providing for rewards; imposing costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by requiring reports of distributors to show the county within which liquid fuels are used or delivered; and changing the method of apportioning the counties' share of such tax.

Mr. HARVEY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HARVEY from te Committee on Military Affairs reported as committed, Senate Bill No. 1399, entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

Mr. ARON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ARON from the Committee on Banking re-reported as committed, Senate Bill No. 1163, entitled:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act.

Also from the Committee on Banking re-reported as amended, Senate Bill No. 1446 (House Bill No. 2488), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existing corporations authorizing to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, associations, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business, or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employe of such corporations and persons; and by removing the exemption in the case of certain private banks and by further defining the rights, powers, duties, liabilities, and immunities of private banks.

Also from the Committee on Municipal Government reported as committed, Senate Bill No. 1139, entitled:

An Act to amend section four hundred and twelve of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending revising, consolidating, and changing the law relating thereto," by changing the term of the township assessor.

Mr. TRAINER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER from the Committee on Military Affairs reported as committed, Senate Bill No. 1182 (House Bill No. 1035), entitled:

An Act to amend sections four, seven and nine of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," clarifying certain service requirements of eligibility for compensation, stipulating the time within which applications shall be made, and rendering certain additional classes eligible to receive compensation.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Banking reported as committed, Senate Bill No. 1520, entitled:

An Act authorizing savings banks to establish life insurance departments, providing procedure and prerequisites.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1520, the bill just reported be recommitted to the Committee on Insurance.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. TRAINER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TRAINER from the Committee on Law and Order reported as committed, Senate Bill No. 1488 (House Bill No. 1338), entitled:

An Act relating to limited dividend housing companies defining and providing for the formation of such corporations for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold extending to such corporations certain existing laws relating generally to business corporations providing for the supervision and regulation of the activities of such corporations by the State Board of Housing in the Department of Health exempting from control by the State Board any such companies aided by the Federal Government or agencies thereof providing for the protection of such corporations and the parties dealing with them prescribing defining and limiting the powers and duties of such corporations authorizing them to borrow moneys from agencies of the United States government conferring upon certain of such corporations and limiting their use of the power of eminent domain exempting such corporations from the payment of the capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions and authorizing certain existing companies to accept the provisions of this act.

BILL RECOMMITTED

Mr. TRAINER. Mr. President. I move that Senate Bill No. 1488 (House Bill No. 1338) the bill just reported, be recommitted to the Committee on Public Health.

Mr. ARON. Mr. President I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on State Government reported as committed, Senate Bill No. 1210 (House Bill No. 2064), entitled:

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation.

Also from the Committee on State Government reported as committed, Senate Bill No. 1211 (House Bill No. 2066), entitled:

An Act to further amend section six of the act approved the third day of June, one thousand nine hundred nineteen (P. L. 366), entitled "An act reorganizing the Department of State Police; creating therein a Bureau of Fire Protection; providing for a State Police Force, and defining the powers and duties of the same, including the enforcement of laws relating to game, fish, forestry, and water supply, and certain other laws, and including the collection of information useful for the detection of crime, and the apprehension of criminals; providing for the equipment, maintenance, and transportation of such police; providing for barracks and substations therefor; and prescribing penalties," by increasing and revising the personnel of the State Police Force.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on State Government reported as committed, Senate Bill No. 1526, entitled:

An Act fixing the salary of the clerk to the President of the Senate.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from the committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on State Government, reported as committed, Senate Bill No. 1363 (House Bill No. 2415), enitled:

An Act providing for the creation and incorporation of improvement authorities at the option of the voters in cities boroughs towns and townships prescribing the powers and duties of such authorities and authorizing such authorities to engage in the enterprise of furnishing water sewers and sewage treatment works gas or electric heat light or power services to the inhabitants of such cities boroughs towns and townships and to issue bonds and providing for the payment of such bonds and imposing duties upon certain State county city borough town and township officers.

BILL RECOMMITTED

Mr. STAUDENMEIER. Mr. President, I move that Senate Bill No. 1363 (House Bill No. 2415), the bill just reported, be recommitted to the Committee on Public Utilities.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on County Government, reported as committed, Senate Bill No. 1532, entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for collecion of the same for a period of two years from the passage of this act.

Mr. GRAFF. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GRAFF from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 264 (House Bill No. 329), entitled:

An Act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one housand nine hundred and twenty-three (P. L. 359) entitled "An act governing game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk.

Also (for Mr. OWLETT) from the Committee on County Government, reported as amended, Senate Bill No. 562, entitled:

An Act to amend the title and the act, approved the seventh day of April, one thousand nine hundred and thirty-three (P. L. 26) entitled "An act empowering counties, cities, boroughs, towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects, and prescribing the manner of such borrowing" extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies.

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY from the Committee on State Government, reported as committed, Senate Bill No. 1449 (House Bill No. 2653), entitled:

An Act granting permission to the Borough of Camp Hill, Pennsylvania and the Borough of New Cumberland, Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township, Cumberland County, Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice.

Also from the Committee on County Government, reported as amended, Senate Bill No. 1360 (House Bill No. 1972), entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

Mr. ROBERTS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ROBERTS from the Committee on State Government reported as committed, Senate Bill No. 1506 (House Bill No. 2745), entitled:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital.

Mr. BAUMER. Mr. President, I ask unanimous consent sent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BAUMER from the Committee on Mines and Mining reported as committed, Senate Bill No. 255, entitled:

An Act to amend rule thirty-two of article twenty-five of the act approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by prohibiting the use and possession of matches, pipes and smokers' articles in certain mines.

Mr. REED (Washington). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Banking reported as committed, Senate Bill No. 889, entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations or persons, restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; confering powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on State Government reported as committed, Senate Bill No. 1367 (House Bill No. 1605), entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation.

Also from the Committee on State Government reported as committed, Senate Bill No. 1438 (House Bill No. 2210), entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith.

Mr. THOMPSON (Centre). Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON from the Committee on State Government reported as committed, Senate Bill No. 1481 entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks; providing for the escheat of moneys where checks are not presented within seven years; and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

Mr. STAUDENMEIER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STAUDENMEIER from the Committee on County Government reported as amended, Senate Bill No. 90, entitled:

An Act to amend section two hundred and sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws realting thereto," as amended; providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

BILLS INTRODUCED

Mr. RICE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE read in place and presented to the Chair, Senate Bill No. 1538, entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement, which were to rest alone for their security upon payment of assessments for benefits.

Which was committed to the Committee on Municipal Government.

Mr. KAHLE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE read in place and presented to the Chair, Senate Bill No. 1539, entitled:

An Act to further amend section twelve of the act, approved the third day of June, one thousand nine hundred and eleven (P. L. 639) entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a Bureau of the Department of Public Instruction; and means and methods whereby the right to practice medicine and surgery and any of its minor branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act; and providing for revocation or suspension of licenses given by said Bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," providing for the reinstatement on the record of names of practitioners the revocation or suspension of whose license has been removed.

Which was committed to the Committee on Public Health.

Mr. REED (Dauphin). Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair, Senate Bill No. 1540, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of making preliminary surveys collecting data and reporting on a proposed vehicular tunnel or tunnels under the State Capitol Building.

Which was committed to the Committee on Appropriations.

QUESTION OF PERSONAL PRIVILEGE

Mr. BEAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery, Mr. Bean, will state his question of personal privilege.

Mr. BEAN. Mr. President and fellow members of the Senate, in asking your indulgence for a few moments at this time I want to say that as the youngest member of this body in point of service, I have felt a natural reluctance about making any extended remarks during this session. I should not be undertaking to do so now, were it not for the fact that the Governor has seen fit to reopen a subject which most of us thought had been concluded, and which, incidentally, was the outstanding issue of my recent campaign.

The County that I represent is the County in which the Governor himself resides, and inasmuch as the people thereof have expressed themselves so definitely upon this matter, it is one upon which I feel some obligation to speak. And especially am I so inclined since the Governor has set about to ignore, and asks this Legislature to ignore, the fact that a great majority of the people of this entire Commonwealth, by every conceivable means that has been open to them, have registered an emphatic negative upon this proposal which the Governor now renews, to put additional and excessive and unnecessary NEW tax burdens upon them.

In a characteristic attempt to disregard and over-ride the legislative prerogatives which are limited to this branch of the Government and which most distinctly are not within the powers delegated to the Executive, the Governor has done the usual thing by presenting this new demand for more added taxes in the form of an ultimatum. In actual words he has said that if this Legislature adjourns without having provided added taxes in the amount of some 56 millions of dollars, he will immediately call a special session for the purpose of obtaining this desired amount of new revenue, which is in addition to 60 millions of other new taxation already agreed upon.

But, Mr. President and gentlemen of the Senate, what he said in actual effect was more important than his partial statement which I have mentioned here, and he would have been more accurate and candid if he had said:

"I have money in my left-hand pocket ample for our needs. But I have the fear of running short of money in my right-hand pocket. It is true that the money in both pockets is the same kind of money and that it all comes from the same source—the industries, the business, and the people of this State. It also is true that the unusual

or unbalanced drain upon one pocket or the other, or both, has been and will be the result of an Emergency—which Emergency I have not failed to use to the limit in behalf of every end that I have sought since taking office. However, it having been a practice which was set up, not by necessity but by custom, in normal times, to use the money in the right-hand pocket for certain purposes, and the money in the left-hand pocket for certain other purposes—and the correct definition of EMERGENCY being something that you use when it serves your purposes, and completely disregard when it does not—I refuse to draw upon the plentifully supplied left-hand pocket to balance any shortage of the right-hand pocket. And if you, the Legislature, do not plentifully supply also that right-hand pocket, then I, in bull-headed vengeance, will put the people of Pennsylvania to whatever the expense may be of calling a special session of the Legislature, in order to get this extra revenue which I demand."

That is precisely the latest situation which Governor Earle has created; it is an exact picture of his position and attitude; and these facts should be brought home to every taxpayer and every jobholder in this State. It is high time that this Administration, its methods and its motives, were debunked in terms which every taxpayer will understand, and by which every wage-earner may know toward WHAT he is headed; and I want to take this occasion to compliment Senator Reed of Dauphin, and Senator Owlett of Tioga, upon the notable contributions they have made along those lines in their respective speeches of April 23rd and May 28th. Each set forth authoritative facts and figures which were completely at variance with the statements and policies of this administration, and I think the people of Pennsylvania are likely to agree with those of us in this Chamber who regard it as of the deepest significance that neither the Governor nor any spokesman for him has attempted to dispute or deny a single fact, figure or conclusion set forth by either of those gentlemen in the speeches mentioned.

Mr. President, it has been only a few weeks ago that the Governor, basing his demands upon a budget that he could neither satisfactorily explain nor justify, was insisting upon the enactment of new taxes to the amount of more than 203 million dollars a biennium. There was a general rebellion against those taxes, which the Governor either COULLD not or WOULD not understand.

In a special election held in Pike County to fill a vacancy in the lower House of this Legislature, the Democratic candidate based his campaign upon support of the Governor's tax program; and in a district that had been Democratic for years, the people defeated that Democratic candidate, rejected the Governor's tax proposals, and elected a Republican who pledged his opposition to those taxes.

How did the Governor interpret this and other equally clear evidences of public opinion? Why, Mr. President and fellow members of the Senate, his understanding of these questions is such, and the character of the information and advice that he receives is such, that HE interpreted a widespread and almost unanimous opposition to his whole tax program to be a virtual public uprising in support of it! Senator Owlett was dealing with this period in the tax controversy when, in his speech in this Chamber last week, he referred to that shameful episode, unprecedented in the history of this State, in which the Governor, by an utterly indefensible misrepresentation of what would happen to the people of Pennsylvania if his 203-million-dollar tax program were not enacted, sought to inflame that supposedly favorable uprising into a marching horde which would concentrate on the State Capitol and attempt to intimidate this body into following the example of the lower House in blind and unquestioning acceptance of the Governor's dictates.

And then, Mr. President, came the campaign and special election in Montgomery County, for the seat in the Senate which I now hold. Here the issue of the Governor's tax program was even more sharply drawn, for the Democratic candidate was the Governor's own personally approved candidate, and Montgomery is the County in which not only the Governor himself resides, but also two members of his cabinet. My Democratic opponent declared unqualifiedly for the Governor's tax program, and the Governor brought the full power of his Administration to bear in an effort to elect Miss Ely and thereby procure an endorsement of his Administration and its proposals. The repudiation was overwhelming, and I am here today, Mr. President, with a distinct mandate from the people of my district—the home County, if you please, of the Governor himself.

That mandate, as I have interpreted it, was that I should give my support to whatever new taxes might be necessary in order to provide adequately for unemployment relief—and to stop there in respect of all other increased costs that might be imposed by our State Government, whether direct, in the form of more taxes, or indirect, in the form of added charges upon industry and production, which would retard the Recovery that is the only sound solution of the many problems for which all these destructive experiments and panaceas are now being offered.

Mr. President, it is not necessary to remind this body or the public at large that despite all the Administration's advance predictions and ballyhoo to the contrary, not only has the Republican majority in the Senate agreed to a tax program which all parties concede will meet all unemployment relief requirements in Pennsylvania beyond that period within which the National Administration has promised to re-employ thousands in this State out of its 5-billion dollar Works-Relief-Appropriation, but the Republican majority has done so with taxes which will fall directly—and I do not hesitate to say in many instances destructively—upon the corporate enterprises of Pennsylvania, and very largely upon the manufacturing concerns of this State.

It was another of those ultimatums from the Governor—in this instance EITHER THESE SPECIFIC TAXES or chaos in unemployment relief—and the Republican majority made unemployment relief its first consideration by accepting these particular taxes for a period of two years, however unwise or disastrous they might turn out to be.

And right here, Mr. President, with all the emphasis at my command, I deprecate and denounce that calculated effort of the Governor and his supporters to make the people of Pennsylvania believe that a refusal by the Republican majority of this Senate to accede to all of his demands made in the NAME of unemployment relief, was, or rightfully could be interpreted as being, a reluctance by that Republican majority to recognize real and actual unemployment relief requirements, or reflected a lack of sympathy with those who, through no fault of their own,

are unable to find work and thus provide for themselves and their families.

While the Governor of this Commonwealth was only following a notable example in attempting to portray all critics of aimless squandering, and all opponents of ruthless waste, as heartless enemies of the unfortunate victims of this depression, I say that such despicable propaganda is utterly un-American, no matter who the politician is who seeks to profit from it. Moreover, Mr. President, I do not for a moment fear that the people of this State are going to be fooled by such palpable attempts to reflect upon their intelligence.

The taxes to which I am especially referring here are the new 6% Income Tax on all corporations, and the 5-mill tax on the capital stock of manufacturing enterprises.

Mr. President, I will concede that when new revenues must be had, there may be at least some element of justice in a tax which applies only when a profit has resulted from the operation of a business, although it must be clear to most of us that in these times, when those concerns which are not operating at a loss are continuing in business upon a very narrow margin of profit, a tax of 6%, if it cannot be added into price, is going to mean the difference between a nominal return and an actual loss. But I contend that there is no element either of equity or sound judgment in a tax whose only purpose and effect is to penalize men for engaging together to risk their savings in what one might think was the dishonest, if not actually criminal enterprise of paying wages and rents and taxes, and consuming coal, gas, oil and electricity, in the various processes of converting the raw materials of our natural resources into the finished products for use and consumption.

A tax on capital engaged in the useful enterprise of creating products, and, in so doing, also creating and maintaining entire communities is a vicious, dangerous and destructive use of the taxing power for punitive purposes, and whatever revenue may be derived from it will, in the long run and in much larger measure, re-act to the definite detriment and disadvantage of wage-earners and entire communities alike.

Now, Mr. President and fellow members of the Senate, I not only repeat that the Republican majority in this body agreed to this tax when the Governor of Pennsylvania stubbornly refused to consider any other as an alternative to chaos in unemployment relief, but I want to add this further statement in that connection: Again in complete refutation of the advance predictions and ballyhoo of this Administration and its supporters, and to their complete dismay, the manufacturing interests of this State did not make any campaign or outcry against this tax being added to all others, new and old-local, State and National—that they are now paying, but accepted it as another burden allotted to them in this emergency, even though they knew that it is likely to force many of them out of business in this State and thus leave more wage-earners without jobs.

But the manufacturing interests of Pennsylvania did make the facts and the probable consequences of this situation entirely clear. And I say, therefore, that to whatever extent this unwise, ill-considered and vengeful course of the Governor crucifies industries and labor in this State, with all the consequences thereof that will affect every phase of community life in Pennsylvania, the responsibility will be upon the door-step of this Administration; and I, for one, will not remain silent under any untruthful propaganda of distortion and misrepresentation which attempts to place it elsewhere.

What are the facts in connection with this loong-standing exemption of manufacturing capital from this Capital Stock Tax, which exemption is now to be removed? The present Chief Executive of this Commonwealth has so misstated the truth about this subject, that for he purpose of making the matter entirely clear and perhaps affording some enlightenment to our Democratic Governor, I should like to state briefly some historical facts.

Mr. President, and fellow members of the Senate, back in 1880 the manufacturing activities of this Commonwealth were shrinking so alarmingly, the industries of this State were folding up or departing elsewhere in such numbers, that in the Legislative Sessioon of 1881 a Revenue Commission was appointed to investigate the whole situation, with especial reference to the effect of the Capital Stock Tax which at that time applied to manufacturers.

On April 25, 1883, Representative Jerome B Niles pointed out to the House that there was a general and continuous exodus of Pennsylvania manufacturing enterprises in New York, New Jersey, Ohio, West Virginia and Delaware; and the Chairman of the Revenue Commission stated: "It was the deliberate conviction of this Commission, consisting of 18 men, that this Capital Stock Tax, so far as it applied to manufacturers, should be repealed."

It was not until the subsequent session of 1885, however, that the full magnitude of the situation became apparent, when Henry W. Oliver, Jr., of Pittsburgh, perhaps the foremost industrialist in Pennsylvania in that day, appeared before a Committee of this Senate and testified that within the preceding two years only 1¼ millions of capital had entered the manufacturing industry of this State, WHILE WITHIN THE SAME PERIOD 20 TIMES THAT AMOUNT OF CAPITAL HAD GONE OUT OF MANUFACTURING IN PENNSYLVANIA.

Mr. President, I merely state the facts when I say that whole communities were withering under the blight of this tax upon the capital stock of manufacturing enterprises—this punitive tax which was deterring and destroying the initiative of men who were willing, under fair chances of making the grade, to join together in risking their savings to employ-wage-earners in the production of goods and commodities in this State. Unemployed workers and dismantled factories told the story of the tragic blunder which was ruining industrial Pennsylvania.

The Legislature wasted no further time. A Revenue Bill then before it was amended to exempt manufacturing capital from the Capital Stock Tax, and it was passed in the House by a vote of 140 to 38, or about 3 to 1, and in the Senate by a vote of 36 to 5, or more than 7 to 1. There is one more point, however, that I wish to bring out.

Mr. President, in the wisdom of the voters of this Commonwealth, Democratic Governors have been few and far between. But I venture the suggestion that it will be news to Governor Earle that it was a Democratic Governor, Robert E. Pattison, who, almost 50 years ago today, without a dissenting comment signed this exemption which the present Democratic Governor has demanded shall be withdrawn.

That Democratic Governor of 50 years ago knew something about this Commonwealth. He erected to his Ad-

ministration a monument the proportions of which he could not vision at the time. That exemption brought new manufacturing plants into the State and it kept existing manufacturing establishments here from leaving the State. In brief, there began, then and there, a half century of almost uninterrupted industrial development of Pennsylvania, by which manufacturing enterprises spread to practically every corner of the Commonwealth, and by which we not only employed our own natural resources in processing the raw materials of our own State, but furnished vast additional employment for labor by likewise processing here the raw materials produced elsewhere—the cotton of the South, the wool of the West, the iron ores of Minnesota, etc.

Mr. President, that steady industrial development which came from the wise removal of a punitive tax, paid this Commonwealth, its citizens and its communities a million times over what the tax itself would have returned in a steadily diminishing revenue. It has given employment to thousands and hundreds of thousands of our people and thus established and maintained a purchasing and saving and investment power that has built up hundreds of our cities, towns, and boroughs. The manufacturing plants in these communities have supported their governments, maintained their schools, streets, parks, and police and fire departments. They have done these things both directly and indirectly, because they have made profitable merchandising possible and thereby have contributed to the growth and general welfare of our cities, towns and boroughs.

Mr. President, and fellow members of the Senate, the development which came out of the granting of this exemption gave us an industrial structure in this Commonwealth so strong in its foundations that, as Senator Reed pointed out in his speech of April 23rd, our manufacturing enterprises, despite huge losses over a period of four or five years, have been able—and willing—to reemploy workers until today they are using 75% of the number employed in 1929, at an average wage equal in purchasing power to that of the high wages of that boom year.

As was said by Senator Owlett last week, the only rebuttal of those who espouse these additional and destructive burdens on industry is the hollow and meaningless phrase: "add these costs to the price of the product." Utter nonsense in nine cases out of ten, but no more nonsensical than the suppositions of many that, at worst, only the employer and his employees are injuriously affected. I think it would be well for all who listen to such misleading and impractical advice, or who have such thoughts, to consider how the merchant in the community —not consciously perhaps, certainly not with any such deliberate intention, but inevitably and immediately, nevertheless—cuts his own throat in such a situation.

To put the illustration in its simplest possible terms, suppose that Jones, the manufacturer, has had his overhead and production costs so increased by new taxes and restrictive legislation that, in order to continue in business without operating at a constant loss, he must either reduce wages or increase the price of his product. Reluctant to cut wages, he raises prices. Smith, the merchant, is dependent upon Jones' employees for a large part of his trade. But is he going to pay Jones, say, 10c more a unit of his product when he can get the same thing from another concern in New York or New Jersey or Delaware for the old price? If he does, he soon finds that another merchant has set up in business next door and is under-selling him. And there is cut-throat competition in the raw.

Both are strangling Jones to death. Jones, therefore, is compelled to cut wages, and almost immediately he has a strike on his hands. If he compromises with only a partial wage cut, much of his market already is gone and he faces a future marked with constant controversy with dissatisfied workers. Eventually he either closes up and moves out of the State, or takes what he has left and retires from business. In either event, those who previously worked for him are added to the unemployed and immediately begin forcing down other wages in the community by competing for the jobs of workers in other plants. Merchant Smith and his competitor go into a starvation contest for the diminishing trade in the community, and eventually one or both are unable to continue to pay taxes and survive. The community has to add the loss of their taxes to the loss of the taxes from Jones' mill, and to the loss of the taxes from the unemployed workers, while in the meantime its relief costs mount and the increasing tax load falls on a diminishing number, as this deterioration and destruction continues and spreads in an everwidening circle.

Mr. President, I know something about this subject, and I have a natural and very vital concern about it, because I represent a County which, aside from Philadelphia and Allegheny, is one of the most important manufacturing counties in Pennsylvania. It is a county whose manufacturing industries, even in these times of retarded Recovery, are employing some forty thousand wage-earners at an annual payroll of approximately $50,000,000.

There are large areas in that County which are wholly industrial, with many thousands of people wholly dependent upon those manufacturing industries for their livelihoods. I have in mind a single concern in one of those areas whose taxes will be increased by $50,000 a year as a result of these two measures insisted upon by my fellow resident, the Governor of Pennsylvania, as the only alternative to chaos in unemployment relief. Yet if that plant were to close down, either by going out of business or removing elsewhere, more than 2,000 people would be thrown out of employment, more than 5,000 families would be directly affected, and a payroll of approximately 2½ millions of dollars a year would be removed from Montgomery County and the State of Pennsylvania.

Norristown, Pottstown, Conshohocken, Bridgeport—to mention only a few—are among the most thriving communities of their size in the State of Pennsylvania; but without their industries, Mr. President, they would be desolate wastes of poverty and inactivity and despair. Yet within the last two weeks I have heard of one large manufacturing concern in Montgomery County that is building a plant in a southern State; another which is building a plant in a Western State; and two others which are expanding outside of Pennsylvania.

Ample warning has been sounded in this Chamber of what has happened in like circumstances in other States. Well may the wage-earners and the merchants and all other residents of the Governor's own County—and likewise the wage-earners and the merchants and all other residents of all our other counties—pause to speculate

in trepidation whether as a matter of fact the great trek of manufacturing industry away from Pennsylvania, away from vengeful legislation and punitive taxation, has not already set in irrevocably as a consequence of policies which carry their own forewarning of the costly consequences.

Mr. President, I refer again to the latest ultimatum issued by the Governor. I remind this Chamber and the people of Pennsylvania that six weeks ago the Senator from Dauphin openly charged that the Earle Administration had offered not a single constructive suggestion looking toward business and industrial Recovery in this State. The Administration has not attempted to refute that charge, but on the contrary has pursued its course of endeavoring to thrust every conceivable obstacle in the way of revived business and industry, and widened employment, in this State.

Meanwhile, Mr. President, the Supreme Court of the United States has outlawed some of the chief experiments of the National Administration and very probably will outlaw the remainder when the test comes. Among the novelties thus put into the discard was the so-called Mortgage Moratorium Act, which would have made it unnecessary for a certain class of debtors to pay their obligations.

I suggest, Mr. President and fellow members of the Senate, that the time has arrived for another kind of moratorium, in this State and in the Nation—a moratorium that will immediately suspend all further legislation, State and National, until such time as we have been able to take account of the damage already done, and thus can plan intelligently the methods by which we may rid ourselves of the barnacles of theoretical experimentation, and dig our toes into a climb to a real and lasting Recovery—within the Constitution and in accord with the principles which have been the bed rock of American opportunity, achievement and progress.

Then, perhaps, it may be deservedly said of us, as it was just fifty-seven years ago this month:

"Americans, what nobler spectacle can we present to mankind today than that of a people, honest, steadfast and secure, bound together to protect our interests as our forefathers were to win them at the beginning, by the ties of virtue, honor and love of country,—by that virtue which makes perfect the happiness of people, by that honor which constitutes the chief greatness of a State; and by that liberty which survives all things, braves all things, endures all things, achieves all things, and which, though it find a refuge nowhere else, shall live forever in the hearts of the American people."

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

DELAWARE COUNTY

Jos. F. Kestner, Chester.
Mrs. Dorothy F. Manwiller, Yeadon.

JEFFERSON COUNTY

Herbert D. Frank, Jr., Punxsutawney.

LEHIGH COUNTY

Mrs. Ada G. Heim, Allentown.

GEORGE H. EARLE.

WORKMAN'S COMPENSATION REFEREE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1935.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following appointment to compute from the date of confirmation:

T. F. Hanahue, of Scranton, Lackawanna County, as a Workmen's Compensation Referee, vice John C. Lesniak, whose term expired, to serve until the third Tuesday of January, 1939, or until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1088 (House Bill No. 2053), entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Owlett,	Shapiro,
Baumer,	Homsher,	Pierson,	Sones,
Bean,	Howell,	Prince,	Sordoni,
Bennett,	Huffman,	Pytko,	Staudenmeier,
Buckman,	Hunsicker,	Rankin,	Thompson,
Cavalcante,	Kahle,	Reed,	(Centre)
Chapman,	Lanius,	(Dauphin)	Thompson,
Clark,	Law,	Reed,	(Westmoreland)
Ealy,	Maliery,	(Washington)	Trainer,
Frey,	McClure,	Rice,	Woodward,
Gelder,	McCreesh,	Roberts,	Ziesenheim,
Graff,	McGinnis,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consider-

ation of Senate Bill No. 1089 (House Bill No. 2054), entitled:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SORDONI. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 18—remove the bracket immediately in front of the word "before;" also line 19—remove the bracket immediately following the word "occupied."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

MOTION THAT PREFERENCE BE GIVEN TO SENATE BILLS ON THIRD READING

Mr. BUCKMAN. Mr. President, with reference to the remaining bills on the calendar, I move that preference be given to Senate bills.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1320, as follows:

An Act to further amend section eight of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blendind, recovery, reuse, holding in bond, holding in storage by baliees for hire, and transportation for hire, of any alcohol, alcoholic liquor or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol. alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsisfent with this act," by permitting manufacturers to import alcohol or alcoholic liquids for certain purposes.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturalization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended by section two of the act approved the eighth day of December one thousand nine hundred and thirty-three (Pamphlet Laws fifty-seven one thousand nine hundred thirty-three one thousand nine hundred thirty-four) is hereby further amended to read as follows

Section 8 Upon the filing of the application in the form herein provided and upon execution of a bond to the Commonwealth and a warrant of attorney to confess judgment in the penal sum of ten thousand dollars ($10,000) with surety to be approved by the board which bond shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcohol or alcoholic liquid and the conditions of the permit the board may grant to such applicant a permit to engage in the manufacturing producing distilling developing or importing for use or using in the process of manufacturing denaturing redistilling recovery rectifying blending reusing holding in bond holding in storage as bailee for hire and transportation for hire of alcohol or alcoholic liquid

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Gelder,	McClure,	Roberts,
Batchelor,	Harris,	McCreesh,	Rodgers,
Baumer,	Harvey,	McGinnis,	Rupp,
Bean,	Homsher,	Miller,	Sones,
Bennett,	Howell,	Owlett,	Sordoni,
Buckman,	Huffman,	Pierson,	Staudenmeier,
Cavalcante,	Hunsicker,	Pytko,	Thompson,
Chapman,	Kahle,	Rankin,	(Centre)
Clark,	Lanius,	Reed,	Trainer,
Ealy,	Law,	(Dauphin)	Woodward,
Frey,	Mallery,	Rice,	Ziesenheim,

NAYS—5

Graff,	Reed,	Shapiro,	Thompson,
Prince,	(Washington)		(Westmoreland)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1321, entitled:

A Supplement to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the

sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connections with, and transactions in, such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase, bottling and sale of wine; and authorizing the sale of wine by holders of licenses to sell malt liquor, and the sale of wine by manufacturers to special wine permittees.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Aron,	Frey,	Mallery,	Roberts,
Batchelor,	Gelder,	McClure,	Rupp,
Baumer,	Harris,	McGinnis,	Sordoni,
Bean,	Harvey,	Miller,	Staudenmeier,
Bennett,	Howell,	Pytko,	Trainer,
Buckman,	Huffman,	Reed, (Dauphin)	Woodward,
Ealy,	Hunsicker,		

NAYS—18

Cavalcante,	Lanius,	Reed, (Washington)	Sones,
Chapman,	Law,	Rice,	Thompson, (Centre)
Clark,	McCreesh,	Rodgers,	Thompson, (Westmoreland)
Graff,	Prince,	Shapiro,	
Homsher,	Rankin,		
Kahle,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1352, entitled:

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Miller,	Rupp,
Batchelor,	Harvey,	Pierson,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bean,	Howell,	Pytko,	Sordoni,
Bennett,	Huffman,	Rankin,	Staudenmeier,
Buckman,	Hunsicker,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Kahle,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Lanius,	Rice,	Trainer,
Clark,	Law,	Roberts,	Woodward,
Ealy,	Mallery,	Rodgers,	Ziesenheim,
Frey,	McClure,	Shapiro,	
Gelder,	McCreesh,	Sones,	
Graff,	McGinnis,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1392, entitled:

An Act to amend section five of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commnwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," as amended, qualifying additional securities as acceptable for the securing of State deposits.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer an amendment.

The PRESIDENT. Is there objection?

Mr. HUFFMAN. Mr. President, I object.

The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SORDONI. Mr. President, It was intended to give the right of securing more funds, those funds of the Federal Government known as Home Loan Bonds, mortgage bonds. It was the intention of the person who drew this bill that it should be restricted to such bonds, the payment of which are guaranteed by the Federal Government. The bill does not contain that provision, and I ask unanimous consent at this time to offer an amendment to correct the situation.

Mr. HUFFMAN. Mr. President, I object.

Mr. SORDONI. Mr. President, I would like to interrogate the Senator from Monroe, Mr. HUFFMAN.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. SORDONI. Mr. President, will the Senator from Monroe, Mr. Huffman, be kind enough to explain why he objects to this amendment?

Mr. HUFFMAN. Mr. President, I was at the meeting of the Banking Committee when the bill was sent out, and I know of no understanding that it was to be amended

as it was turned out from the Committee. It is well known that you cannot secure these bonds by a guaranty of the Government beyond 1937. That kills the bill.

Mr. SORDONI. Mr. President, I am sorry that the Senator from Monroe, Mr. Huffman, did not understand it. It was the intention of the Committee to restrict these bonds to the period that they would be guaranteed by the Government. At the present time there are certain bonds that are acceptable as collateral by the State for the securing of State deposits, and some of the departments here felt that it would be well to have these Home Loan bonds included and the Farm Mortgage bonds. That was perfectly agreeable to me providing they would have carried the endorsement or the assurance of the United States Government that they would guarantee the principal and interest, but if the Government refuses to guarantee them, I certainly, as Chairman of this Banking Committee, would not be willing to accept these bonds to secure deposits in the banks of the State of Pennsylvania, so that unless the Senator from Monroe, Mr. Huffman, withdraws his objections, I would say that the bill would be killed, and rightly so.

Mr. HUFFMAN. Mr. President, I did not understand that the bill was to be amended. It was talked over in the Committee, and I do not understand now what the amendment is that is being asked for, because as I understand it, if the Government must guarantee these bonds, this bill does not amount to anything, because they are not guaranteed beyond the year 1937.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that this bill be recommitted to the Committee on Banking.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL NO. 1466.

Mr. RANKIN. Mr. President, I move to reconsider the vote by which Senate Bill No. 1466, entitled:

An Act t oamend section seven hundred and eighteen of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating and changing the law relating thereto" as amended; permitting dogs to be trained on Sunday during training season with the consent of owners of lands, except in certain cases.

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. RANKIN. Mr. President, I voted "no".

Mr. REED (Dauphin). Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote.

Mr. REED (Dauphin). Mr. President, I voted "no".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Aron,	Howell,	Pytko,	Staudenmeier,
Baumer,	Huffman,	Rankin,	Thompson,
Buckman,	Hunsicker,	Rice,	(Centre)
Cavalcante	Law,	Roberts,	Thompson,
Frey,	McCreesh,	Rodgers,	(Westmoreland)
Harris,	McGinnis,	Rupp,	Trainer,
Harvey,	Miller,	Sordoni,	Woodward,

NAYS—15

Batchelor,	Graff,	Mallery,	Reed,
Chapman,	Homsher,	Prince,	(Washington)
Clark,	Kahle,	Reed,	Shapiro,
Ealy,	Lanius,	(Dauphin)	Sones,
Gelder,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreably to order,

The Senate procedeed to the third reading and consideration of Senate Bill No. 1092 (House Bill No. 2058), entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as State highways and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Harris,	McGinnis,	Rupp,
Batchelor,	Harvey,	Miller,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Ealy,	Law,	(Washington)	(Westmoreland)
Frey,	Mallery,	Rice,	Trainer,
Gelder,	McClure,	Roberts,	Woodward,
Graff,	McCreesh,	Rodgers,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with infromation that the Senate passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1191 (House Bill No. 2128), as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other

corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the cast of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section two hundred three Section five hundred one Section five hundred two Section five hundred thirteen Section five hundred seventeen Section five hundred twenty Section one thousand four Section one thousand four hundred one Section one thousand four hundred twelve Section one thousand four hundred sixteen Section one thousand four hundred seventeen and Section one thousand four hundred eighteen of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section nine hundred eight of that act as last amended by the act approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws one hundred twenty-eight) is hereby further amended to read as follows

Section 203 Place of Business Change of Place of Business A [An] Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place or places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may likewise remove its place of business within the limitations of this act if it shall first obtain the written approval of the department Such removal by an institution shall not in any case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies

C A private bank which upon the effective date of this act lawfully maintains one or more officers or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 501 Number and Election of Directors and Trustees Executive Committees Subject to the provisions of this act the number qualifications terms of office manner of election time and place of meeting compensation and powers and duties of the directors of a bank or a bank and trust company or a trust company may be prescribed from time to time by the by-laws

Subject to the provisions of this act the number qualification manner of election time and place of meeting compensation and powers and duties of the trustees of a savings bank may be prescribed from time to time by the by-laws

Except as otherwise provided in the articles or by-laws or in the case of a savings bank in the special act creating such savings bank its amendments and supplements

(1) A director shall be elected for a term of one year a trustee until he becomes disqualified or resigns

(2) The number of directors or trustees shall be the same as that stated in the articles but not less than the minimum prescribed by this act [.] and in the case of directors not more than the maximum prescribed by this act

(3) Vacancies in the board of directors or in the board of trustees caused by death resignation disqualification or otherwise [shall] may be filled by the remaining members of the board though less than a quorum and each person so elected shall in the case of a bank a bank and trust company or a trust company be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders or at any special meeting duly called for that purpose and held prior thereto and in the case of a savings bank created by special act by the persons specified in such act In the case of any other savings bank he shall serve until he shall become disqualified or shall resign

(4) The meetings of the board of directors or of the board of trustees shall be held at such place within this Commonwealth as a majority of the directors or of the trustees may from time to time designate or as may be designated in the notice calling the meeting

(5) A majority of all the directors or trustees in office shall be necessary to constitute a quorum for the transaction of business and except as otherwise provided in this act or in the articles or by-laws of a particular incorporated institution the acts of a majority of the directors or trustees who are present at a meeting at which a quorum is present shall be the acts of the board of directors or the board of trustees but if all the directors or trustees shall severally or collectively consent in writing to any action to be taken by the incorporated institution such action shall be as valid corporate action as though it had been authorized at a meeting of the board of directors or the board of trustees

(6) The board of directors or the board of trustees may by resolution adopted by a majority of the whole board delegate three or more of its number in the case of a bank a bank and trust company or a trust company and five or more of its number in the case of a savings bank to constitute an executive committee which to the extent provided in such resolution shall have and exercise the authority of the board over the ordinary operations of the business of the incorporated institution between the dates of the regular meetings of the board Every such committee shall keep full minutes of all business transacted by it and shall present detailed reports of all such minutes to the board at each regular meeting

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shall be managed in the case of a bank a bank and trust company or a trust company by a board of [at least] not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the

duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the share-holders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number or par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for re-election as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated institutions

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) Any person authorized to receive and account for the public moneys of this Commonwealth

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 513 Bonds of Officers and Employes A The officers and employes of every institution as well as any director or trustee of an incorporated institution who is authorized to receive payments of moneys or to handle negotiable securities on behalf of such incorporated institution shall be bonded in such form of bond and in such amount as is specified with such surety as is approved in the case of an incorporated institution by the board of directors or trustees and in the case of a private bank by the private banker or bankers [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors trustees or employes] The cost of such bonds may be paid by the institution

B The department shall have the power to require any such officer director trustee or employe at any time during his term of office or employment to be bonded in an amount greater than that required by the board of directors or trustees of the incorporated institution or by the private banker or bankers as the case may be or it may require new or additional surety

Section 517 Acceptance of Fee or Commission by Director Trustee Officer Attorney or Employe A Neither [an] a director trustee officer attorney or employe of an institution nor [an] a director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act shall stipulate for or agree or assent to receive or receive any fee commission gift or other property of value from any corporation or person for procuring or for endeavoring to procure for such corporation or person or for any other corporation or person any loan from or any investment by or any purchase or discount of any paper note draft check bill of exchange or other commercial paper by such institution

B Any director trustee officer attorney or employe of an institution or any director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act who [knowingly] violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount or the value of the property which he receives as such fee commission or gift

Section 520 Purchases from the Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and in the case of an incorporated institution unless such purchase is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of such incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and unless in the case of an incorporated institution such sale is authorized by the vote of a majority of all the members of the board of directors or the board of trustees of such incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or fine not exceeding one thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 908 Reserve Fund against Deposits and De-

mand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its [net] demand deposits and [net] demand liabilities plus seven and one-half per centum of its total [net] time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the Department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States and be kept on hand at the place of business of the institution unpledged unassigned and unhopothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its [net] deposits

E In the case of savings banks the total of such reserve fund may and at least two-thirds thereof shall consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Section 1004 Pledge of Assets for Deposits A bank or a bank and trust company shall not have the power to pledge or hypothecate any of its assets as security for deposits made with it except for the following

(1) Federal State municipal school district or other public funds

(2) Funds deposited by the Secretary of Banking as receiver of [an institution] a corporation or person of which he has pursuant to the provisions of law taken possession

(3) Funds deposited by a bank and trust company in its own commercial department which funds are being held by such bank and trust company in a fiduciary capacity and are being deposited by it pending investment or distribution (4) Funds deposited by a corporation or person which are required to be secured by law or an order of a court having jurisdiction

Section 1401 Merger or Consolidation Incorporated Institutions National Banking Association A Any two or more incorporated institutions other than savings banks and trust companies may in the manner hereinafter provided in this act be merged into one of such incorporated institutions hereinafter designated as the surviving incorporated institution or consolidated into a new incorporated institution to be formed under this act

B Any two or more savings banks the places of business of which are located in the same city borough or township may in the manner hereinafter provided in this act be merged into one of such savings banks hereinafter designated as the surviving savings bank or consolidate into a new savings bank to be formed under this act

C One or more banks or bank and trust companies and one or more national banking associations incorporated under the laws of the United States may in the manner hereinafter provided in this act be merged into one of such banks or bank and trust companies or consolidated into a new bank or bank and trust company to be formed under this act Such merger or consolidation shall not become effective until the national banking association shall have complied with the laws of the United States relating to such merger or consolidation of national banking associations with banks or bank and trust companies

D Two or more trust companies may in the manner hereinafter provided in this act be merged into one of such trust companies or consolidated into a new trust company to be formed under this act

E Any merger or consolidation authorized by this section shall not be effective if the effect thereof is to establish any branch bank branch office agency sub-office sub-agency or branch place of business in violation of the provisions of this act

Section 1412 Merger Consolidation or Conversion of Banks or Bank and Trust Companies into National Banks One or more banks or bank and trust companies and one or more national banking associations operating under the laws of the United States may pursuant to the laws of the United States be merged into one of such national banking associations or consolidated into a new national banking association operating under the laws of the United States and a bank or bank and trust company may pursuant to the laws of the United States be converted into a national banking association provided that the banks or bank and trust companies participating in such a merger or consolidation and the bank or bank and trust company being converted into a national banking association shall comply with the following requirements established by this section

(1) The plan of merger or consolidation or of conversion has been approved in the manner and after the advertising and notice required by this act in the case of mergers or consolidations of incorporated institutions by at least a majority of all the directors of any bank or bank and trust company participating in such plan and by the holders of two-thirds of its outstanding shares entitled to vote thereon

(2) In the case of any bank and trust company participating in such plan or merger or plan of consolidation or plan of conversion all corporations or persons who appear upon the available books or other records as who are otherwise known to be parties interested in any funds property or investments held by such bank and trust company as trustee guardian executor administrator or other fiduciary under the provisions of this act shall be entitled to the same notice and shall thereupon have the same rights and duties as are provided by this act for corporations or persons in a similar position in the case of a merger or consolidation of incorporated institutions

(3) Whenever a bank and trust company authorized to act as fiduciary in this Commonwealth has heretofore been or shall hereafter be named or appointed trustee guardian executor administrator or other fiduciary such nomination or appointment shall not be deemed to have lapsed by reason of the merger or consolidation of such bank and trust company with a national banking association or the conversion of such bank and trust company into a national banking association pursuant to the provisions of this act providing that such surviving or new national banking association is authorized to act as fiduciary in

this Commonwealth but such surviving or new national banking association shall be entitled to act in the same fiduciary capacity under such nomination or appointment as the original bank and trust company could have acted if such merger consolidation or conversion had not been effected

[(3)] (4) All taxes or fees due this Commonwealth or any of the departments or officials of the State government of this Commonwealth shall be paid in full For the purposes of this clause the taxes imposed by the laws of this Commonwealth on such bank or bank and trust company which have not yet become due that is the amount properly apportionable to the part of the tax period which has already elapsed shall be construed to become due upon the date of such merger consolidation or conversion

[(4)] (5) The articles of merger or articles of consolidation or articles of conversion corresponding to the articles of merger or articles of consolidation required by this act in the case of merger or consolidation of incorporated institutions shall be prepared by any bank or bank and trust company participating in the plan of merger consolidation or conversion and filed with the Department of State which shall transmit a copy to the Department of Banking The bank or bank and trust company shall also file with the Department of State the certificate of approval of the merger consolidation or conversion as the case may be by such officer of the United States as may be empowered by law to approve the same The Department of State shall send a copy of such certificate to the Department of Banking

Section 1416 Filing of Articles of Conversion of National Bank into Bank or Bank and Trust Company Payment of Fees Approval by Department of State A The articles of conversion of the national banking association into a bank or a bank and trust company and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation the national banking association shall pay to the Department of State such reasonable fees as shall be established by rule or regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to the provisions of this act to determine whether the articles of conversion should be approved Such fee for the investigation by the Department of Banking shall be paid to the Department of State at the time of the filing with it of the articles of conversion and shall be paid by the Department of State through the Department of Revenue to the Banking Department Fund

C The Department of State shall examine such articles of conversion and such proof of publication to determine whether they contain all the information and are in the form required by this act and also whether the name of the proposed bank or bank and trust company as the case may be conforms with the requirements of law for the name of such an incorporated institution or whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of conversion and the proof of publication contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of conversion required by this act endorse its approval upon the articles of conversion and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of conversion pursuant to this act it shall forthwith give notice thereof to the national banking association stating in detail its reasons for doing so and stating how such national banking association can remedy the non-conformance with the provisions of this act Upon remedying the defect such national banking association may in the same manner file the same or amended articles whichever the particular case may require

Section 1417 Approval by Department of Banking of Articles of Conversion of National Bank into Bank or Bank and Trust Company A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of conversion of a national banking association into a bank or a bank and trust company conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed bank or bank and trust company is likely to mislead the public as to its character or purpose

(2) Whether the conversion is made for legitimate purposes

(3) Whether the interests of the depositors other creditors and shareholders are adequately protected

(4) Whether the proposed bank or bank and trust company meets all the requirements of this act and violates none of its prohibitions applicable to a bank or a bank and trust company as the case may be incorporated under this act

(5) Whether the national banking association has complied with the requirements of the laws of the United States and has been approved by such officer of the United States as may be empowered by law to approve the same

B Within thirty days after the receipt of the articles of conversion from the Department of State the Department of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of conversion it shall sign its approval upon the triplicate originals It shall then retain one and send the remaining two of] thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the national banking association desiring to become converted into a bank or a bank and trust company of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1418 Issuance of Certificates of Conversion of National Bank into Bank or Bank and Trust Company Immediately upon receipt of the signed articles of conversion of a national banking association into a bank or bank and trust company from the Department of Banking the Department of State shall file the articles and shall issue to the incorporated institution or its representative a certificate of conversion A copy of the approved articles of conversion shall be sent by the Department of State to the Department of Banking

Section 2 Effective Date This act shall become effective immediately upon final passage.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Harris,	McGinnis,	Rupp,
Batchelor,	Harvey,	Miller,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bennett,	Howell,	Pytko,	Sordoni,
Buckman,	Huffman,	Rankin,	Staudenmeier,
Cavalcante,	Hunsicker,	Reed,	Thompson,
Chapman,	Kahle,	(Dauphin)	(Centre)
Clark,	Lanius,	Reed,	Thompson,
Coyne,	Law,	(Washington)	(Westmoreland)
Ealy,	Mallery,	Rice,	Trainer,
Frey,	McClure,	Roberts,	Woodward,
Gelder,	McCreesh,	Rodgers,	Ziegenhelm,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1207 (House Bill No. 1886), entitled:

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Aron,	Ealy,	Huffman,	Rankin,
Batchelor,	Frey,	Hunsicker,	Rupp,
Baumer,	Gelder,	Lanius,	Shapiro,
Bennett,	Graff,	Mallery,	Sordoni,
Buckman,	Harris,	McGinnis,	Staudenmeier,
Cavalcante,	Harvey,	Miller,	Trainer,
Chapman,	Homsher,	Prince,	Woodward,
Clark,	Howell,	Pytko,	

NAYS—9

Kahle,	Reed, (Dauphin)	Rice,	Thompson, (Westmoreland)
Law,	Reed, (Washington)	Rodgers,	
McCreesh,		Thompson, (Centre)	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 1249 (House Bill No. 473), on third reading, entitled:

An Act to amend paragraph one two and three of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred and forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect to investments of trust funds to be made by fiduciaries

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1281 (House Bill No. 2495), entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said departments in relation thereto.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	McGinnis,	Rupp,
Batchelor,	Harvey,	Miller,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bean,	Howell,	Pytko,	Sordoni,
Bennett,	Huffman,	Rankin,	Staudenmeier,
Buckman,	Hunsicker,	Reed, (Dauphin)	Thompson, (Centre)
Cavalcante,	Kahle,	Reed, (Washington)	Thompson, (Westmoreland)
Chapman,	Lanius,	Rice,	Trainer,
Clark,	Law,	Roberts,	Woodward,
Ealy,	Mallery,	Rodgers,	Ziegenheim,
Frey,	McClure,		
Gelder,	McCreesh,		
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1285 (House Bill No. 2576), entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven

(Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	McGinnis,	Rupp,
Batchelor,	Harvey,	Miller,	Shapiro,
Baumer,	Homsher,	Prince,	Sones,
Bean,	Howell,	Pytko,	Sordoni,
Bennett,	Huffman,	Rankin,	Staudenmeier,
Buckman,	Hunsicker,	Reed,	Thompson,
Cavalcante,	Kahle,	(Dauphin)	(Centre)
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Law,	(Washington)	(Westmoreland)
Ealy,	Mallery,	Rice,	Trainer,
Frey,	McClure,	Roberts,	Woodward,
Gelder,	McCreesh,	Rodgers,	Ziesenheim,
Graff,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1376 (House Bill No. 2490), entitled:

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT BILL

Mr. SHAPIRO. Mr. President, I move that this bill be recommitted to the Committee on State Government.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, this is the second bill to which I referred this morning. This bill covers not only State employees, but carries the per diem employees of the Senate and House, and enlarges the Retirement Fund numbers to a point wherein there is no question about it, to my mind, the Retirement Fund would be ruined. I think before this bill is passed, we should give it further consideration, and I make the same motion in connection with this bill that I made on the one this morning, that it should be recommitted to give it further consideration.

Mr. REED (Dauphin). Mr. President, I hope that the Senator from Philadelphia, Mr. Shapiro, will not prevail. This bill has been considered twice very carefully in the Committee on State Government. The second time we had a hearing at which Mr. Fertig was present and gave us to understand very definitely that those who come in on this Retirement Fund were eligible, in fact had been held eligible under prior opinion of a Deputy Attorney General. There can be no purpose whatever in sending this bill back to the Committee on State Government. It has been thoroughly considered and, as I recall it, came out with the unanimous endorsement of that Committee.

In response to the suggestion that this would wreck the fund, I would say that Mr. Fertig, who is a director of the fund, has recommended the passage of this bill.

Mr. THOMPSON (Centre). Mr. President, I would like to urge upon the Senate the same request that the Senator from Dauphin, Mr. Reed, makes, to defeat the motion to recommit this bill. This bill is not only a matter of doing no damage to the fund, but it will be a benefit to the fund by the increase of a large number of teachers in Pennsylvania State College who would like to take advantage of the fund, and it will bring in a large capital contribution within a short period of time in the event that the bill is passed, and we have been assured that it will be a help rather than a hindrance to this fund.

These teachers in the Pennsylvania State College are denied help from the Carnegie Foundation for retirement purposes on account of the fact that it is a quasi-public institution, and this is the only way that those teachers in the institution can get any such help of this kind. I ask that the motion be defeated.

Mr. SHAPIRO. Mr. President, I have no objection to the teachers of State College being included in the Retirement Fund. My objection to this bill is to that part of the bill on the bottom of page four and top of page five, which reads as follows:

"The term 'State employe' shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session, but who during the legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session."

Mr. HARRIS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his point of order.

Mr. HARRIS. Mr. President, my point of order is that a motion to recommit is not debatable.

The PRESIDENT. The Chair rules that the point of order is well taken.

And the question recurring,

Will the Senate agree to the motion.

The motion was not agreed to.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Aron,	Graff,	McCreesh,	Rodgers,
Batchelor,	Harris,	McGinnis,	Rupp,
Baumer,	Harvey,	Miller,	Sones,
Bean,	Homsher,	Prince,	Sordoni,
Bernett,	Howell,	Pytko,	Staudenmeier,
Buckman,	Huffman,	Rankin,	Thompson,
Cavalcante,	Hunsicker,	Reed,	(Centre)
Chapman,	Kahle,	(Dauphin)	Thompson,
Clark,	Lanius,	Reed,	(Westmoreland)
Coyne,	Law,	(Washington)	Trainer,
Frey,	Mallery,	Rice,	Woodward,
Gelder,	McClure,	Roberts,	Ziesenheim,

NAYS—2

Ealy,	Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1439 (House Bill No. 2249), entitled:

An Act to further amend section seven of the act approved the twenty-sixth day of April one thousand eight hundred fifty-five (P. L. 328) entitled "An act relating to Corporations and to Estates held for Corporate Religious and Charitable uses" by changing the method of holding the title to and controlling real and personal property heretofore or hereafter bequeathed devised or conveyed for the use of any church congregation or religious society and conferring jurisdiction upon courts of equity to enforce the provisions hereof

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. TRAINER. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 550 (House Bill No. 337), entitled:

An Act to amend section one hundred and forty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled 'An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions of said act to fixtures hunting lodges cabins cottages and barns

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 659, as follows:

An Act to amend section one of the act approved the tenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws four hundred thirty-four) entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendant and attachment executed or in the nature of attachment execution against trusts including those commonly known as spendthrift trusts no matter when such trusts were created in cases where an order award or decree has been made against a husband for the support of his wife or children or both making such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order judgment or decree is paid in full with costs and abolishing the benefit of the exemption law in such cases" by making such support orders decrees and judgments liens against the real property of the husband

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the tenth day of May one thousand nine hundred and twenty-one (P. L. 434) entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendant and attachment execution or in the nature of attachment execution against trusts including those commonly known as spendthrift trusts no matter when such trusts were created in cases where an order award or decree has been made against a husband for the support of his wife or children or both making such attachment execution against trusts a continuing lien and levy of fify per centum of such money or property until the order judgment or decree is paid in full with costs and abolishing the benefit of the exemption law in such cases" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatitves of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any court of competent jurisdiction has made an order or entered a decree or judgment against any husband requiring him to pay any sum or sums for the support of his wife or children or both such order decree or judgment may be entered and indexed in the judgment index in the prothonotary's office and when so entered and indexed shall be a lien against all of the real property of the husband in the county for a period of five years or until marked "satisfied" by the wife or the original order decree or judgment is set aside by the court entering the same Provided That such lien may be revived every five years as other liens entered in the prothonotary's office are revived In all such cases whether or not such order decree or judgment is entered and indexed in the prothonotary's office the court originally making or entering the same may issue the appropriate writ of execution against any property real or personal belonging to the defendant to enforce said order decree or judgment and the said court may issue a writ of attachment execution or writ in the nature

of attachment execution against any money or property to which said husband is entitled whether under what is known as a spendthrift trust or otherwise and the said writ of atachment execution shall become a lien and continuing levy upon any money or property to which he may be in any way entitled whether under what is commonly known as a spendthrift trust or otherwise and in case of levy on or attachment of any trust said levy or attachmen shall only be for fifty per centum thereof and shall remain a continuing levy until the order decree or judgment has been paid in full with costs and in cases where the order decree or judgment requires the payment of stated sums at stated intervals said writ of attachment execution shall remain a lien and continuing levy until the last payment due under such order decree or judgment has been made with costs The person against whom such an order decree or judgment is made shall not be entitled to the benefits of any exemption law now in force or hereafter passed The provisions of this act shall apply to any trust whether it is such a trust as is known as a spendthrift trust or otherwise whether such trust was created or came into existence before or after the passage of this act Where an attachment execution is issued the further proceedings thereon shall be in the manner heretofore practiced and allowed in cases of foreign attachment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 685 (House Bill No. 1247), entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales; and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," changing the method of service of writs on persons who are without the Commonwealth, and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 921 (House Bill No. 1724), entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty three (P. L. 224) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission and discharge of such defendants" providing for appeals in such cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. HARVEY. Mr. President, I ask unanimous consent that Senate Bill No. 1024 on second reading, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1032 on second reading, entitled:

An Act to amend Section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges, providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1061 (House Bill No. 1090), entitled:

An Act relating to search warrants regulating their issuance execution and return prescribing the powers and duties of justices of the peace aldermen and magistrates issuing them and of officers executing them inflicting penalties for unlawfully procuring unlawfully executing and unlawfully resisting the execution of a search warrant

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 1063 (House Bill No. 1237), as follows:

An Act to further amend article eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appriation and providing for refunds" regulating the carrying of liquid or motor fuel

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article eight of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand sixty-four) is hereby further amended by adding thereto a new section to read as follows

Section 825 Amount of liquid or motor fuel to be carried limited No motor vehicle shall be permitted to be operated on any of the highways of this Commonwealth with more than fifty gallons of liquid or motor fuel in the tank or tanks used to supply the engine propelling such motor vehicle No motor vehicle except motor vehicles designed for and employed solely in the transportation of liquid or motor fuel and motor vehicles answering emergency calls shall be permitted to carry in in refilling the tank supplying the engine propelling such motor vehicle or any other motor vehicle transporting passengers or property on the highways of this Commonwealth

Penalty Any person operating a motor vehicle contrary to this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25) and costs of prosecution and in default of the payment thereof shall be sentenced to undergo imprisonment for not more than ten (10) days

On the question,

Will the Senate agree to the bill on second reading?

BILL POSTPONED

Mr. MALLERY. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 1306, on second reading, entitled:

An Act to amend section one of the act approved the fifth day of April one thousand nine hundred and twenty-nine (P. L. 170) entitled "An act to regulate and establish the fees to be charged by justices of the peace and aldermen in this Commonwealth and imposing liability for costs upon the county in certain cases" eliminating the requirement for payment of costs by counties in summary proceeding dismissals

be recommitted to the Committee on Judiciary General.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1309, as follows:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Highways with the approval of the Joint Commission having jurisdiction over bridges between the Commonwealth of Pennsylvania and the State of New York is hereby empowered and authorized to enter into an agreement or agreements with the Department of Public Works of the State of New York for the construction reconstruction or maintenance of free bridges across the Delaware River between the Commonwealth of Pennsylvania and the state of New York at such location or locations as may be fixed and determined in any agreement or agreements entered into pursuant to the provisions hereof

Section 2 Said agreement or agreements shall provide that the cost and expense of constructing reconstructing or maintaining said bridges shall be borne fifty (50) per centum by the Commonwealth of Pennsylvania and fifty (50) per centum by the State of New York

Section 3 Said agreement or agreements shall provide for the making and preparation of the necessary surveys plans and specifications by the highway departments of the Commonwealth of Pennsylvania and the state of New York either jointly or by either in such manner as may be agreed upon and the letting of the contract and supervision and inspection of the work may be handled in the same manner provided however that said agreement or agreements shall make an equal division of the expenses involved between the state of New York and the Commonwealth of Pennsylvania and provided further that each state shall secure at its own cost and expense the necessary

right-of-way within their respective limits required for the construction of said bridges

Section 4 In carrying out the terms of any agreement or agreements entered into pursuant to the provisions of this Act for the construction reconstruction or maintenance of any bridge or bridges as well as in connection with the construction reconstruction or maintenance of necessary approaches in Pennsylvania the Department of Highways shall have and exercise all of the rights and powers vested in it by the laws relating to the construction reconstruction repair or maintenance of State highways and bridges

Section 5 So much of the money as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways out of the Motor License Fund and any Federal aid received on said projects from the Federal Government as well as any payments received from the state of New York shall be deposited in the Motor License Fund

Section 6 Upon completion any bridge or bridges constructed or reconstructed as provided herein shall be free from toll and shall be maintained by the Commonwealth of Pennsylvania and the state of New York under the custody and charge of the said Joint Commission and the costs thereof shall be borne and paid by the Commonwealth of Pennsylvania and the state of New York in equal proportions in the same way as other bridges across the Delaware River under the custody and charge of the said Joint Commission provided however that the Secretary of Highways is hereby empowered and authorized to enter into an agreement or agreements with the Department of Public Works of the state of New York providing that the maintenance shall be done by either of their respective highway departments and reimbursement made to the one doing the work by the other So much of the money as may be necessary from time to time is hereby specifically appropriated to the Department of Highways out of the Motor License Fund for defraying the share of the cost of maintenance properly chargeable to the Commonwealth of Pennsylvania

Section 7 All expenditures made under the provisions of this Act for the construction reconstruction maintenance and repair of such bridges shall be audited and approved by the said Joint Commission

Section 8 This act shall become effective upon its approval by the Governor and the enactment into law of a similar or substantially similar statute by the state of New York making moneys available for such bridge construction and maintenance and conferring like powers upon its Department of Public Works

Section 9 The Governor is hereby authorized to apply on behalf of the Commonwealth of Pennsylvania to the Congress of the United States for its consent and approval to said compact or agreement but in the absence of such consent and approval the said highway departments or either of them as may be agreed upon shall have all the powers which the Commonwealth of Pennsylvania and the state of New York may confer upon them or it without the consent and approval of Congress

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1354, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking game fish and changing the season and creel limits

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred twelve one hundred thirteen one hundred fifteen one hundred sixteen one hundred seventeen one hundred nineteen one hundred twenty-one one hundred thirty-two one hundred thirty-three one hundred thirty-five one hundred thirty-six one hundred thirty-seven one hundred thirty-nine one hundred forty-one one hundred forty-two one hundred fifty-five and one hundred fifty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" are hereby amended to read as follows

Section 112 Game-fish Bait-fish and Food-fish Defined For the purpose of this act the following fish shall be designated as game-fish to wit Black bass or small mouth bass large mouth bass otherwise called Oswego or yellow bass strawberry or calico bass rock-bass otherwise known as red-eye or goggle eye white bass crappie pike-perch otherwise called wall-eyed pike Susquehanna salmon pike pickerel (white perch yellow perch) charr commonly called brook or speckled trout or any form of trout The following shall be designated as bait-fish to wit All species of minnows killifishes and stone catfish All other species or varieties of fish whatsoever shall be designated as food-fish

Section 113 Fishing Devices for Game-fish It shall be unlawful to catch or fish for any game-fish or any sunfish or any white or yellow perch in any part of the Delaware River above Trenton Falls with any device or by any means or method whatsoever excepting with rods and lines or handlines commonly called dipsey or throw-lines each having not more than three hooks or with trolling lines with spoon or artificial bait having not more than one burr of three single hooks attached The number of rods and lines or the number of trolling lines not to exceed two of one or the other device named (and said lines must be under the direct and immediate supervision of the person fishing therewith) Any person violating any provisions of this section shall on conviction thereof in the manner provided by chapter fourteen of this act be subject to a fine of twenty dollars

Section 115 Fishing Devices for Food-fish It shall be unlawful to fish for food-fish in the Delaware River above Trenton Falls with any device method or means excepting by the following devices and under regulations and restrictions hereinafter described to wit A seine an eel pot or fyke net each without wings and rods and lines or hand-lines otherwise known as dipsey or throw-lines each having not more than three hooks the number of rods and lines or hand-lines not to exceed three of one or the other device named Any person who shall use or employ any method or device for catching food-fish other than those named in this section or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned shall on conviction as provided in chapter fourteen of this act be subject to a fine of twenty dollars

Section 116 Seines for Sturgeon and Food-fish Closed Season for Food-fish when Taken in Seines It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware River above Trenton Falls with any device excepting a seine the meshes of which shall not be less than thirteen inches stretched measure while being fished or to catch and take or attempt to catch and take any other food-fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished It shall also be unlawful for any person to catch and take or to attempt to catch and take any food-fish except sturgeon by means of a seine between the tenth day of June in each and every year and the first day of March next ensuing Provided That suckers may be taken with a seine only from October fifteenth in each and every year to the fifteenth day of March next ensuing Any person who shall violate any of the provisions of this section shall on conviction thereof in the manner provided by chapter fourteen of this act be subject to a fine of one hundred ($100) dollars together

with a forfeiture of all nets boats and appliances used

Section 117 Staked and Fastened Nets Prohibited Prohibited Places for Nets It shall be unlawful for any person to catch and take or attempt to catch and take any fish of any kind from the Delaware River above Trenton Falls with a net of any character which is anchored or staked or fastened down in any manner permanently or otherwise or to use any net so anchored or fastened down in any manner Nor shall any net of any kind or character [excepting an eelpot a fyke net each without wings] be used for the purpose of catching and taking fish in said waters within one-half mile above or below the mouth of any river creek or stream emptying into said Delaware River above Trenton Falls Any person who shall violate any of the provisions of this section shall on conviction thereof in the manner provided by chapter fourteen of this act be subject to a fine of twenty ($20) dollars together with the forfeiture of nets boats and other appliances used

Section 119 No Closed Season for Taking Food-fish with Lines Closed Season for Game-fish It shall be lawful to catch food-fish with rods and lines and hand lines and trolling lines as described in section one hundred and thirteen of this act at any time of the year in the Delaware River above Trenton Falls but it shall be unlawful to fish for and take game-fish excepting from the fifteenth day of June to the first day of December inclusive in each year Provided however That any charr commonly called brook or speckled trout or any form of trout may only be taken between the fifteenth day of April and the thirty-first day of July both dates inclusive in each year Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten ($10) dollars for each and every fish so taken

Section 121 Legal Sizes and Creel Limits of Fish Penalties (a) It shall be unlawful for any person to catch and take or attempt to catch and take from the Delaware River above Trenton Falls in any manner whatsoever any striped-bass otherwise known as rockfish weighing more than twenty pounds or measuring less than ten inches in length or any sturgeon less than five feet in length or any black bass or any small mouth bass large mouth bass otherwise known as Oswego or yellow bass less than nine inches in length or any pike or pickerel or any pike-perch otherwise known as wall-eyed pike or Susquehanna salmon less than twelve inches in length or any calico or strawberry bass crappie white bass rock-bass otherwise known as red-eye or goggle-eye or trout or charr less than six inches in length Any fish of a less length than those described or any striped-bass commonly called rockfish weighing more than twenty pounds which may be caught must be returned immediately to the water Provided That nothing in this section shall be so construed as to prevent the fishery authorities of the Commonwealth of Pennsylvania or of the State of New Jersey capturing fish of any size from said waters or at any time of the year or in any manner for propagating purposes and for stocking other waters in their respective States through their authorized representatives Any person who shall violate any of the provisions of this [section] subsection shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of ten dollars for each and every fish so caught and had in possession

(b) It shall be unlawful to take catch kill or have in possession in any one day more than ten in all of black and Oswego bass twenty rock-bass twenty in all of calico bass and crappie bass ten pike-perch or wall-eyed pike ten pike ten pickerel or twenty trout Any person violating the provisions of this subsection shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of twenty dollars for each fish so taken caught killed or possessed in excess of the number permitted by this subsection

Section 132 Game-fish Bait-fish and Food-fish Defined For the purposes of this act the following fish shall be designated as game-fish to wit Black bass or small mouth bass large mouth bass otherwise called Oswego or yellow bass strawberry or calico bass rock-bass otherwise known as red-eye or goggle-eye white bass crappie pike-perch otherwise called wall-eyed pike or Susquehanna salmon pike pickerel [white perch yellow perch] charr commonly called brook or speckled trout or any form of trout The following shall be called bait-fish to wit all species of minnows killifishes and stone catfish All other species or varieties of fish whatsoever shall be termed foodfish

Section 133 Fishing Devices for Game-fish It shall be unlawful to catch or fish for any game-fish or any sunfish or any white or yellow perch in any part of the Delaware River below Trenton Falls with any device or by any means or methods whatsoever excepting with rods and lines or hand-lines commonly called dipsey or throw lines each having not more than three hooks or with trolling lines with spoon or artificial bait having not more than one burr or three single hooks attached the number of rods and lines or the number of trolling lines not to exceed two of one or the other device named [and said lines must be under the direct and immediate supervision of the custodian thereof] Any person violating any provisions of this section shall on conviction thereof in the manner provided by chapter fourteen of this act be subject to a fine of twenty dollars

Section 135 Fishing Devices for Food-fish It shall be unlawful to fish for food-fish in the Delaware River below Trenton Falls with any device method or means excepting by the following devices and under regulations and restrictions hereinafter described to wit a seine a gill-net and eelpot a fyke net each without wings a parallel net or net set at the edge of low water and rods and lines or hand-lines otherwise known as dipsey or throw lines each having not more than three hooks the number of rods and lines or hand lines not to exceed three or one or the other device named Any person who shall use or employ any method or device for catching food-fish other than those named in this section or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned shall on conviction as is provided in chapter fourteen of this act be subject to a fine of twenty dollars

Section 136 Seines and Nets for Taking Sturgeons and Food-fish Season for Herring and Food-fish when Taken with Seines or Nets It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware River below Trenton Falls with any device excepting a seine or gill-net the meshes of which shall not be less than thirteen inches stretched measure while being fished or to catch and take or attempt to catch and take any other food-fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished or any gill-net the meshes of which shall be less than five and one-quarter inches stretched measure while being fished Provided That gill-nets with a mesh not smaller than three inches may be used from March first to June tenth in each year for the purpose of taking herring only It shall also be unlawful for any person to catch and take or attempt to catch and take any foodfish except sturgeon by means of a seine or gill-net between the tenth day of June in each and every year and the first day of March next ensuing Provided That suckers may be taken with a seine only from October fifteenth in each and every year to the fifteenth day of March next ensuing Any person who shall violate any of the provisions of this section shall on conviction thereof in the manner provided by chapter fourteen of this act be subject to a fine of one hundred dollars together with a forfeiture of all nets boats and appliances used

Section 137 Anchored Staked and Fastened Nets Prohibited Prohibited Places for Nets It shall be unlawful for any person to catch and take or attempt to catch and take fish of any kind from the Delaware River below Trenton Falls with a net of any character which is anchored or staked or fastened down in any manner permanently or otherwise or to use any net so anchored or fastened down in any manner Nor shall any net of any kind or character [excepting a drifting gill-net an ell net a fyke net each without wings or a parallel net for the capture of carp only] be used for the purpose of catching and taking fish in said waters within [one-

quarter] one-half of a mile above or below the mouth of any river creek or stream emptying into said Delaware River below Trenton Falls Any person who shall violate any of the provisions of this section shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of twenty dollars with the forfeiture of nets boats and other appliances used

Section 139 No Closed Season for Food-fish Taken with Lines Closed Season for Game-fish. It shall be lawful to catch food-fish with rods and lines and hand-lines and trolling lines as described in chapter four of this act at any time in the year in the Delaware River below Trenton Falls but it shall be unlawful to fish for and take game-fish excepting from the fifteenth day of June to the first day of December inclusive in each year Provided however That any charr commonly called brook or speckled trout or any form of trout may only be taken between the fifteenth day of April and the thirty-first day of July both dates inclusive in each year Any person violating any of the provisions of this section shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of ten dollars for each and every fish so taken

Section 141 Seasons for Nets and Seines Size of Mesh It shall be unlawful to use a parallel net otherwise a net set approximately parallel with the shore in the Delaware River and Bay lying between the States of New Jersey and Pennsylvania below Trenton Falls and at low-water mark between the first day of June and the thirty-first day of August in each year and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May inclusive next ensuing in each year for the purpose of taking carp only Provided That the meshes of said net be not less than three and one-half inches stretched measure when being fished Provided That seines not smaller than two and one-half inch mesh may be used from September first to May thirty-first of each year for the purpose of taking carp [and suckers] only And provided further That no such net shall be set in such manner as to impede navigation All other fish than carp [and suckers] must be returned unharmed to the water beyond the low-water mark Any person violating any of the provisions of this section shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of one hundred dollars together with a forfeiture of all nets and other appliances used

Section 142 Legal Sizes and Creel Limits of Fish Penalties (a) It shall be unlawful for any person to catch and take or attempt to catch and take from the Delaware River below Trenton Falls in any manner whatsoever any striped-bass otherwise known as rockfish weighing more than twenty pounds or measuring less than ten inches in length or any sturgeon less than five feet in length or any black bass or any small-mouth bass large-mouth bass otherwise known as Oswego or yellow bass less than nine inches in length or any pike or pickerel or any pike-perch otherwise known as wall-eyed pike or Susquehanna salmon less than twelve inches in length or any calico or strawberry bass crappie white-bass rock-bass otherwise known as red-eye or goggle-eye or trout or charr less than six inches in length Any fish of a less length than those described or any striped bass commonly called rock-fish weighing more than twenty pounds which may be caught must be returned immediately to the water Provided That nothing in this section shall be so construed as to prevent the fishery authorities of the Commonwealth of Pennsylvania or of the State of New Jersey from capturing fish of any size from said waters or at any time of the year or in any manner for propagation purposes and for stocking other waters in their respective States through their representatives Any person who shall violate any of the provisions of this [section] subsection shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of ten dollars for each and every fish so caught and had in possession

(b) It shall be unlawful to take catch kill or have in possession in any one day more than ten in all of black and Oswego bass twenty rock-bass twenty in all of calico bass and crappie bass ten pike-perch or wall-eyed pike ten pike ten pickerel or twenty trout Any person violating the provisions of this subsection shall on conviction thereof in the manner provided in chapter fourteen of this act be subject to a fine of twenty dollars for each fish so taken caught killed or possessed in excess of the number permitted by this subsection

Section 155 Closed Season for Certain Fish No person shall by any means or device whatsoever catch or kill in the Delaware River any [black bass] [or wall-eyed pike commonly known as Susquehanna salmon between the first day of January and the thirtieth day of May in any year] small mouth bass and large mouth bass between December first and June thirtieth in any year any wall-eyed pike between March second and May ninth in any year any brook brown rainbow steelhead and red throat trout between September first in each and every year and the fourteenth day of April next ensuing any pickerel between March second and April thirtieth in any year all dates inclusive nor shall catch or kill any of said species of fish at any other time during the year save with rod hook and line Any violation of this section shall on conviction as provided in chapter fourteen of this act subject the offender to a penalty of ten dollars for each fish so caught

Section 156 Legal Sizes and Creel Limits of Fish Penalties (a) No person shall catch or kill in the Delaware River any [black bass] small mouth bass and large mouth bass less than ten inches in length or wall-eyed pike less than twelve inches in length any brook brown rainbow steelhead and red throat trout less than six inches in length or any pickerel less than twelve inches in length but should any such fish be taken of a less size than the above it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken Any violation of this law shall on conviction as provided in chapter fourteen of this act subject the offender to a penalty of ten dollars and costs for each and every fish so caught and not returned to the water

(b) It shall be unlawful to take catch kill or have in possession in any one day more than fifteen in all of small mouth bass and large mouth bass fifteen wall-eyed pike twenty-five in all of brook brown rainbow steelhead and red throat trout or fifteen pickerel Any violation of this subsection shall on conviction as provided in chapter fourteen of this act subject the offender to a penalty of ten dollars and costs for each and every fish so taken caught killed or possessed in excess of the number permitted by this subsection

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1416, as follows:

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" requiring

articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the condition on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 206 Filing of Articles Certificate of Incorporation A The incorporators shall deliver or cause to be delivered to the Department of State the articles of incorporation and proof of the advertisement required by the preceding section If the Department of State finds that the articles conform to law it shall forthwith but not prior to the day specified in the advertisement required by the preceding section endorse its approval thereon and when all bonus fees and charges have been paid as required by law shall file the articles and issue to the incorporators or their representatives a certificate of incorporation to which shall be attached a copy of the approved articles The articles upon being approved and filed by the Department of State shall constitute the charter of the corporation

B If the articles of incorporation delivered to the Department of State are for the incorporation of a business corporation for the transaction of any business in which a corporation may not engage without the approval of or a license from any department board or commission of the Commonwealth the Department of State shall refer the articles to such department board or commission and shall not file the articles or issue a certificate of incorporation until the approval or consent of such department board or commission shall have been endorsed on the articles

In the case of the incorporation of a cemetery corporation for the location of a cemetery in any township of the second class the Department of State shall not file the articles or issue a certificate of incorporation until such articles shall have been endorsed with the approval of the court of quarter sessions of the county wherein the cemetery is to be located as to the necessity for such cemetery and the approval of the Department of Health as to the fact that such cemetery will not constitute a menace to any public water supply

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HARRIS. Mr. President, I move that Senate Bill No. 1460, on second reading, entitled:

An Act to provide for the nomination of candidates for public office by political parties as herein defined providing penalties and abolishing existing primary elections

be recommitted to the Committee on Elections

Mr. RODGERS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for twenty Senators voted in the affirmative and fourteen in the negative: whereupon the question was decided in the affirmative.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1493 (House Bill No. 2173), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1511, as follows:

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Industrial Home for Crippled Children located at Pittsburgh Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the purpose of maintenance to be paid acording to law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING POSTPONED FOR THE PRESENT

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 1110 (House Bill No. 2236), on second reading postponed for the present, entitled:

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant auditor certified public accountant or public accountant under a false assumed fictitious or trade name prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth and providing penalties.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1110 (House Bill No. 2236).

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in the amendment to Resolution from the Senate as follows:

STATE EMERGENCY RELIEF BOARD URGED TO CONTINUE DISTRIBUTION OF MILK

In the House of Representatives, January 28, 1935.

Whereas, Unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in the form of food and clothing vouchers or orders and

Whereas, it is of paramount importance that milk be always available to the needy particularly to the ill and to children and

Whereas, the State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly therefore be it

Resolved (if the Senate concur), by the General Assembly of the Commonwealth of Pennsylvania That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally and be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1654

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1654, entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury, regulating such trials, and conferring a jurisdiction upon the judges of the several courts in such cases.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2485

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1608

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1608, entitled:

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2512

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2512, entitled:

An Act staying legal proceedings against banks, bank and trust companies and trust companies engaged in a fiduciary business, where any such corporation has guaranteed or otherwise obligated itself to pay, in cash, the amount or value of trust assets placed with it for investment and the same have been invested in mortgages or participation in mortgages, or in pools or funds of mortgages; and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 2176

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2176, entitled:

An Act to amend section two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, page 32), entitled "An act authorizing the Department of Property and Supplies to construct, erect, and dedicate, in the city of Chester, a monument to the memory of John Morton; and making an appropriation," as amended, by reducing the amount of the state appropriation and the amount required to be raised by citizens; and reappropriating to the Department of Property and Supplies the appropriation as so reduced.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1286

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1286, entitled:

An Act to amend sections ten, twelve and fourteen of the act approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

Mr. McCLURE read in his place and presented to the Chair Senate Bill No. 1541, entitled:

An Act to further amend section one thousand four hundred and three of the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general special, or local or any parts thereof, that are or may be inconsistent therewith," by authorizing school directors to provide for one period for the admission of beginners in schools.

Which was committed to the Committee on Education.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELDER. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. CLARK. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 90, entitled:

An Act to amend section two hundred and sixty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 116, entitled:

An Act to amend section one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 910), entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class, and repealing existing acts relating thereto" by changing such compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 117, entitled:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," fixing the compensation of elected county tax assessors in cities of the third class, boroughs, towns and townships of the second class; and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 255, entitled:

An Act to amend rule Thirty-two of article twenty-five of the act, approved the ninth day of June, one thousand nine hundred and eleven (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by prohibiting the use and possession of matches, pipes and smokers' articles in certain mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 264 (House Bill No. 329), entitled:

An Act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 456, entitled:

An Act to amend section one of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1018), entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes, and the reconveyance of such property," extending provisions of said act to devisees and grantees

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 514 (House Bill No. 540), entitled:

An Act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (P. L. 559) entitled "An act to provide for the election of prothonotaries clerks recorders and registers" so far as the same relates to Cumberland County

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 562, entitled:

An Act to amend the title and the act, approved the seventh day of April, one thousand nine hundred and thirty-three (P. L. 26) entitled "An act empowering counties, cities, boroughs, towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects, and prescribing the manner of such borrowing," extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 586 (House Bill No. 252), entitled:

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" abolishing the county poll tax in counties of the second and third class and eliminating provision for the assessment and consolidation of poll taxes for voting purposes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 829 (House Bill No. 1621), entitled:

An Act to amend sections two and five of the act approved the second day of May one thousand eight hundred eighty-nine (P. L. 66) entitled "An act defining and regulating escheats in cases where property is without a lawful owner and providing for more convenient proceedings relative to the same" as amended by extending the same to funds and money estates or effects in the custody or under the control of certain United States courts fixing jurisdiction and providing proceedings relative thereto

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 838 (House Bill No. 1821), entitled:

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 889, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations associations or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries recorders of deeds and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 899, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations with or without fiduciary powers, including the conversion of National Banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees and employes of such corporations and persons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 952, entitled:

An Act to amend section three hundred and ten of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," providing an alternative method of computing unearned premium liability

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1029, entitled:

An Act to amend section four hundred ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges; and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, association and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except, at the option of the company, provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident; and further to amend the provisions relating to participation in surplus

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1033, entitled:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define noncancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1035, entitled:

An Act to amend the act approved the 17th day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulating supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," so that a new section, to be known as section four hundred and ten B (410B) is added, providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1099 (House Bill No. 2113), entitled:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1139, entitled:

An Act to amend section four hundred and twelve of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by changing the term of the township assessor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1181 (House Bill No. 926), entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi municipal corporations which levy their taxes on county assesments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1182 (House Bill No. 1035), entitled:

An Act to amend sections four seven and nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" clarifying certain service requirements of eligibility for compensation stipulating the time within which applications shall be made and rendering certain additional classes eligible to receive compensation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1200 (House Bill No. 2547), entitled:

An Act to amend section nine of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three-thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" providing for the payment of veterans' compensation to the estate of a deceased claimant if application therefor be made during the lifetime of the claimant.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1206 (House Bill No. 1692), entitled:

An Act to amend section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" limiting the time within which claims for refunds must be made.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1210 (House Bill No. 2064), entitled:

An Act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth prescribing the qualifications for admission of such persons to such school providing for the payment of certain costs by such students conferring certain powers upon the Pennsylvania State Police and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1211 (House Bill No. 2066), entitled:

An Act to further amend section six of the act approved the third day of June one thousand nine hundred nineteen (Pamphlet Laws three hundred sixty-six) entitled "An act reorganizing the Department of State Police creating therein a Bureau of Fire Protection providing for a State Police Force and defining the powers and duties of the same including the enforcement of laws relating to game fish forestry and water supply and certain others laws and including the collection of information useful for the detection of crime and the apprehension of criminals providing for the equipment maintenance and transportation of such police providing for barracks and substations therefor and prescribing penalties" by increasing and revising the personnel of the State Police Force.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1217 (House Bill No. 2293), entitled:

An Act giving the consent of the Commonwealth of Pennsylvania to the purchase by the United States of about three hundred sixty-eight acres of land in Caln Township Chester County Pennsylvania for use in the care and treatment of discharged sick and disabled soldiers or for other uses of the United States and ceding jurisdiction over such land and also providing for the retention of a concurrent jurisdiction by the Commonwealth of Pennsylvania with United States on such land for the service of legal process thereupon

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1290, entitled:

An Act to amend section five hundred eighteen of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto; and repealing existing laws," regulating the refunding of taxes where appeals are finally disposed of.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1360 (House Bill No. 1972), entitled:

An Act fixing the salary of the district attorney in counties of the seventh class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1367 (House Bill No. 1605), entitled:

An Act providing for the reimbursement by the State of counties for costs and the maintenance of prisoners imposed as the result of prosecutions under the Vehicle Code providing for the audit of the accounts of counties by the Auditor General and for the collection of amounts due from counties and for appeals by counties to the Board of Finance and Revenue and imposing powers and duties on the Auditor General and the Department of Revenue and certain duties upon counties repealing inconsistent acts and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1399, entitled:

An Act to amend section nine of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation, and repealing inconsistent legislation; and providing penalties," limiting payments to widows under the act who lived with, and were dependent on the veteran at the time of his death, except under certain circumstances and providing for the establishment of presumption of death in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1438 (House Bill No. 2210), entitled:

An Act authorizing the State Historical Commission to investigate and to report to the next Session of the Legislature upon the area boundaries and dimensions of the Brandywine Battlefield of the Revolutionary War and to accept gifts or deeds of historic objects or of land connected therewith.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1449 (House Bill No. 2653), entitled:

An Act granting permission to the Borough of Camp Hill Pennsylvania and the Borough of New Cumberland Pennsylvania to use upon payment of compensation jointly with the Commonwealth of Pennsylvania the force main and outfall sewer constructed for the Cumberland Valley State Institution for Mental Defectives in Lower Allen Township Cumberland County Pennsylvania authorizing the Department of Property and Supplies of the Commonwealth of Pennsylvania to enter into contracts for such joint use and providing for the termination of such use upon notice.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1458, entitled:

An Act to amend sections six and ten of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by requiring reports of distributors to show the county within which liquid fuels are used or delivered; and changing the method of apportioning the counties' share of such tax.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1481, entitled:

An Act providing for the credit of moneys to various funds in the State Treasury held for the payment of outstanding checks; providing for the escheat of moneys where checks are not presented within seven years; and making appropriations out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to correct errors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1486 (House Bill No. 812), entitled:

An Act making an appropriation to the Department of Military Affairs for the acquisition by purchase or condemnation of lands the payment of labor and the purchase of supplies materials and equipment to enlarge and improve the Military Reservation at Indiantown Gap and imposing certain duties upon the State Military Reservation Commission and the Department of Property and Supplies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1496 (House Bill No. 2325), entitled:

An Act providing for the assignment of the judges of the County Court of Allegheny County to sit in the courts of quarter sessions of such county and making such service optional

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1506 (House Bill No. 2745), entitled:

An Act providing for the setting apart and development for public park purposes of a part of the real property of the Commonwealth in Susquehanna Township Dauphin County occupied by the Harrisburg State Hospital.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1514, entitled:

An Act to amend section one of the act approved the third day of May, one thousand nine hundred and seventeen (P. L. 11) entitled "An act exempting free from the claims of all creditors the proceeds of certain life insurance and annuity contracts, bona fide taken out by any person, not exceeding one hundred dollars per month," by including in such exemption the full amount of any annuity or pension granted by any private corporation or employer to a retired employe.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1526, entitled:

An Act fixing the salary of the clerk to the President of the Senate.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1532, entitled:

An Act to enable city, county, poor, ward, school, borough and township tax collectors, their executors and administrators, if they are deceased, or either surety or sureties, to collect taxes for the payment of which they have become personally liable, without having collected the same, by the expiration of the authority of their respective bonds, or by the expiration of the authority of their respective warrants, or by the expiration of their terms of office, and to extend the time for the collection of the same for a period of two years from the passage of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1534, entitled:

An Act providing for the adjustment and settlement of certain legal and moral claims against the Commonwealth by the State Emergency Relief Board arising out of contracts for the slaughter of drought cattle; and making an appropriation.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1535, entitled:

An Act making an appropriation for the payment of unpaid bills insurred by the Senate committee created in one thousand nine hundred and thirty-one to investigate the Public Service Commission.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:36 P. M. until twelve o'clock noon, Wednesday, June 5, 1935.

HOUSE OF REPRESENTATIVES

TUESDAY, June 4, 1935

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Rev. Marshall L. Shepard, a member of the House, offered the following prayer:

My peace I give unto Thee
Not as the world gives it
My peace I leave with Thee

We pray Thee, O God, our Heavenly Father, that amidst the hurry and bustle of these closing days of this session, that our hearts and minds may be garrisoned and kept by the peace of God that passeth all understanding.

Bless, we pray Thee, the heads of our government. Bless the Speaker and all of the members of this House. We pray Thee that we may ever put first our duty to our fellowmen and to God.

We pray, Heavenly Father, for the health of all of the members of our families at home. May the word of our mouths and the meditation of our hearts be acceptable in Thy sight.

In His name and for His sake, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MERRELL the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk:

BLUE LAWS

A petition from citizens of Crafton Heights, Pittsburgh;

A petition from citizens of Burgettstown;

A petition from citizens of Westmont Borough, Cambria County;

A telegram from Baptists Association of Philadelphia and vicinity, protesting the passage of legislation legalizing Sunday movies.

Referred to the Committee on Law and Order.

UNEMPLOYMENT RELIEF

A communication from the Luzerne County Unemployed League, Wilkes-Barre, praying for the passage of the Workmen's Compensation Bill and a thorough investigation of the Luzerne County Emergency Relief Board.

Referred to the Luzerne County Relief Investigating Committee.

BILLS INTRODUCED AND REFERRED

By Mr. RUTH. HOUSE BILL No. 2925.

An Act to amend section four of the act approved the sixteenth day of May, one thousand nine hundred thirty-five (Act number ninety-one), entitled "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment and collection of the tax and appeals to courts, conferring powers and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards and departments; making an appropriation; and providing penalties," by changing the time of payment.

Referred to the Committee on Ways and Means.

By Mr. COHEN. HOUSE BILL No. 2926.

An Act authorizing boroughs to repay certain surcharges heretofore made against councilmen for the purchase of any fire apparatus where there was no fraud, corruption or dishonesty or profit to such councilmen, and where the borough is in possession of and uses such fire apparatus.

Referred to the Committee on Boroughs and Townships.

By Mr. RINN. HOUSE BILL No. 2927.

A Joint Resolution creating a Farm Survey Commission; defining its powers and duties; and making an appropriation.

Referred to the Committee on Agriculture.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. YOURISHIN. (Concurrent).

RESOLUTION NO. 162.

ADVOCATING RETENTION OF LABOR STANDARDS ENACTED UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

In the House of Representatives, June 3, 1935.

Whereas, The National Industrial Recovery Act, by establishing codes of fair competition, by eliminating child labor and by setting up minimum rates of wages in coded industries, had been of incalculable benefit to the people of our nation throughout the period of the operation of that Act; and

Whereas, By decision of the Supreme Court of the United States the continued operation of the National Industrial Recovery Act is declared to be no longer constitutional; and

Whereas, The highly desirable humane results attained through the National Industrial Recovery Act can and should be retained and augmented by voluntary co-opera-

tive action to that end between employers and employes within this Commonwealth. Therefore, be it

Resolved (if the Senate concur), That it is the sense of the General Assembly of Pennsylvania that the cause of social justice and the best interests of our people require the maintenance of and continuous improvement in standards of employment for all wage-earners as essential to eventual economic recovery and sustained prosperity; and be it further

Resolved, That the General Assembly urge upon our citizenry, both employers and employes, such steps as may be necessary, in good faith, to carry out the intent of this concurrent resolution; and be it further

Resolved, That the General Assembly augment the program outlined herein through the immediate passage of any and all pending legislation that will contribute to the social and economic welfare of the people of Pennsylvania.

Referred to the Committee on Labor.

By Mr. FITCH, RESOLUTION No. 163

In the House of Representatives, June 3, 1935.

Whereas, The Philadelphia County Medical Association in a meeting in Philadelphia, attended by about 75 doctors united to oppose the creation of a Chiropractic License Board and the president of said society, Dr. Seth Brumm declared that the National Chiropractic Organization had sent $50,000 into the State to get through this vicious legislation. Said statements were published in the Philadelphia Evening Bulletin, May 16th, 1935; and

Whereas, The Pennsylvania Chiropractors' Association has not at any time attempted to use money to secure passage of House Bill No. 494, has made no promises or assumed any obligations to any Members of the Legislature; has not maintained any paid lobbyists at any time; and

Whereas, In the physicians magazine, called the "Weekly Roster and Medical Digest" issue of May 25th, 1935, Volume 30, No. 39, there appeared an article filled with many misstatements of fact, the most damaging of which is as follows: "The Chiropractics deluged these Legislators with printed cards, letters and telegrams and possibly something more substantial;" and

Whereas, The statements made by Dr. Seth Brumm and Dr. Samuel Horton Brown, editor of "The Weekly Roster and Medical Digest" are a reflection upon the honorable Members of this House and a reflection upon those Members who believe in the inherent rights of the people to have a doctor of their choice; therefore be it

Resolved, That the House of Representatives ask Dr. Seth Brumm and Dr. Samuel Horton Brown to submit proof of these statements or publicly apologize to the Members of this House.

Referred to the Committee on Education.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. WILLIAM G. SMITH. Mr. Speaker, I move that the message of the Senate together with House Bill No. 2270, which were laid upon the table be taken from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2270.

An Act to further amend section three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1530) entitled "An act relating to the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir providing for the acquisition of necessary lands therefor and the necessary agreements and releases relating thereto and the disposition of surplus land and materials" conferring additional powers and duties on the Water and Power Resources Board.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 3, page 3, line 22 by striking out after the word "into" the words "The Forests and Waters Fund" and inserting in lieu thereof "the General Fund of the Commonwealth."

On the question,

Will the House concur in the amendment made by the Senate?

Mr. WILLIAM G. SMITH. Mr. Speaker, I move that the House do non-concur in the amendment made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 804.

An Act to further amend section six hundred and fourteen of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duies upon the Department of Revenue, and the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases; and imposing duties upon clerks of the courts.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1935.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvenes Monday evening, June 10, 1935 at 9 o'clock, Eastern Standard Time and when the House of Representatives adjourns this week it reconvenes on Monday evening, June 10, 1935, at 9 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the questioon,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 817

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 817, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 662) entitled "An act relating to retirement from the Pennsylvania National Guard" by including service in United States Navy or Marine Corps in preferred classifications and providing further for retirements and the rights of retired persons

And has appointed Messrs. BENNETT, MALLERY and J. ALBERT REED a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 965.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery located at Boalsburg Centre County Pennsylvania

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 89.

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works.

HOUSE BILL No. 665.

An Act to amend clause twenty-five as amended and renumbered Clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund heretofore payable to the State School Fund and certain other receipts to said fund.

HOUSE BILL No. 1024.

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 409) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads."

HOUSE BILL No. 1078.

An Act relating to judgments by agreement.

HOUSE BILL No. 1130.

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts.

HOUSE BILL No. 861.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (P. L. 1808) entitled "An act fixing the time when statutory law hereafter enacted shall become effective.

HOUSE BILL No. 1555.

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the

Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds.

HOUSE BILL No. 2044.

An Act to amend the act approved the twenty-third day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter session" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made

HOUSE BILL No. 2049.

An Act to amend section one of act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred seventy-seven) entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside municipalities under certain conditions.

HOUSE BILL No. 2050.

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said act to highways in cities" as amended

HOUSE BILL No. 2203.

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

HOUSE BILL No. 2205.

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers

HOUSE BILL No. 2380.

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and whcih have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government.

HOUSE BILL No. 894.

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1237) entitled"An act affecting martial relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions.

HOUSE BILL No. 2167.

An Act to further amend section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

HOUSE BILL No. 1716.

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the officers of school districts to join with or aid any individual or association in the maintenance or the establishment and maintenance of a public library although a school library exists

With the information that the Senate has passed the same without amendment.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I thought that I might conserve the time of the members of the House while the Speaker was in conference and nothing particular was under consideration to make a short statement to the House. I am glad and I appreciate and I wish to thank the gentleman from Washington Mr. Brown, for granting me the opportunity to make this statement. I, however, do not want you to think that this is in any way facetious. I believe that we are all tremendously interested and I think that the most important question before this Legislature during this entire Session has been the financial question. I think that every member of this House is interested to know what is going to happen as far as the finances of the State are concerned in the next three weeks of this Session, and what is the financial picture at the present time. For the last month at least we have been rather busily engaged in work on the general appropriation bill and on other appropriations. It was not until yesterday morning that I felt we could get the first picture of the situation as it exists. Therefore, I am going to ask your indulgence to let me read you this statement which is rather full of figures but which I trust you can follow as we go along.

The Governor, in his budget message presented in February of the year, recommended new revenues of $203,267,260 for the purpose of balancing the budget for the biennium ending May 31, 1937. Subsequently a tax program was introduced in the House which it was estimated by the Administration would raise approximately $213,000,000.

This program with one or two exceptions was passed by the House and sent to the Senate.

After a number of conferences on the part of the Governor and the Republicans of the Senate, it was agreed to enact legislation to raise $120,000,000 in new taxes, the receipts for the first year to be applied to unemployment relief.

The Governor has now informed the Senate that in addition to the 120,000,000 already agreed upon, the additional sum of $56,000,000 will have to be secured during the first year of the biennium, and therefore additional taxes will have to be levied.

In his budget message the Executive estimated the ordinary revenues from existing measures to produce $128,388,995. The receipts from the General Fund from the biennium just clolsed amounted to $186,000,000. This included $25,000,000 of money received from a bond issue, and $9,000,000 repaid the State by the Delaware River Bridge Commission. If this be deducted from the $186,000,000 received, the balance is $152,000,000 which is about $1,000,000 less than the amount set forth in the budget message as the anticipated revenue for the biennium.

It has been stated by the State Treasurer that the Governor's estimate of $128,000,000 plus, for the biennium of 1953-1937 is $20,000,000 less than the amount which may fairly be expected to be received.

In view of the fact that the revenue for the past biennium was $152,000,000 after making the above deductions, it may safely be figured that the revenues for the coming biennium from comparative sources with the last biennium, should reach the total of $150,000,000 in spite of the fact that in the last biennium the State received large payment from the Dorrance estate.

Corporate income have been on the increase and prices of stocks and bonds have advanced from twenty-five to fifty percent in recent months with every expectation that this advance will at least be held. This will have an effect upon the tax returns to the State, both from corporations and from estates, which should make up the difference occasioned by the receipt of so unusual an amount as the said tax in the Dorrance estate.

If we accept the estimate of $148,388,995 and add to this the $120,000,000 of new taxes, the Governor's estimate of $10,000,000 from the Liquor Store profits, $3,000,000 yet due from the Dorrance estate, and $11,000,000 of uncollected liquor floor tax, the total estimated revenues in the General Fund for the next biennium will be $292,388,995.

The total appropriation liability to which the General Fund revenues would be applied amounts to $297,746,869.44, including the General Appropriation Bill as sent to the Senate, unemployment relief, unpaid General Appropriation liabilities of 1933-1935, the Department Deficiency Bill, the return of monies borrowed from Special Funds, Old Age Assistance, Pensions for the Blind, Mothers' Assistance, State-aided Hospitals, State-aided Homes, Universities and Colleges, educational institutions, and for the care of the insane, the incorrigible and other items including the amount necessary for the Constitutional Convention.

This would leave an excess of disbursements over revenues of $5,357,874.22.

If we assume the revenues for the next biennium will reach $150,000,000, there should be deducted from the above amount $1,611,005, leaving a balance of $3,746,869.44.

At this time, before the General Appropriation Bill has passed the Senate and before it is possible to determine the exact amount that will have to be added to the above figures by reason of the appropriation items that are not included in the above statement but which may become liabilities if certain Bills are passed, it is safe to assume that the total difference between the disbursements and revenues will be about $5,000,000.

This amount, to wit, $5,000,000 is far below the demand of the Governor for the $56,000,000 of additional revenue.

The following is a recapitulation of the above figures:

Revenues as estimated by the Governor	$128,388,995	
Which we claim is underestimated by	20,000,000	$148,388,995
Uncollected Liquor Floor Tax		11,000,000
Due from the Dorrance Estate—Inheritance Tax		3,000,000
Estimated Liquor Store Profits (Governor's)		10,000,000
Estimated New Taxes for 1935-1936		60,000,000
Estimated New Taxes for 1936-1937		60,000,000
Total Estimated Revenues		$292,388,995
Total Disbursements as per financial report		$297,746,869.44
Total estimated Revenues		292,388,995.00
Excess of Disbursements over Revenue		$ 5,357,874.44
Deduct, if estimated revenues be raised to $5,000,000		1,611,005.00
Amount of additional revenue needed		$ 3,746,869.44

If all obligations are to be met promptly, the State will have unusual expenditures to meet during the first year of the biennium. Were the State like an ordinary business, or even like a municipality where it could borrow money to tide it over temporarily, it would be possible, with the addition of a small increase in taxes above the $120,000,000 already agreed upon, to balance the budget and meet all obligations during the next biennium.

During the first year of the biennium the State will have to pay unpaid General Fund Appropriation liabilities from the last biennium amounting to $10,620,000. Also the sum of $5,941,121.20, being the amount of Departmental deficiencies. By December 1st, 1935, at least a portion of certain monies borrowed from Special Funds amounting to $23,043,000, will have to be returned, making a total of $39,604,121.20. All these items are included in the total appropriation liabilities as above set forth and can be met from the contemplated revenues for the biennium 1935-1937. But all of this amount will not have to be met during the first year of the biennium as the State will be able to shift the payment of much of this as it has done during the last two years when it was short of ready cash.

The problem is therefore (1) to determine how much this item can be scaled down (2) whether some scheme may not be devised to produce greater returns during the first year than now anticipated and (3) failing these, to increase the revenue during the first year by additional taxes which may be dropped at the end of that period.

This does not appear to be an unsurmountable task if there can be cooperation between all parties.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 105.

An Act empowering private corporations hereafter formed and municipalities to establish operate and maintain foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress of the United States and prescribing the powers and duties of such corporations and municipalities in connection therewith

SENATE BILL No. 453.

An Act to repeal the act approved the fifth day of April one thousand eight hundred and sixty-two (P. L. 270) entitled "An act relating to the commencement of actions in Chester County"

SENATE BILL No. 1039.

An Act relating to counties of the first class defining deceased service persons providing for contributions by the county to the funeral expenses for such persons and their widows providing for the erection and care of markers headstones and flags and for the compilation of war records

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Roan asked and obtained leave of absence for Mr. MASON for the remainder of the week on account of illness.

Mr. Ferko asked and obtained leave of absence for Mr. ROBERT BOYD.

REPORTS FROM COMMITTEES

Mr. ROBINSON from the Committee on State Government reported as amended, House Bill No. 2514, entitled:

An Act creating the Commonwealth institutions authority; providing for its powers and duties; authorizing it to acquire hold and develop lands used or useful for or in connection with arsenals, armories, military reservations, airports, landing fields, hospitals, normal schools, teachers' colleges and penal or correctional institutions and related projects; authorizing it to construct buildings or improvements on such lands and to reconstruct, improve, alter, extend and maintain and to lease the same and to fix and collect fees, rentals and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the authority lands of the Commonwealth and interests therein and to acquire lands therefor.

Miss BRANCATO from the Committee on Cities reported as amended, House Bill No. 2628, entitled:

An Act providing that in cities of the first class, all pension funds of police, firemen and municipal employes shall be administered by a board composed of the mayor, city solicitor and treasurer of such cities.

Mr. MALE from the Committee on Appropriations reported as committed, House Bill No. 2708, entitled:

An Act making an appropriation to the Auditor General, State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

Mr. FLANAGAN from the Committee on Appropriations reported as committed, House Bill No. 1805, entitled:

An Act making an appropriation to aid certain school districts.

Mr. OMINSKY from the Committee on Judiciary General reported as committed, House Bill No. 2504, entitled:

An Act relating to the licensing of motor vehicles; prohibiting certain practices, and imposing a penalty.

Mr. BROWNFIELD from the Committee on Ways and Means reported as committed, House Bill No. 895, entitled:

An Act to amend section eight hundred and one, clause (a) of section eight hundred and two, and the last paragraph of section one thousand one hundred and five as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and

imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the reopening of tax settlements by the Department of Revenue under certain circumstances.

Mr. McDERMOTT from the Committee on Constitutional Amendments reported as committed, House Bill No. 2510, entitled:

A Joint Resolution proposing an amendment to section one, article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Mr. PETERS from the Committee on Ways and Means reported as committed, House Bill No. 2124, entitled:

An Act to amend section twenty-one as amended and section twenty-two of the act aproved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions establishing a State Athletic Commission, making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for the collection of taxes on tickets of admission; including reduced rate and complimentary tickets; and permitting tickets to be given away or sold at a reduced price.

Mr. SOWERS from the Committee on Ways and Means reported as committed, House Bill No. 2665, entitled:

An Act to repeal the act approved the ninth day of July one thousand nine hundred nineteen (P. L. 794), entitled "An act providing that estates in buildings, ground, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," as amended.

Mr. O'KEEFE from the Committee on Counties reported as amended, House Bill No. 2077 (Senate Bill No. 222), entitled:

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revision of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties.

Mr. LOVETT from the Committee on Forestry, reported as committed, House Bill No. 2787 (Senate Bill No. 563), entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation.

Mr. LaRUE from the Committee on Fisheries reported as committed, House Bill No. 2889 (Senate Bill No. 1316), entitled:

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens fees for use of pound nets.

Mr. HOMER S. BROWN from the Committee on Appropriations reported as committed, House Bill No. 1162 (Senate Bill No. 114), entitled:

An Act making an appropriation to the Trustees of Lincoln University Chester County.

Mr. SIMON from the Committee on Ways and Means re-reported as committed, House Bill No. 2635, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (Pamphlet Laws two hundred ninety-two) entitled "An act to provide revenue by taxation" by changing the method of determining the value of the shares of stock of banks and savings institutions.

Mr. ZAPPALA from the Committee on Judiciary General re-reported as amended, House Bill No. 2213, entitled:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto.

Mr. JOHN J. BAKER from the Committee on Appropriations reported as committed, House Bill No. 2527, entitled:

An Act providing for special vocational trade industrial and commercial schools and classes in cooperation with school districts and employment re-employment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Mr. GREENSTEIN from the Committee on Ways and Means re-reported as committed, House Bill No. 1341, entitled:

An Act imposing a State tax upon certain butter substitutes providing for the collection thereof requiring distributors to be registered imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture and prescribing penalties.

Mr. ROAN from the Committee on Ways and Means re-reported as committed, House Bill No. 1911, entitled:

An Act permitting licensing regulating and controlling horse racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon and making an appropriation.

Mr. WEIDEMANN from the Committee on Ways and Means re-reported as committed, House Bill No. 6, entitled:

An Act to amend section twenty-one of the act approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death

and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," limiting the compensation of registers of wills in the collection of transfer inheritance taxes.

Mr. CORDIER from the Committee on Ways and Means re-reported as committed, House Bill No. 237, entitled:

An Act to provide unemployment relief in the present emergency provide for funds for old age assistance providing for and legalizing lotteries to raise approximately one hundred million dollars ($100,000,000) for such purpose creating a committee to conduct such lotteries conferring powers and imposing duties on certain State officers departments and agencies making an appropriation to the Department of Welfare for the old age assistance and prescribing the powers and duties of the board with reference thereto

Mr. McDERMOTT from the Committee on Counties reported as amended, House Bill No. 1373, entitled:

An Act relating to local taxation establishing a centralized system in counties of the second classes for the collection of all county borough town township and certain school and poor taxes except in certain cases through the county treasurer as county tax collector defining the powers and towns townships and school and poor districts regulating duties of the county tax collector and of counties boroughs date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws.

Mr. BROWNFIELD from the Committee on Constitutional Amendments reported as committed, House Resolution No. 161.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2708, entitled

An Act making an appropriation to the Auditor General, State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1805, entitled

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2504, entitled

An Act relating to the licensing of motor vehicles; prohibiting certain practices, and imposing a penalty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 895, entitled

An Act to amend section eight hundred and one, clause (a) of section eight hundred and two, and the last paragraph of section one thousand one hundred and five as amended, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all pubilc officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the re-opening of tax settlements by the Department of Revenue under certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2510, entitled

A Joint Resolution proposing an amendment to section one, article fourteen of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2124, entitled

An Act to amend section twenty-one as amended and section twenty-two of the act approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions, establishing a State Athletic Commission, making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for the collection of taxes on tickets of admission; including reduced rate and complimentary tickets; and permitting tickets to be given away or sold at a reduced price.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2665, entitled

An Act to repeal the act approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws, seven hundred ninety-four), entitled "An act providing that estates in buildings, ground, books, curios, pictures, statuary and other works of art, passing by will to any municipality, corporation, or unincorporated body, for free exhibition within Pennsylvania, shall not be subject to collateral inheritance tax, and, in certain instances, the date when such tax shall become due," as amended.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2787, (Senate Bill No. 563), entitled

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2889, (Senate Bill No. 1316), entitled

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens fees for use of pound nets.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1162, (Senate Bill No. 114), entitled

An Act making an appropriation to the Trustees of Lincoln University Chester County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION 135

Miss BRANCATO. Mr. Speaker, I desire at this time to call up Resolution No. 135, Printer's No. 827.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, April 18, 1935.

Whereas, The President of the United States shall have the administration of Four Billion Eight Hundred Million Dollars ($4,800,000,000), for the purpose of erecting certain public structures and improvements as a means of alleviating unemployment, and

Whereas, In the City of Philadelphia, there are many crowded areas in which the children have no means of playing except upon the streets and in the alleys, and

Whereas, It is agreed by all that part of the public works program shall include the elimination of slums. It is suggested that as a part of that program, the establishment of play-grounds in these various areas be undertaken; therefore be it

Resolved, That the Mayor and Council of the City of Philadelphia petition the President to allocate a portion of the Four Billion, Eight Hundred Million Dollars, ($4,800,000,000), for the purpose of establishment of play-grounds in the crowded and congested districts of the City of Philadelphia; and be it further

Resolved, That the Chief Clerk of the House of Representatives send a copy of this Resolution to the Mayor and Council of the City of Philadelphia.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2683, entitled:

An Act to amend the act approved the twentieth day of December 1933-34 (P. L. 89) entitled "An act appropriating the moneys in The State Stores Fund" by making the moneys in The State Stores Fund available to the Department of Public Instruction for the conduct of civil service examinations for the payment of refunds and for the reimbursement of the General Fund for certain services rendered or supplied by certain departments providing for the transfer of certain profits of The State Stores Fund to the General Fund and repealing inconsistent legislation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 272, entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing penalties for violations thereof

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand thirty-five) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be the duty of any magistrate alderman justice of the peace or any other person authorized to take acknowledgments and administer oaths to perform such service for any soldier widow or orphan of a soldier or soldier's parents who may apply to them for the purpose of making affidavit to papers for the purpose of obtaining pensions and all other papers connected with and referring to the military service of any ex-service person free of charge therefor other person authorized to take acknowledgments and administer oaths violating the provisions of this act shall

upon conviction thereof in a summary proceeding be sentenced to pay a fine of ten ($10) dollars and costs and in default of payment of such fine and costs shall be committed to the county jail for a period not to exceed five days

On the question,

Will the House agree to the section?

Mr. MURRIN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 2, by striking out the word "other" and insert in lieu thereof "any"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as provided penalties for violations thereof

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1587, as follows:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one hundred eighty thousand dollars ($180,000) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Welfare for the two fiscal years commencing the first day of June one thousand nine hundred thirty-five for payment of the cost of the administration of the laws of the Commonwealth relating to mothers' assistance pensions for the blind and old age assistance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1031, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoemanettes and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

The first second and third sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs to be used during the fiscal biennium beginning June first one thousand nine hundred and thirty-five for paying gratuities for the children between the ages of sixteen and twenty-one years of soldiers sailors marines female field clerks yoemen (female) or members of the enlisted nurse corps of the United States who were killed in action or died from other cause during the World War between the sixth day of April one thousand nine hundred and seventeen and the second day of July one thousand nine hundred and twenty-one Such children must have lived in the Commonwealth of Pennsylvania for five years immediately preceding the date upon which the application is filed

Section 2 Gratuities shall be paid out of the appropriation made by this act for the account of such children as shall be certified by the State Veterans' Commission as coming within the class described in section one of this act and as attending any State or State-aided educational or training institution of a secondary or college grade or other institution of higher education within this Commonwealth Payments not to exceed the sum of two hundred dollars ($200) per school year per child shall be made to such institutions upon the submission by such institutions if proof that bills have been incurred or contracted for matriculation fees and other necessary fees tuition board room rent books and supplies for such children in a definite amount for the current school year Such proof shall be submitted to the State Veterans' Commission which shall attach the same to the requisitions prepared for payments out of the appropriation made by this act

Where a child within the class described is completing an educational or training course and before completing the course the child arrives at the age of twenty-one years it shall be lawful for the gratuity to be paid until the course is completed Provided however That gratuities may not be paid for any child for a longer period than four scholastic years

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

The title was read as follows:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yoemanettes and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

On the question,

Will the House agree to the title?

Mr. SIMPSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title of act as follows: Page 1, at the end of line 3, the word "yoeman-" and at the beginning of line 4, the letters "ettes" and insert in lieu thereof, the words "yoeman (female)"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 928, as follows:

An Act to amend section seven hundred twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended exempting the Sons of Veterans Reserve from the payment of fees for registration and certificates of title of motor vehicles owned and used by them

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred twenty-two of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfetures fees and miscellaneous receipts making an appropriation and providing for refunds" which was amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-seven) is hereby further amended to read as follows

Section 7022 Exemptions from Feees

(a) No fee shall be charged for a certificate of title or registration of motor vehicles trailers and semi-trailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) any city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force hospital humane society or anti-cruelty society in this Commonwealth (f) by the American Red Cross (g) by churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or United Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux or the Sons of Veterans Reserve (l) mine industrial ambulances (m) ambassadors ministers consular representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semi-trailers

(b) No fee shall be required when a certificate or assigned certificate of title is returned to the department for cancellation

(c) No fee shall be charged for replacement or substitution of registration card registration plates operator's license card learner's permit card or certificate of title when satisfactory proof is furnished the secretary of loss of same in the mails

(d) No fee shall be charged for certified copies or certified photostatic copies of any department record furnished to Federal State county or municipal authorities

(e) No fee shall be charged for special hauling permits issued to the Commonwealth of Pennsylvania any city borough incorporated town township county poor or school district of this Commonwealth

(f) No fee shall be charged for transfer of registration for the succeeding year when such transfer has been received and completed by the department prior to January first of such succeeding year

(g) No fee shall be charged for a certificate of junk issued to any person

(h) No fee shall be charged a manufacturer jobber or dealer for a certificate of title to a motor vehicle when assignment of certificate of title accompanies the application for certificate of title

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2470, as follows:

An Act to amend the title and to further amend clauses (a) and (f) of section six of the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" by changing the method of collecting and disbursing fees received or collected for examination of voting machines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-nine) entitled "An act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of

the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act" is hereby amended to read as follows

An Act to permit the use of voting machines for recording and computing the vote at all elections including primaries in any county city borough or township of the Commonwealth at the option of the electors thereof prescribing regulations with reference to the adoption requirements examination purchase installation preparation custody and demonstration of use of voting machines providing rules and regulations for the conduct of elections held with voting machines prescribing the qualifications number and duties of election officers in election districts in which voting machines may be used placing duties upon county commissioners and the Secretary of the Commonwealth providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used and providing penalties for violation of the provisions of this act and making an appropriation

Section 2 That clause (a) of section six of said act as amended by the act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws one thousand one hundred eighty-five) is hereby further amended to read as follows

(a) Any person or corporation owning manufacturing or selling or being interested in the manufacture or sale of any voting machine may request the Secretary of the Commonwealth to examine the machine Any ten or more persons being qualified electors of this Commonwealth may at any time request the Secretary of the Commonwealth to reexamine any voting machine theretofore examined and approved by him Before any such examination or reexamination the person persons or corporation requesting such examination or reexamination shall pay to the [treasurer] Secretary of the Commonwealth an examination fee of four hundred and fifty dollars ($450) The Secretary of the Commonwealth may at any time in his discretion reexamine any voting machine All fees received or collected by the Secretary of the Commonwealth under the provisions of this clause shall be paid by him into the General Fund of the State Treasury through the Department of Revenue and shall be credited to the current biennial maintenance appropriation to the Department of State and shall be available and is hereby appropriated for the same purposes for which such appropriation is available

Section 3 That clause (f) of section six of said act as amended by the act approved the twenty-third day of June one thousand nine hundred thirty-one (Pamphlet Laws one thousand one hundred eighty-five) is hereby further amended to read as follows

(f) Each examiner appointed hereunder shall receive a compensation of one hundred fifty dollars ($150) for each different type of voting machine examined by him which shall be paid out of any moneys received as fees for the examination of voting machines in the manner provided by law

Section 4 This act shall become effective upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2026, entitled:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any person corporation or copartnership during the years one thousand nine hundred nineteen one thousand nine hundred twenty-one one thousand nine hundred twenty-two one thousand nine hundred twenty-three one thousand nine hundred twenty-four one thousand nine hundred twenty-five one thousand nine hundred twenty-six and one thousand nine hundred twenty-seven paid to the Commissioner of Banking and thus into the State Treasury the license fee of fifty dollars ($50.00) per annum required by the act of July seventeenth one thousand nine hundred nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" and its amendments the Board of Finance and Revenue upon due proof that such money has been paid to the Commonwealth of which the books of the Secretary of Banking shall be evidence shall repay to every such person corporation or copartnership the moneys which have been paid by said licensees

On the question,

Will the House agree to the section?

Mr. COOLAHAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk, as follows:

Amend sec. 1, page 1, line 5, by inserting after the word "nineteen" the following: "one thousand nine hundred twenty"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections and the title were separately read and agreed to as follows:

Section 2 When the books of the Secretary of Banking shall show to the satisfaction of the said Board of Finance and Revenue upon a hearing duly had that such money was paid into the State Treasury in the manner above mentioned the Board of Finance and Revenue shall settle an account in the manner now provided for the settlement of accounts and shall thereupon draw their warrant on the State Treasurer in favor of every such person corporation or copartnership who shall have been shown to have paid in such money

Section 3 For the purpose of refunding said moneys the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated for the purpose of such refund

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred

and nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2278, entitled:

An Act to Provide for Sexual Sterilization of Mental Defectives Providing circumstances under which sterilization of certain types of individuals may be performed without civil or criminal liability on the physician or surgeon performing such operation and providing penalties

Whereas The State now has in custody and is supporting at great expense many mentally deficient persons who when discharged are likely by the propagation of their kind to increase the social and economic burden and who if incapable of propagating might be discharged or paroled and thereby lessen the economic burdens of the State and

Whereas The Welfare of society and the health and personal liberty of the individual may be promoted in certain cases by the sterilization of mental defectives under careful safeguards and by competent and conscientious authority and

Whereas Such sterilization may be effected in males by vasectomy and in females by salpingectomy both of which operations may be performed without serious pain or substantial danger to the life of the patient and

Whereas Human experience has demonstrated that heredity plays an important part in the transmission of idiocy imbecility and mental deficiency now therefore

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it is hereby declared to be the policy of this Commonwealth to promote the public welfare by preventing procreation of idiots imbeciles and feeble-minded persons in cases where the individual welfare of such idiots imbeciles and feeble-minded persons likely to procreate may be improved by selective sexual sterilization

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BARBER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1591, as follows:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of three million two hundred fifty thousand dollars ($3,250,000) or so much thereof as may be necessary is hereby appropriated out of the General Fund to the Department of Welfare for the biennium ending the thirty-first day of May one thousand nine hundred thirty-seven for the payment of Pensions for the Blind in the manner provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 805, as follows:

An Act making an appropriation to the Trustees of Pennsylvania Military College Chester Pennsylvania for the training and education of students

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty thousand dollars ($60,000) is hereby specifically appropriated to the Trustees of the Pennsylvania Military College Chester Pennsylvania for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the training and education of such students as may be admitted to such college in accordance with this act twenty thousand dollars ($20,000) of said appropriation shall be paid during the fiscal year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and forty thousand dollars ($40,000) during the fiscal year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven For the school year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six seventeen students shall be appointed to said college to be selected by competitive examination to be conducted in such manner as said college may provide from among candidates nominated by State Senators each Senator to be notified by said college of the time and place of such examination and to have the privilege of appointing one candidate for examination For the school year one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven seventeen students shall likewise be appointed after competitive examination on nomination of State Senators

The Governor of the Commonwealth shall also for each of said school years appoint three students to said college

Each candidate for examination shall in addition to a scholastic examination undergo a thorough physical examination and every student appointed to the college under the provisions of this act shall be required to enter into an agreement with the Adjutant General on behalf of the Commonwealth to serve an enlistment in the Pennsylvania National Guard for a period of five years and in default of such service in the National Guard to be liable to the Commonwealth for the sum expended under this or any other law appropriating moneys to said college for the education of students selected by competitive examination or admitted by appointment of the Governor

Payments from said appropriation shall be made by requisition of the Department of Public Instruction from time to time upon bills rendered by the Pennsylvania Military College and approved by the Department of Public Instruction

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2423, as follows:

An Act to amend section one of the act approved the seventeenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred and twenty-seven) entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit without the necessity of entering liens for such claims and repealing existing laws" by extending the right of action conferred thereby to the assignees of cities boroughs incorporated towns and first class townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventeenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred and twenty-seven) entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit without the necessity of entering liens for such claims and repealing existing laws" is hereby amended to read as follows

Section 1 In addition to the remedies provided by law for the filing of liens for the collection of municipal claims all cities boroughs incorporated towns and first class townships or the assignees of such cities boroughs incorporated towns and first class townships may proceed for the recovery and collection of municipal claims by action of assumpsit against the person or persons who were the owner or owners of the property at the time of the completion of the improvement notwithstanding the fact that there was a failure on the part of any such city borough town or township or its agents to enter any such municipal claim as a lien against the property assessed for the improvement and for the recovery of which the action of assumpsit was brought Any such action in assumpsit shall be commenced within three years after the completion of the improvement from which said claim arises

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1895 as follows

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five million dollars ($5,000,000) is hereby specifically appropriated for the two fiscal years beginning the first day of June one thousand nine hundred thirty-five for the purpose of carrying into effect the provisions of the act approved the tenth day of July one housand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended

Section 2 Upon the approval of this act the State Treasurer after setting aside a portion for the counties not organized under the Mothers' Assistance System as provided by Section five of this Act shall divide the balance into two equal parts

The one part hereinafter referred to as the second part shall be held intact for distribution on and after the first day of June one thousand nine hundred and thirty-six in the manner hereinafter provided

The other part shall upon the approval of this act be distributed among the several counties organized under the Mothers' Assistance System according to a budget for each county prepared by the Secretary of Welfare after taking into consideration the following basis of distribution

(1) The number of families receiving assistance on the thirty-first day of May one thousand nine hundred and thirty-four (2) in addition provisions for other eligible families which could not be aided from the fund available for the past biennium

The apportionment to each county shall be based upon the average grant per family prevailing in such county during the year ending the thirty-first day of May one thousand nine hundred and thirty-four

Section 3 On the first day of June one thousand nine hundred and thirty-six the State Treasurer shall set aside out of the second part of each county organized at the beginning of the biennium under the Mothers' Assistance System a sum equal to that apportioned to it under the preceding section by the Secretary of Welfare provided the amount so set aside to any county together with the unexpended balance of the amount apportioned to the county during the first year shall constitute the State's assistance during the second year to such county

Section 4 No county shall receive its allotment of the State appropriation available for any year under the method of distribution provided by this act unless such county has accepted the provisions of the act approved the tenth day of July one thousand nine hundred and nineteen (Pamphlet Laws eight hundred ninety-three) as amended and has placed at the disposal of the board of trustees a sum equal to the amount availabe from the State appropriation for such year No county shall receive any sum from the State under sections two and three of this act unless such county shall appropriate a like sum for the same purpose

Section 5 Out of the amount hereinbefore appropriated there shall be set apart for the counties not organized under the Mothers' Assistance System on the first day of June one thousand nine hundred and thirty-four a sum equal to the amount that would be their allocation if the amount available for Mothers' Assistance were allocated to counties on the basis of population The amount thus allocated to any unorganized county shall be divided by the State Treasurer into two equal parts and one such part shall be available for each fiscal year of the biennium Any unorganized county organizing during the first or second fiscal year of the biennium shall be required to match only such portion as would have been available for the months of the year or fiscal period remaining after such acceptance had such county been organized at the beginning of the fiscal period

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 564 as follows

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty-eight thousand dollars ($68,000) or so much thereof as may be necessary is hereby specifically appropriated to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries for the two fiscal years beginning June first one thousand nine hundred and thirty-five for the payment of the salaries or other compensation of such secretary statistician captains pilots engineers clerks stenographer harbor masters messengers firemen deckhands and cooks required for the proper conduct of the work of the commissioners including the operation of a steam tender for the cost of repairs maintenance supplies fuel insurance oil and equipment of such steam tender and for the payment of the rent and care of the offices stationery telephone services subscription to Maritime Exchange books charts and official and incidental expenses of the commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2875, as follows:

An Act to amend section two of the act aproved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred ten) entitled "A supplement to the act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred twenty-eight) entitled 'An act relating to domestic animals defining domestic animals so as to include poultry providing methods of improving the quality thereof and of preventing controlling and eradicating diseases thereof imposing certain duties upon practitioners of veterinary medicine in Pennsylvania regulating the manufacture use and sale of tuberculin mallein and other biological products for use with domestic animals defining the powers and duties of the State Livestock Sanitary Board and the officers and employes thereof fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act' regulating the bringing and importation of cattle sheep goats swine poultry and wild and semi-wild animals into the Commonwealth" providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred ten) entitled "A supplement to the act approved the twenty-second day of July one thousand nine hundred and thirteen (Pamphlet Laws nine hundred twenty-eight) entitled 'An act relating to domestic animals defining domestic animals so as to include poultry providing methods of improving the quality thereof and of preventing controlling and eradicating diseases thereof imposing certain duties upon practitioners of veterinary medicine in Pennsylvania regulating the manufacture use and sale of tuberculin mallein and other biological products for use with domestic animals defining the powers and duties of the State Livestock Sanitary Board and the officers and employes thereof fixing the compensation of the Deputy State Veterinarian and providing penalties for the violation of this act' regulating the bringing and importation of cattle sheep goats swine poultry and wild and semi-wild animals into the Commonwealth" is hereby amended to read as follows

Section 2 Cattle No bovine animal commonly called cattle shall be brought into the Commonwealth except in accordance with the provisions of this section and the rules and regulations adopted and promulgated by the Department of Agriculture by authority of this Act

(a) Cattle coming from areas designated by the proper Federal and State livestock sanitary officials as modified tuberculosis free accredited areas or coming from herds designated by said officials as tuberculosis free accredited herds may be brought into the Commonwealth without being subjected to an additional tuberculin test prior to entry if said cattle are apparently healthy and have been tuberculin tested within fifteen months and are accompanied by a health certificate and tuberculin test chart approved by the proper livestock sanitary official of the State from which the said cattle are brought An approved copy of the tuberculin test chart shall be forwarded so as to reach the office of the Department of Agriculture at Harrisburg before arrival of the cattle at destination

(b) Cattle coming out of a heard wherein the entire herd has passed a negative tuberculin test in process of accreditation under the accredited herd plan or modified area plan within six months of entry may be brought into the Commonwealth without additional tuberculin test prior to entry if they are accompanied by a certificate of health and tuberculin test chart approved by the proper livestock official of the State from which the cattle are brought certifying that the entire herd passed a negative test within six months A copy of health certificate and tuberculin test chart shall be forwarded so as to reach the Department of Agriculture at Harrisburg before arrival of cattle at destination If the entire herd shall have passed a negative test prior to six months of date of entry the cattle to be brought in must be retested immediately prior to entry and accompanied by a health certificate and tuberculin test chart approved by the proper livestock official of the State from which the cattle are brought and a copy forwarded as aforesaid

(c) Dairy cattle and cattle that may be used for breeding which do not come within the provisions of clause (a) or clause (b) of this section may be brought into the Commonwealth if they are apparently healthy and are accompanied by a health certificate and tuberculin test chart approved by the proper livestock sanitary official of the State from which the cattle are brought showing that the cattle were tuberculin tested and passed immediately prior to their entry into the Commonwealth An approved copy of the certificate and tuberculin test chart shall be forwarded so as to reach the office of the Department of Agriculture at Harrisburg before arrival of cattle at destination or the aforesaid classes of cattle if apparently healthy may be brought into the Commonwealth without certificate of health and tuberculin test chart providing they are billed to or through the public stockyards at Pittsburgh or Lancaster where they shall be examined and tuberculin tested without a charge for the examining and testing Stockyards companies shall provide clean and disinfected quarters for the cattle while undergoing the examination and tuberculin test

Cattle brought into the Commonwealth under this clause (c) shall be held in quarantine at destination or at such place as may be designated by an official or agent of the said Department until after the cattle have passed an approved tuberculin retest within a period of sixty to ninety days after their entry into the Commonwealth The maintenance of the cattle during the period of quarantine and the tuberculin retesting shall be at owner's expense

(d) Apparently healthy bulls steers cows heifers and calves for stocker or feeder purposes not eligible to be brought into the Commonwealth under clauses (a) or (b) of this section are not required to be tuberculiln tested if kept separate from tuberculin tested cattle a destination otherwise such stocker and feeder cattle must be accompanied by a health certificate and tuberculin test chart approved by the proper livestock sanitary official of the State from which the cattle are brought showing that the said stocker or feeder cattle were tuberculin tested and passed immediately prior to entry An approved copy

of the certificate and tuberculin test chart shall be forwarded so as to reach the office of the Department of Agriculture Harrisburg before arrival of cattle at destination except stocker or feeder cattle consigned to or billed through the public stockyards at Pittsburgh or Lancaster are not required to be tuberculin tested before entry into the Commonwealth Said cattle will be examined and tuberculin tested at said yards without a charge for the testing All cattle brought into the Commonwealth for stocker or feeder purposes under this clause (d) not having been tuberculin tested may be disposed of by the owner in this Commonwealth only for immediate slaughter or under supervision of the Department of Agriculture Stockyards companies shall provide cleaned and disinfected quarters for cattle while undergoing the examination and test

(e) Apparently healthy cattle of strictly slaughter types and to be used only for immediate slaughter may be brought into the Commonwealth without examination and tuberculin test only when said immediate slaughter cattle are consigned to the public stockyards at Pittsburgh or Lancaster or to a slaughtering establishment or slaughtering center that is approved and designated by the United States Department of Agriculture and the Pennsylvania Department of Agriculture Cattle brought into the Commonwealth under this clause (e) must be slaughtered within ten days after arrival at destination except when the ten day period is extended by a special permit from an official or agent of the Pennsylvania Department of Agriculture

(f) Any class of cattle brought into the Commonwealth temporarily for exhibition or to be bred shall be accompanied by a health certificate and tuberculin test chart approved by the proper livestock sanitary official of the State from which the cattle are brought An approved copy of the certificate and chart must be forwarded so as to reach the office of the Department of Agriculture at Harrisburg before arrival of cattle at destination

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2595, entitled:

An Act providing for priority and the attaching of the lien of mortgages judgments and other liens according to the date and time the same are filed for record

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all mortgages judgments and other liens shall have priority according to the date and time the same are filed for recording or entering the same in the office of the recorder of deeds or prothonotary and it shall be the duty of the recorder of deeds and the prothonotary to endorse thereon and on the record the date and time when a mortgage judgment or other lien was filed for entry at his office Hereafter the lien of any mortgage judgment or other lien shall attach only from the actual time the same is filed for recording or entering in the proper office If two or more mortgages judgments or liens encumbering the same real estate are filed for recording or entry upon the same day they shall have priority according to the actual time they are filed for recording or entry at the office of the recorder of deeds or prothonotary as the case may be

On the question,

Will the House agree to the section?

Mr. DILLEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 5, by inserting after the word "be" the following: "Provided, That this act shall not apply to or affect the priority of liens for taxes or municipal claims, the liens of which shall attach and have priority as heretofore."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title were separately read and agreed to, as follows:

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

An Act providing for priority and the attaching of the lien of mortgages judgments and other liens according to the date and time the same are filed for record

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The Chair lays before the House the special order on third reading and final passage fixed for this hour, it being House Bill No. 1703.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1703, as follows:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons and conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Municipality Defined The word "municipality" as used in this act shall be construed to mean and include any city borough town or township of this Commonwealth

Motion Picture Exhibitions Defined The words "motion picture exhibitions" as used in this act shall be construed to mean any motion picture exhibitions or showings and sound motion picture exhibitions or showings together with any orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection in connection therewith or incidental thereto

"Two O'clock Post Meridian" Defined The words "two o'clock post meridian" as used in this act shall be construed to mean "two" o'clock post meridian eastern standard time except during the period commencing the last Sunday in April and ending the last Saturday in September inclusive when such words shall be construed to mean two o'clock post meridian eastern daylight saving time provided that eastern daylight saving time is the customary time in common use in such municipality during such period

Section 2 Penalty for Unlawful Motion Picture Exhibitions on Sunday It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibition regardless of whether a charge of admission is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday before the hour of "two" o'clock post meridian

It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibitions regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters of the municipality have first voted in favor of motion picture exhibitions and sound motion picture exhibitions on Sunday as hereinafter provided and in no case shall a person be employed as a projectionist of operator of motion pictures on Sunday or in or about motion picture exhibitions unless he or she shall have had twenty-four consecutive hours of rest during the preceding six week days

Any person co-partnership association or corporation violating any of the provisions of this Section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding Fifty Dollars ($50.00) and in default of the payment of such fine and costs of prosecution such person or any member or agent of any co-partnership or association or any officer or agent of any corporation responsible for such violation shall be imprisoned for a period of not more than ten (10) days

Section 3 Referendum Statement of Question on Ballots At the municipal election in the year one thousand nine hundred and thirty-five (1935) there shall be submitted in the manner provided by the election laws of the Commonwealth a question to determine the will of the electors of each municipality in this Commonwealth with respect to motion picture exhibitions Such question shall be in the following form

Do you favor the conducting staging operating and exhibiting of motion pictures regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct stage operate or exhibit the same after two o'clock post meridian on Sunday	YES NO

The said question shall be printed in separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

Section 4 Returns and Computation of Votes The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other returns Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said laws shall apply to such elections The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the acting chief executive officer of each municipality within the county

If at the election in the year one thousand nine hundred and thirty-five (1935) as herein provided a majority of the electors in any municipality voting at said election vote in favor of motion picture exhibitions on Sunday after the hour of two o'clock post meridian then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in this section it shall thereafter be lawful to conduct stage manage operate or engage in motion picture exhibitions from and after the hours of two o'clock post meridian on Sunday

The right to conduct stage manage operate or engage in such motion picture exhibitions shall be subject only to those rules and regulations which govern motion picture exhibitions on days of the week other than Sunday

If the vote of the electors in the municipality was not in favor of motion picture exhibitions then it shall be unlawful to conduct stage manage operate or engage in such motion picture exhibitions to which an admission charge is made or is incidental after two o'clock post meridian on Sunday

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years be ascertained and the question as provided in Section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitoners equal to at least five per centum (5%) of the highest vote cast for any office in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which are permitted motion picture exhibitions from and after two o'clock post meridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in Section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock post meridian on Sunday but if a majority of the electors in any such municipality which has not hitherto permitted such motion picture exhibitions after two o'clock post meridian on Sunday are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in Section 4 of this act such exhibitions shall thereafter be lawful

Section 6 Intent of Act It is the intent of this act to provide a method whereby the will of the electors of each municipality with respect to motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto after two o'clock post meridian on Sunday may be ascertained

Section 7 It shall be unlawful at any motion picture exhibition conducted or operated under the provisions of this act to provide for any form of entertainment except the exhibition of motion pictures and sound motion pictures and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto and any person or any member or agent of any co-partnership or association or any member or officer of any corporation who shall provide or furnish or assist in providing or furnishing any other form of entertainment in such motion picture exhibitions shall be guilty of a misdemeanor and in the proper court shall be punished by a fine of not more than One Hundred ($100.00) Each Sunday's providing furnishing conducting staging managing operating or engaging in furnishing any form of entertainment forbidden under this act shall constitute a separate offense hereunder

Section 8 Constitutionality The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed

to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 Repeal Section one of the act approved the twenty-second day of April one thousand seven hundred and ninety-four (Three Smith Laws one hundred seventy-seven) entitled "An act for the prevention of vice and immorality and of unlawful gaming and to restrain disorderly sports and dissipation" be and the same is hereby repealed insofar as it prohibits motion picture exhibitions and any orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto

Section 10 Effective Date This act shall be effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. GATES. Mr. Speaker and members of the House, I have been advised it would be a very unpopular move to speak against the Sunday movies bill. No one wishes to become unpopular and I assure you I do not, but being a freshman republican, I have adopted certain policies since I have been in the House. First, when a purely partisan measure is discussed on the floor of this House, I follow the leaders of the Republican party, choosing to be guided by their wisdom and experience. Second, when other controversial bills are discussed, I vote for these bills as I think for the best interests of the people of the state of Pennsylvania, and in particular of the people in my own community, Armstrong County. Third, when a bill is presented which involves a moral principle, I reserve the right to vote for or against this measure according to the dictates of my own conscience, and I believe that this should be accorded to each and every member of this House, whether they agree with me in the discussion of this bill or not. You will all agree with me, however, that since 1929 our country has been passing through the greatest crisis in its entire history. A once proud and a happy people have been forced through no reason of their own to accept a disguised dole; mothers and fathers and children, once contented and happy have seen the roof over the heads sold; they have been cast adrift, with no place to go and no work to do. Many men in our country high in the councils of our country have seen their life's work literally swept away and in a moment of weakness these men have sought to escape the penalty by taking their own lives. I ask the members of this House why these conditions prevail. You have listened, I have no doubt with a great deal of interest, to many learned men who have told you that this is the aftermath of the war, and if that be true, I pray that every man in this House and every woman too, pledge themselves forthwith against any future war. However you have listened to a group of equally learned men who already told you that this crisis has been a result of the breaking up of the capitalistic system. Members of the House, these deductions are based upon certain facts, but I say to you that in my opinion the direct cause of our trouble is that we as a people have forgotten God, we have failed to keep his commandments.

I ask you to think back with me of another people many years ago who miraculously were led out of bondage and were led into the promised land, where they were successful and happy as long as they were faithful. They were led into the error of thinking that their success was due to their own wisdom and they forgot their deliverer and they have ceased to be a nation.

Just a few hundred years ago a band of stalwart men, Christian men and women, settled our country, and the first thing they did was to dedicate this country of ours to the Glory of God and the advancement of the Christian faith, and the United States of America became a veritable second promised land.

They found our soil fertile; they found our forests bounding with great trees, our hills literally filled with valuable minerals. We prospered and we built great churches, we built schools, hospitals, and we became the greatest country in all of the world, but we too have fallen into the error of thinking that this was the result of our own wisdom and have actually forgotten our God until we have shown a complete disregard for his Commandments, and now on this fourth day of June, you ask the members of the House to desecrate and commercialize and profain his own day, just one out of seven. They tell us that in other states they have desecrated and commercialized the Sabbath Day. This may be true, but I appeal to you to vote against Pennsylvania desecrating the Sabbath.

As Pennsylvania was the Keystone state of our country, let it become the Keystone state in the re-building of our country and rededicating it to the glory of God and the advancement of the Christian Faith. I say to these men and women today that if they dedicate themselves and the country follows their lead, I can say without fear of contradiction that this depression and this crisis will pass from this country as the mist before the morning sun.

In conclusion may I read what some of our leaders, statesmen and Presidents, have to say with regard to the Sabbath.

First I will start with George Washington: "The Commander in Chief directs that divine service be performed every Sunday at 11 o'clock. Valley Forge, Pa.—1777."

Abraham Lincoln, "the present Commander in Chief of the Army and Navy, desires and endorses the orderly observance of the Sabbath day by the officers and men in the military and naval service. The discipline and character of the national forces should not suffer, nor the cause they defend be imperiled by the profanation of the day or name of the Most High. 1862".

Franklin Delano Roosevelt, the President of the United States, "I extend congratulations and best wishes on the occasion of the forty-fifth anniversary of the Lord's Day Alliance of the United States. The object of your organization is in my opinion, a very worthy one and the efforts of its members toward successful attainment of such a goal are deserving of the highest praise."

Rodger Babson, the great statistician:

"The three greatest factors in the development of the American Nation and its prosperity have been Sunday observance, family prayers, and church attendance. Moreover, the future of our Nation depends on holding unto these great fundamental forces, especially Sunday observance, which is basic to all."

The late Cardinal Gibbons, "The institution of the Sabbath has contributed more to the peace and good order of nations than could be accomplished by standing armies and the best organized police force."

Russell Brougher, "America is founded upon four

mighty pillars; the family, the church, the school, and the Sabbath. If we tamper with any one of these the Nation is bound to suffer. The desecration of the Sabbath day has much to do with the present breaking up of family life, decay of morals, and youthful delinquency."

I ask the members of this House to vote "no" on this bill and to keep from tearing down any one of these pillars that might wreck our Nation.

Mr. HOLLAND. Mr. Speaker and members of the House, I have lived in many cities where they have Sunday movies, and I can say to you that the Sunday movies have not affected the church attendance. In fact, in those cities the churches have been as well attended as they have been in any other cities or any other towns in Pennsylvania.

We are not desecrating the Sunday. I do not hear anybody's voice raised against the rich man who can go out and play golf on Sunday, or against the man who can play polo on Sunday.

The only amusement the poor man has is to go to the movies. The movies are not going to open until the church is through. They do not open until two o'clock in the afternoon. It is not going to interfere with anybody going to church, but if you are going to legislate to force a man to go to church, he will not go to church. A man will go to church of his own free will and will not be forced to go to church. I say to you that if you vote against this bill you are voting against the poor man's only amusement, that man who works and toils, and I speak as one who represents an industrial district,—that man who toils in a mill.

On Sunday, where would he go? You know where he will go if he hasn't a place to go for amusement. He will either go to a speakeasy and get drunk, and I know—

I may add that I know. Why deny the man the chance to go to an amusement, to take his family to an amusement, to bring his wife and children after they have their dinner and go to see a show? I ask you not to deny the poor man, who works hard, the right to have a little amusement on Sunday afternoon, the man who does not have an automobile the right to go out into the country to enjoy nature. The only chance he has is to go to his neighboring theatre and see a good picture.

I ask the members of the House to vote in favor of this bill and give the poor working man a chance to get a little bit of amusement.

Mr. McCREARY. Mr. Speaker and members of the House, I ask you to grant me a few minutes of your time, in which I wish to oppose the passage of this bill. I, as a member of this House, do not feel that I want to sit quietly by while this kind of bill passes through this House and becomes a law of this State.

You know and I know this Legislature in the past has not been in the habit of passing this kind of legislation. You know and I know for more than one hundred years, more than a century, the members of this House have refused to consider or at least have defeated every bill of this kind that came up before them. That was true for more than one hundred years and was only broken by the last session of the Legislature in 1933, when that century old record was broken and a "Sunday bill," as they call it, a bill whose intent and purpose was to repeal the fourth commandment, was passed. There are many thoughtful people in this state today who will tell you and believe today that that marked the decline and decadence of the Republican party, and that at the next election the Republican dynasty went down to defeat, just like nations and people in the years gone by, that forgot God, have gone down to oblivion. There are those who mock and scoff, and snear at this statement. To those, the thoughtful people simply say "turn back the pages of history and you will find all down through the ages, from the days of antiquity until now, the nations that forgot God were destroyed."

They also tell you that history repeats itself. Those nations that have gone down were as powerful and rich and mighty in their day as the United States is today, but that didn't make any difference, and in the end oblivion was the result just the same.

A new order of things has now come over the State, a new ruler has taken the reins of this government; surrounded by new lieutenants, a new dynasty has come into power. They come with the pledges of a new deal, the dawn of a new day, the forgotten man is going to be remembered and brought into his own, and they are going to prove to us that human rights are more important rights than property rights. We hope they are going to do it, and we honestly believe that they are trying to do it.

And now, let me here and now say to them that in order to do all those things they need not repeal, break down or defy the laws of the God of this great Universe, and that is what the intent and purpose of this bill before us means to do. It is a direct disregard of the fourth commandment, and I contend that the ten commandments are the "constitution of Christian Civilization," and stand as such and have stood as such for thousands of years and will stand as such when the members of this House have gone elsewhere. I feel, gentlemen, that it is a shame and a disgrace for this House to go on record to defy the Creator of this Universe by passing a bill to repeal one of his commandments. Those ten commandments, standing as they do, as the "constitution of the Christian civilization," have given this nation of ours the most enviable position among all the nations of the earth. It was Christian civilization that did it. We owe everything in this world that is worth having to Christian civilization. Our churches, our colleges, our schools, our orphan asylums, our welfare organizations, every good thing in this life, owes its origin to Christian civilization.

Is there a woman in this House or in this state or in this Nation that would vote to repeal one of the laws one article of the "Constitution of Christian Civilization?"

It was "Christian Civilization" that inaugurated and established the marriage institution, that in turn established the home, that in turn gave to women the position of wife and mother, and made necessary the coining of two of the most sacred words in our language, "home" and "mother." It raised woman from being a beast of burden, a slave, a chattel, a pawn in the hands of men, to be an honored member of society, the equal and peer of man, standing shoulder to shoulder with him in every department of life, the mother of his children, the queen of his home, and mother of future generations. That is what the constitution of Christian Civilization did for all womankind and one of those articles is what we are trying to repeal here today.

Members of this House, in your own individual life you have to answer only for yourself but as members of this

House, you go on record as placing your seal of approval on a bill to repeal one of God's commandments.

May I illustrate just for a moment? While Calvin Coolidge was governor of Massachusetts, the police force in Boston went on strike, and for a week the city of Boston was the scene of wild disorder, robberies, murders, every kind of disorder and the Governor had to call the state troops to quell it, and at that time Calvin Coolidge coined one of his now famous expressions, "public officials, either elected or appointed charged with the duty of maintaining the peace, the welfare and safety of the public, never have a right to strike." That statement more than any one thing put Calvin Coolidge into the Presidential chair, and it sent those policemen back to shovelling coal and digging sewers.

That statement is now an unwritten law of the land, with almost the force of an amendment to the constitution.

The situation here today is not exactly parallel but similar. The members of this House were elected by the people, charged with the duty of passing wise and beneficient laws, to maintain the peace, welfare, and safety of the people of this great state. We therefore never have a right to strike against or oppose the laws of the Creator of this Universe. That is what we will do if we pass this bill.

Just a few weeks ago we were glad to suspend our deliberations in this House while we paid a tribute to the memory of Thaddeus Stevens. We were glad to pause in our work and hear our colleague read the oration or the speech of this man Thaddeus Stevens, pleading for public funds for the education of the school children of this great state,—free schools in Pennsylvania.

That man with the magic of his eloquence and the power of his logic, carried a hostile legislature with him and instead of repealing the bill which had been passed the year before, it was continued as law and has been the law for more than one hundred years. Do any of you members doubt for a moment how Thaddeus Stevens would vote if he stood on the floor of this House today? Do you think for a moment that a man who was so interested that he would give his very self for the cause of free schools, would willingly throw temptation in the way of those boys and girls?

It must have been such a man as Thaddeus Stevens that inspired the poet to say:

"The lives of great men all remind us
We can make our lives sublime
And departing leave behind us
Footprints on the sands of time."

Do you know which way the footprints of Thaddeus Stevens are pointing? Are they pointing towards Sunday movies, race tracks, gambling halls, saloons, and brothels, or are they pointing to schools, colleges and the nobler things of life?

One hundred years from now when your descendants sit in the seats you now occupy, will you be glad or sorry for the way you voted today.

Let us vote, members of this House, like we think Thaddeus Stevens would vote, if he stood here today, and if you do that, I am satisfied that all through this great state of Pennsylvania, more people will bless the Legislature that still stands foursquare against the desecration of the Sabbath day.

"Remember the Sabbath Day to keep it Holy" is just as sacred now as it was thousands of years ago when it was uttered and the people of this state and majority leaders and members of this House in my humble opinion dare not ignore that command.

I ask the members of this House to vote "no" on this bill.

Mr. SHEPARD. Mr. Speaker and members of the House, as a minister I know that in many circles I will be criticized for speaking in support of this measure, but I have had experience a long time in cities that have the open Sunday, or Sunday movies, and I have had experience in cities that did not have Sunday movies. For a number of years I was assistant Pastor in New York City in a large church that seated about two thousand people, and right around the corner from this church was a moving picture house. Despite that fact, we hardly had room to seat the people that came to church both morning and evening.

To my mind vital religion does not need the support of civil law. I believe that pure religion will always be able to make its rightful appeal to the hearts of men and women everywhere, regardless of whatever competition may be offered from other sources.

I would like to inquire where some of these people were, these ministers of the gospel, who came and interviewed me and others, and I would like to know where were they when we were fighting to put through certain social legislation for the benefit of the masses of the people. We have passed in this House bills to prevent discrimination in the public works and in public places and to give all of the citizens of this Commonwealth an equal opportunity to share in this recovery program, and in all of our fights for these bills not a word of encouragement, not a word of support was received from any of these so-called sabbatarians. They were silent.

I believe with the great man of Nazareth that the Sabbath was made for man and not man for the Sabbath.

I believe that we ought to allow the people of this Commonwealth an opportunity to decide on such a measure as this, according to the dictates of their own conscience and in their own respective communities. This law does not say that we must have Sunday movies. It simply says that the people in the various municipalities shall have the right to vote and to say whether or not they want these movies on Sunday.

There are just about two things that the minority groups have left today in this country, that is, the ballot and the court, and I say to you that whenever we vote to abridge the right of the people to vote on any measure we are defeating the very ends of democracy and we are aiding tyranny that we all despise. The people from my district want an opportunity to vote on this subject of Sunday movies, and I want to give them an opportunity that we might set up a standard of liberalism in this state that will give freedom to the people.

We do not need to try to force people to go to church, and if these ministers and others who are interested in the progress of religion would spend more time trying to make their church services more attractive and make religion more appealing to the masses of the people, then they would have very little opportunity to complain and to fear competition from any other source.

So, in the interest of democracy, in the interest of vital religion, in the interest of liberty for all the people, I ask

the members of this House to vote in favor of this democratic measure.

Mr. SURFACE. Mr. Speaker and members of the House, I cannot conscientiously let pass the opportunity to say a word in protest against the passing of this measure.

In the first place, I want to call your attention to the fact that the title of this bill states in a negative manner, and I always suspicion a thing that makes a negative statement and purports to prohibit that which it seeks to advance. For example, this is said to be an act prohibiting motion pictures and sound motion pictures, instead of prohibiting them, and so forth, "on Sunday during certain hours and also during other hours unless the electors of a municipality prove thereof."

There are two main features of this bill. The first is the establishment of legislation permitting Sunday movies. The second is the feature of local option by municipalities.

Concerning the first, I would say that Pennsylvania is yet the Quaker state with a reputation that becomes an exemplar among other states for good legislation. If we break down these things which are good and well-established, what can we offer in their place?

Concerning the local option feature with the voting of municipalities, I would call your attention to the fact that there are several hundred municipalities in this state that have no moving pictures whatever. There has been no demand for this bill or its provisions in the county that I present. I represent a rural district in which the people are the kind referred to by the expression, "Ye are thee salt of the earth."

There is no demand whatever in my district for the passage of this bill, legalizing moving pictures on the Sabbath Day.

As far as the ministry is concerned, I have received many letters from ministers and from many others opposing the passage of this bill, and I feel that when we consider its possible influence, that we will stand firm for such legislation that has already made Pennsylvania famous and will keep her so.

Mr. BARBER. Mr. Speaker and members of the House, there isn't much than can be said for or against this bill that has not already been said upon the floor of this House. There is very little that I might say to you listening here that would change your vote, but I do wish to call to your attention something that struck me rather forcibly in all of the comment that I have received upon this bill and all of the comments that were made at the time the public hearing was given, and that is that while in the state of Pennsylvania there are today approximately one hundred communities who are allowing Sunday movies, that no Sabbath association, no Sunday School association, no minister of the Gospel from any of those towns who came before us or told me that they were against Sunday movies, that in their home town Sunday movies have been the bane of the existence of the good church people of those communities.

It is strange indeed that rather than hearing condemnation in the places in which the movies are now allowed, we who have sponsored this bill and those of us who believe that the state of Pennsylvania should be entitled to say whether or not the people should have Sunday movies, received from our ministerial associations only favorable comments, and nothing unfavorable.

It strikes me rather forcibly that those of you who have not made up your minds should strongly consider that point and should decide that there might be something good in the Sunday movies when those who have them are still maintaining them, and when those who have them find that there is something good in them, and that they contributed to church going rather than to detract therefrom.

Rev. Shepard very ably contrasted New York where he once was with Philadelphia, where he now is. While I very much like to use any personal reference, I do not believe that Mr. McCreary, who happens to be a colleague of mine, can say that Sunday movies have taken the little children away from the churches and put them into dens of iniquity. I do not believe that Sunday movies in my home town and in Mr.Creary's home county have made racketeers and gamblers of all of us. At least I can assume that they have not done so in Mr. McCreary's case.

I hold no brief and would hold no brief for a Sunday movie bill that would force upon the people of Pennsylvania, that would force upon any community of Pennsylvania, something that that they did not want, but I no not believe that we who have it should not be allowed to say that that is legal. While we have it with public sanction and with the sanction of those very Sabbath associations whom some of you members say are against it, while we have it with that sanction, I believe you in this House should say to us that we can have it legally, if we so desire, and that we will not be criminals because we want what we find is good for us.

So I ask you, men of this House, and you women, too, to say that those of us who have Sunday movies can have it legally, and those of us who want them and those of you who want them, can have them legally, also to the end that good government will be best served in Pennsylvania. I know that it will not detract from your conscience, that you will not have to go home hanging your heads in shame, because you have taken something from the great state of Pennsylvania.

Mr. ALEXANDER. Mr. Speaker and ladies and gentlemen of the House, I learned last week of a statement of fact which was very interesting to me and I believe it will be interesting to the members of this House, that one-sixteenth of all the people that attend Sunday School in the world live in Pennsylvania; that one-ninth of all the people in the United States that attend Sunday School live in Pennsylvania. Do we want to take away from Pennsylvania that enviable position it now holds? Will the Sunday movie bill have a tendency to do that? It will, because there are children today that are attending Sunday School at the very hour which by the passage of this bill would place them in a position where it would either be Sunday School or the movies. To my mind the children of our great state at the present time would rather, if left to them, attend the movies than attend Sunday School.

Shall we tear down that which our forefathers have built and upheld through all these years of legislation in Pennsylvania?

Sunday is the day on which to worship. Are we right in believing that the poor class of people should have Sunday to attend the movies because of so much work during the week. At the present time we work forty hours a week and we are fast coming to thirty hours. Does that give the working class of people any time to

around the movies? I think it will be a step backward if at this time this State should pass a bill that will tempt our children.

As fathers and mothers, where would you sooner your child would be on Sunday, in the movies or at Sunday School?

I certainly have every confidence in this House, that as parents of children and for the generations to come that we will again uphold the traditions of all of the men and women who have gathered in this House in previous years and vote this measure down.

Mr. MALE. Mr. Speaker, I would like to interrogate the gentlean from Erie, Mr. Barber.

The SPEAKER. Will the gentleman from Erie, Mr. Barber, permit himself to be interrogated?

Mr. BARBER. I will, Mr. Speaker.

Mr. MALE. Mr. Speaker, may I ask Mr. Barber, in writing his bill why he excludes people from going to moving pictures from April 1st to September 30th? I say to you as sponsor of this bill, why did you do that?

Mr. BARBER. Mr. Speaker, I did not hear the gentleman. Will the gentleman please repeat his question?

Mr. MALE. Mr. Speaker, the gentleman from Erie is the sponsor of this bill—.

Mr. BARBER. Mr. Speaker, one of the sponsors.

Mr. MALE. Mr. Speaker, Mr. Schwartz is really the sponsor, is he not?

Mr. BARBER. Mr. Speaker, I would not say that. There were three bills submitted in the first instance, I was the sponsor of one of those bills, Mr. Schwartz was the sponsor of another and Mr. Melchiorre was the sponsor of the third. These bills were combined to make the present bill, of which I am one of the sponsors.

Mr. MALE. Mr. Speaker, may I ask the gentleman why in his bill he closes the movies from April first until September thirtieth? Why not keep them open during the summer time as well as in the winter?

Mr. BARBER. Mr. Speaker, the movies will be open in the summer as well as in the winter.

Mr. MALE. Mr. Speaker, it does not say that in the bill. It says that they are closed from April first until September thirtieth.

Mr. BARBER. Mr. Speaker, the bill has reference to the time at which the movies may open from April first until Septembere thirtieth to allow for daylight savings in some communities, but it does not say that movies will not be permitted during that time. I might say that the movies will be permitted all year around, if they are permitted at all. During that period of time, however, in some sections they have daylight saving time and so we draw the bill to allow for that. That is what we have reference to.

Mr. MALE. Mr. Speaker, I understand the bill would not allow it to run from April first to September thirtieth. Was that so you people could go to see a baseball game on Sunday?

Mr. BARBER. Mr. Speaker, no, you can go to the movies on Sunday.

Mr. MALE. Mr. Speaker, Mr. Schwartz went over to see Mr. Pinchot the last time and said, "Local option" and he got Pinchot to believe it was local option, and now, to have the Democrats vote with him, he comes to Mr. Barber and Mr. Melchiorre to sponsor the bill with him, to get the Democratic vote.

Mr. BARBER. Mr. Speaker, I might say to the gentleman that I allowed my name to be used with Mr. Schwartz's and Mr. Melchiorre's because I felt that Sunday movies were a good thing, believing that the measure was one that should be as non-partisan as possible. I further believe that with this bill going through the House, going over to the Senate, it would have a much better chance of getting through there if it had a Republican name on it.

Mr. MALE. Mr. Speaker and members of the House, I wish to oppose this bill. I do not belong to any church whatsoever. I go to church once in a while. Relative to having movies on Sunday, we have Sabbath schools for children. If the people of Philadelphia want a bill like this, why don't they make it for first class cities instead of having local option. The people in my town go to Philadelphia and disobey the laws of the Sabbath. We have six days to go to the moving pictures, and I think that is plenty and I advise all the members to vote "no" on this bill.

Mr. STEWART. Mr. Speaker and members of the House, it is not long since I heard a minister of this House say that he thanked God that he was not an attorney. I want to say to you that I thank God that I am not a minister of the Gospel that would get up and insult the intelligence of this audience by saying that he was for Sunday movies—

The SPEAKER. The gentleman is out of order. Personal reflections are not permitted in debate. The gentleman will confine himself to the subject of the discussion.

Mr. STEWART. Mr. Speaker, and members of the House, in my mind, we make a mistake by commercializing the day that was given to us to serve the Lord, and those of us who think that we can do that and that we can take those things into our hands are making the greatest mistake that we could make. So I say to you that if you are true servants of the Lord, Jesus Christ, you will vote against this bill.

Mr. ARNOLD. Mr. Speaker and members of the House, I have on my desk a petition and request from more than two thousand two hundred citizens of Fayette County, representing more than thirty organizations, requesting me and the rest of the Fayette County delegation to oppose this bill. I consider these people among the best in Fayette County, and concurring in their opinion, I pass this appeal of twenty two hundred people on to you, members of the House, and ask you to oppose this bill.

MOTION TO EXPUNGE

Mr. OMINSKY. Mr. Speaker, if it is in order at the present time, I would like to move that the remarks of Mr. Stewart as a reflection against my colleague, Reverend Shepard, be expunged from the record.

Th SPEAKER. The motion is not in order at this time. It can be made after the main question is disposed of.

Mr. SCHWARTZ. Mr. Speaker and members of the House, as a co-sponsor of House Bill No. 1703, it becomes my duty to inform you of a fact which you doubtless all know well, namely, that the purpose of this bill is to legalize the exhibition of moving pictures on Sunday throughout the state of Pennsylvania during certain stated hours.

I should first like to read to you excerpts of the Inaugural addresses by our present Speaker, the Honorable

Wilson G. Sarig, and the Honorable Grover C. Talbot, Speaker of this House during the session of 1933.

"I shall try to give fair and impartial treatment to every member regardless of party or political affiliations.

"Now that this body is duly organized as required by the Constitution, our first duty is to consider those things that will promote the peace, comfort and happiness of our ten millions of citizens. It is only by a contented citizenry that a representative form of government may be lasting.

"We cease from now on to be Republicans, Democrats, Socialists and Independents. We are Pennsylvanians, here to labor for the common good of all.

"This is a period wherein our form of government is meeting a test such as no Legislature has confronted in our generation.

"Our first duty lies in each individual representing his or her particular district, and then those things that affect the entire population of our Commonwealth."

Those remarks, as I have stated, were made by the gentlemen named. They are a matter of record in this House.

Permit me also to read from the record of this Session the address of His Excellency, the Governor of Pennsylvania, given on January 25, 1935, at the opening of the 1935 Session, when His Excellency, the Governor, addressed the Senate and House in joint session:

"I give this Legislature my pledge that it will find me always open to suggestion, ready to cooperate. On fundamentals, of course, I will not compromise because I cannot. I was elected on certain pledges. I owe it to the people of Pennsylvania to do my utmost to carry out those pledges. Your obligation is the same.

"Revision is many years overdue. It is the falsest sort of consistency to believe we can remain unchanged while the world moves around us. It is the weakest statesmanship that will try to apply solutions worked out for one set of conditions to an entirely different set. The Constitution of 1874 is not appropriate to the Pennsylvania of 1935.

"The present Constitution is the fourth since the Declaration of Independence and the third since the adoption of the Constitution of the United States. New constitutions were approved by the people in 1790, 1838, and the last time in 1874."

I fully agree with His Excellency, the Governor, that if the Constitution of 1874 is not appropriate for the Pennsylvania of 1935 then we must surely agree that the Blue Laws of 1794 are not in time with the Pennsylvania of 1935.

No one will deny that the first principle of democracy demands that the people themselves have the right to make the law, and therefore it is fitting and proper that each community should be given the right to decide whether the Blue Law should be modified in the community.

The Pennsylvania Sunday Blue Law of 1794 is violated every Sunday by most of the people in the State. It is impossible to stop people from doing "wordly" acts on Sunday.

Who does not ride in his automobile on Sunday for pleasure? Who does not purchase candy, ice cream and cigars from candy shops on Sunday? Who does not ride in trolley cars, trains and buses on Sunday? Who does not purchase gasoline and oil on Sunday? Who does not use electric and gas on Sunday? And who does not use the telephone on Sunday?

All such things are in violation of the present Sunday Law.

Public sentiment is against these antiquated laws of 1794. They reflect upon our common sense, and are devoid of equal justice and civil rights. They deny the equality of all citizens, before the civil law, and the bar of justice. They are intolerant, unjust, unfair, and un-American, and the State Legislature is fully justified, in submitting the question to the people on a popular referendum, at the next election.

A law that can not be sustained by public sentiment breeds contempt for all law and authority.

For years anyone with money enough to be a member of a club could play golf or tennis on Sunday morning or afternoon, with caddies working on Sunday during church service, and in the evening could attend a moving picture or theatrical show. These privileges are open to only those who have the price to pay.

This unjust and unfair discrimination in favor of the rich and against the poor exists under the Act of 1794 in our Commonwealth today.

Some people believe that repeal of the Sunday laws is striking a blow. That it will empty our churches and cause irreligion to spring up. But the repeal of the Sunday laws in California, Oregon, and in other states, has just the opposite effect.

These states are able to boast of the largest church attendance of any state in the Union in proportion to their population. There are five states which have repealed all their Sunday laws, and yet these states have suffered no moral relapse.

The working man does not have to work seven days each week in these states since its Sunday laws were repealed. Sunday is better observed in these states that have repealed their Sunday Blue Laws, and their statistics show that more people attend church service than is the case in the states that still have Sunday Blue Laws.

People cannot be made good by law.

It might be well to point out that the ideas of the people in various parts of the country, as well as in different times, vary widely on Sunday observance.

The sentiment of one generation or one set of people in regard to what should and should not be forbidden is usually far different from that of the generation that precedes or follows.

It is in a spirit of fairness and moderation that I point out to you that the ideas of the country are growing and broadening and that no individual or set of individuals has the moral or legal right to impose his beliefs upon others.

In speaking of Sunday movies—it is a fact that most people seek recreation on Sunday and the more opportunities there are for them to find good wholesome recreation, the less likely will there be to find the other sort.

It is a good deal better for people who are not religiously inclined to have Sunday recreation and pastimes than to be idle all day or have them frequent back alleys and dens of vice. The devil always finds plenty for idle hands to do.

In Philadelphia, at the approach of our great Delaware River bridge, connecting us with the State of New Jersey, every Sunday afternoon you can get on a bus that will

take you to any moving picture house or theatre in New Jersey.

Not only are the buses violating the Pennsylvania law, but the State of Pennsylvania and the State of New Jersey have toll collectors standing at the approach of the bridge on the New Jersey side who collect twenty-five cent pieces on Sunday, as well as on any other day in the week. Is that fair play to our people in Pennsylvania?

As you know, New Jersey modified her Blue Law last session to permit moving pictures and theatres to be open on Sunday afternoon.

There are only seven states in the entire Union that do not grant a referendum or a right to the people to decide the question of Sunday baseball and Theatrical performances, and our great Keystone State of Pennsylvania is included in these seven states.

It may interest you to note that in 1794 the population of the city of Philadelphia was 32,834, which comprised 13,833 women, 5,270 boys under the age of sixteen, and 210 slaves. And, according to the first census of the United States taken in 1790, the total population of Pennsylvania was 434,373, of which there were 3,737 slaves.

The boundary lines of the city of Philadelphia during that time were from Vine Street to South Street, and from the Delaware River to the Schuylkill River.

At the 1933 Session of the General Assembly I sponsored the Sunday Sports Bill which allowed the people of Pennsylvania to decide whether or not they favored Sunday sports. It is interesting to note that in Philadelphia 390,500 people voted for Sunday sports. A majority of 5½ to 1. The people of Philadelphia overwhelmingly showed their sentiments to be against the antiquated Blue Laws.

In this connection, in order to save the valuable time of this House, Mr. Speaker, I am going to ask permission to incorporate in this record a communication from His Excellency, Governor Pinchot, together with a statement made by that gentleman upon signing the Sunday Sports Bill on April 25, 1933. The letter and the statement read as follows:

"LETTER FROM GOVERNOR PINCHOT

Harrisburg, January 7, 1935.

"Hon. Louis Schwartz,
924 West Girard Avenue
Philadelphia, Pa.

Dear Mr. Schwartz:

Before I leave the Governor's Office I want to tell you how deeply I appreciate all the help that you, both personally and as a Member of the House of Representatives, have given me, and how warmly I thank you for it.

We have fought shoulder to shoulder for things that are worthwhile—for the honor and welfare of the State, for the rights of the people, and above all for the security and happiness of every family in Pennsylvania.

These great purposes do not change. No matter who is in office, the fight for them must go on.

Your grateful friend,

GIFFORD PINCHOT."

TEXT OF GOVERNOR PINCHOT'S STATEMENT ON SIGNING THE SUNDAY SPORTS BILL
APRIL 25, 1933

"After long and most careful consideration, I have just signed the bill to let communities decide by a majority vote whether they want Sunday baseball, because I am convinced that the people can be trusted to decide this matter for themselves.

"I am emphatically opposed to the commercialization of the Sabbath. But in a state which has Sunday trains, Sunday concerts, Sunday golf, Sunday tennis and a host of Sunday activities of many kinds, the possible addition of baseball and football between the hours of 2 and 6, if the people of any locality vote for it, will not seriously change the present picture.

"For years anyone with money enough to play golf or tennis on Sunday morning or afternoon has been free to do so—law or no law.

"Golf, with its young caddies working on Sunday, has been tolerated during Church services for those who had the price. For those who did not have the price there was no corresponding recreation, even when Church service were not being held.

"This unjust discrimination in favor of the rich and against the poor which has thus existed is one of my strongest reasons for signing this bill.

"We are urged not to abandon the Puritan Sabbath. As a matter of fact, the Puritan Sabbath in Pennsylvania was abandoned generations ago.

"The Bible specifically lays down the principle that the Sabbath was made for man and not made for the Sabbath. I believe that principle is wide enough to cover healthy outdoor recreation on Sunday afternoon.

"After consultation with the Attorney General, I attach little importance to the legal arguments advanced against this bill.

"But I do attach great importance to the arguments of those of my friends who conscientiously believe the bill is wrong. They have urged me to veto it. I have considered their reasons at great length. I would be glad to see eye to eye with them in this matter and I am genuinely sory that I cannot do as they wish.

"I can only ask those who differ with me to respect my convictions as I respect theirs."

Now, Mr. Speaker and members of the House, I have a compilation of the vote cast for and against Sunday Sports in the various counties of Pennsylvania. This is the only accurate record of that vote that I know of, and I should like to make it a part of this record.

COMPILATION OF VOTE CAST FOR AND AGAINST SUNDAY SPORTS IN THE VARIOUS COUNTIES OF PENNSYLVANIA

County Seats	Counties	Vote for Sunday Sports	Vote Against Sunday Sports
Gettysburg	Adams	4,579	7,235
Pittsburgh	Allegheny	298,886	73,299
Kittanning	Armstrong	7,047	11,117
Beaver	Beaver	21,956	12,055
Bedford	Bedford	3,528	6,381
Reading	Berks	45,340	15.218
Hollidaysburg	Blair	12,770	15,941
Towanda	Bradford	7,247	6,631
Doylestown	Bucks	22,187	10,841
Butler	Butler	10,172	14,071
Ebensburg	Cambria	29,603	13,863
Emporium	Cameron	1,154	589
Mauch Chunk	Carbon	14,625	5,405
Bellefonte	Centre	5,048	7,833
West Chester	Chester	17,596	14,744
Clarion	Clarion	4,981	7,991
Clearfield	Clearfield	11,315	10,875
Lock Haven	Clinton	3,565	3,441
Bloomsburg	Columbia	7,764	8,684
Meadville	Crawford	7,510	6,721
Carlisle	Cumberland	8,489	14,151
Harrisburg	Dauphin	28,267	21,370
Media	Delaware	37,314	16,797
Ridgway	Elk	5,401	1,777
Erie	Erie	9,974	5,312
Uniontown	Fayette	18,793	12,422
Tionesta	Forest	816	864
Chambersburg	Franklin	5,270	12,394

McConnellsburg	Fulton	418	1,492
Waynesburg	Greene	6,072	6,803
Huntingdon	Huntingdon	Vote prevented by injunction. Was appealed to local courts and law upheld.	
Indiana	Indiana	6,683	11,591
Brookville	Jefferson	6,228	9,197
Mifflintown	Juniata	912	3,817
Scranton	Lackawanna	47,534	10,502
Lancaster	Lancaster	21,960	17,873
New Castle	Lawrence	11,784	11,481
Lebanon	Lebanon	7,670	6,678
Allentown	Lehigh	21,291	9,576
Wilkes-Barre	Luzerne	62,115	11,118
Williamsport	Lycoming	11,438	11,272
Smethport	McKean	6,797	2,869
Mercer	Mercer	6,778	9,810
Lewistown	Mifflin	2,541	5,225
Stroudsburg	Monroe	5,467	3,390
Norristown	Montgomery	19,968	9,869
Danville	Montour	2,095	1,759
Easton	Northampton	25,513	10,772
Sunbury	Northumberland	29,720	14,067
New Bloomfield	Perry	1,855	5,514
Philadelphia	Philadelphia	390.500	70,862
Milford	Pike	2,667	514
Coudersport	Potter	2,823	1,502
Pottsville	Schuylkill	52,426	14,025
Middleburg	Snyder	1,444	3,648
Somerset	Somerset	6,973	8,793
Laporte	Sullivan	1,376	759
Montrose	Susquehanna	6,298	4,329
Wellsboro	Tioga	6,226	4,848
Lewisburg	Union	1,098	3,993
Franklin	Venango	8,370	9,860
Warren	Warren	4,762	3,462
Washington	Washington	31,360	19,584
Honesdale	Wayne	4,965	2,960
Greensburg	Westmoreland	45,046	30,590
Tunkhannock	Wyoming	2,877	2,464
York	York	21,372	25,330
	Totals	1,546.619	720,220

I have received hundreds of resolutions and communications urging the passing of this measure from business associations, social organizations, veterans' organizations of the American Legion and Veterans of Foreign Wars, political organizations, the American Federation of Labor and many other bodies. I have here a copy of a resolution that was adopted unanimously by the Pennsylvania Federation of Labor at its annual convention held on May 16, 1935, signed by the various labor organizations representing the entire state of Pennsylvania, from Philadelphia, Scranton, Harrisburg, Altoona, Allentown, Pittsburgh, Norristown, Easton, Lancaster, York, Sunbury, Williamsport, New Kensington, Shomokin, Chester Johnstown, Coaldale, Reading, New Castle and other communities.

The only letter that I have received in opposition to this bill was from the Lord's Day Alliance of Pennsylvania, the general secretary being the Reverend William B. Forney, and I am happy to state to you, ladies and gentlemen of this House, that four of their five objections have been removed in this bill that we are considering here today.

The first objection was that this bill makes it mandatory for every municipality to vote on this question at the election next November. That is correct, because they did not want to allow the legalization of Sunday moving pictures in Pennsylvania until each and every municipality shall have had an opportunity to vote thereupon. One of the reasons for doing that has been that we had legal controversies about the referendum provided for in the Sunday Sports Bill of nineteen thirty-three, and we wanted to get legal advice as to how we could provide for a referendum on local option in the state of Pennsylvania. We have had opinions prepared by former Senator Pepper, Professor George Vaughan Strong, teacher of Constitutional Law in the Temple University, Philadelphia, and our own director of the Legislative Reference Bureau, John H. Fertig, and it was he who suggested and recommended the method provided for in this bill as being the only method by which we could give each and every community an equal opportunity to decide this question for itself.

My colleague from Blair County, Mr. Arnold, has stated that he has received something like twenty-two hundred letters opposing this bill. If he will look at the returns of his community, as to how they voted in nineteen thirty-three on the Sunday Sports Bill, he will find that over eighteen thousand people there voted for Sunday sports as against the relatively small number who voted against Sunday sports.

Mention has also been made about children going to Sunday school. This bill, you will note, does not allow any moving pictures to be exhibited on Sunday until two o'clock on Sunday afternoon.

Mr. Speaker and members of the House, from the Blue Laws, the Act of seventeen hundred and ninety-four, I should like to read to you two sections of that law. In one section we have a penalty of $4 for a violation of the law, in another section we have a penalty of sixty-seven cents, and in another section of this law we have a penalty of forty-seven cents. In the act now under consideration, you will find that it protects the communities that vote against that measure. If you will bear with me, I shall read to you two sections of this bill for the purpose of clarifying the minds of the members, so that they can vote for this bill today. On page three, line four, "It shall be unlawful for any person co-partnership association or corporation to conduct stage manage operate or engage in any motion picture exhibitions regardless of whether a charge of admission thereto or incidental thereto is made or whether labor or business is necessary to conduct stage manage or operate the same on the first day of the week commonly called Sunday after the hour of two o'clock post meridian unless the voters of the municipality have first voted in favor of motion picture exhibitions and sound motion picture exhibitions on Sunday as hereinafter provided and in no case shall a person be employed as a projectionist or operator of motion pictures on Sunday or in or about motion picture exhibitions unless he or she shall have had twenty-four consecutive hours of rest during the preceding six week days."

One other section as a means of protecting the interests of those communities that wish to vote against it. There is a fine of one hundred dollars and ten days imprisonment, and that will protect those communities that are against this measure.

I ask you, members of the House, to vote in favor of this bill, to allow your people back home to decide this question for themselves. If they had enough confidence in us to send us here to this Assembly, then we, in turn should have enough confidence in them to permit them to decide this question for themselves at the November election.

Mr. SCHROPE. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Tumelty, Cannon, Walker, Flinchbaugh, Furman, Schwab, Pfaff, George E. Downey, Harmuth, Stank, John E. Brown, Siegel, Hindman, Welliver, John J. Downey, Hirsch, Muir, Boose, Rooney, Jackson, Condon and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—122

Andrews,	Eberharter,	LaRue,	Ruffenach,
Baine,	Eroe,	Linderman,	Ruth,
Baker, J. J.,	Falkenstein,	Long,	Sarraf,
Baldi,	Ferko,	Lovett,	Scanlon,
Barber,	Finnerty,	Mallen,	Schrope,
Barnhardt,	Fitch,	McDermott,	Schwartz,
Bernhard,	Flanagan,	McDevitt,	Shaw,
Blumberg,	Flynn,	McElroy,	Shepard,
Boyer,	Forrest,	Melchiorre,	Shreiner,
Bradley,	Furman,	Mentzer,	Shugarts,
Brancato,	Gerard,	Mooney,	Simon,
Brown, H. S.,	Green,	Moore,	Sowers,
Brumbaugh,	Greenstein,	Moran,	Sproul,
Burke,	Haberlen,	Munley,	Stank,
Cannon,	Hagerty,	Nothnagle,	Stevens,
Caputo,	Haluska,	O'Keefe,	Tahl,
Carr,	Hamilton, F. P.,	Ominsky,	Tronzo,
Castor,	Hamilton, R. S.,	O'Neill,	Tumelty,
Chervenak,	Harkins,	Patterson, C.,	Turner,
Cochran,	Harmuth,	Patterson, J. W.,	Van Allsburg,
Cohen,	Hefferon,	Pearson,	Wasserman,
Coleman,	Hirsch,	Perry,	Weidemann,
Condon,	Holland,	Peters,	Weiss,
Conner,	Holstrom,	Pfaff,	Welsh,
Coolahan,	Hoopes,	Phillips,	Westrick,
Cordier,	Jackson,	Piole,	Winner,
Davies,	Kane,	Powers,	Witkin,
Denning,	Kelder,	Reynolds,	Yourishin,
Dent,	Kilroy,	Rooney,	Zappala,
Downey, G. E.,	Kinney,	Root,	Sarig,
Downey, J. J.,	Kobelak,		

NAYS—80

Achterman,	Habbyshaw,	Muir,	Snyder, J. L.,
Alexander,	Hart,	Murrin,	Spangler,
Allen,	Hartman,	Nagel,	Stewart,
Altenburg,	Hermansen,	Panton,	Stockham,
Arnold,	Hetrick,	Parks,	Stone,
Atkins,	Hindman,	Reising,	Stott,
Aukerman,	Hoffner,	Rhys,	Sumney,
Baker, F. T.,	Horst,	Rinn,	Surface,
Boose,	Jones,	Roan,	Terry,
Brennan,	Kelso,	Robinson,	Trout,
Brown, J. E.,	Klingler,	Schrock,	Van Sickle,
Brownfield,	Longaker,	Schwab,	Walker,
Carson,	Lynch,	Shortz,	Wall,
Coakley,	Male,	Siegel,	Welliver,
Decker,	McCreary,	Simpson,	White,
Diehl,	McHenry,	Sinwell,	Wickersham,
Dilley,	McKinney,	Sloan,	Wood,
Dufford,	Merrell,	Smith, J. A.,	Woodside,
Flinchbaugh,	Moomaw,	Smith, W. G.,	Yeakel,
Gates,	Moul,	Snyder, F. E.,	Zimmerman,
Gillette,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. KANE. Mr. Speaker, I desire to vote "aye" and file my reasons.

Practically every moving picture house in my county is running every Sunday now in open violation of the present ineffective law. When prosecuted they merely pay a four dollar fine and proceed the next Sunday. In McKean County no new movies will be opened under this bill—some may be closed where the people vote against them. The choice here is not between this bill and perfection. The choice is between this bill and the present situation. I occasionally attend Sunday movies myself and I am not going to be hypocritical and deny my constituents even the privilege of voting on the subject whether they want movies lawfully or want them prohibited by a law which carries a penalty.

This bill was thoroughly gone over by our Law and Order Committee. I had the fines raised to an effective amount. The opponents of the bill in committee or at the public hearing offered no constructive suggestion for otherwise making the law effective. We put in provisions to protect labor; increased the penalties and reported out the bill. It is better than the present law.

REASONS FOR VOTE

Mr. REYNOLDS. Mr. Speaker, I desire to vote "aye" and file my reasons.

Because of the large vote in favor of open Sunday in Philadelphia, I wish to be recorded as voting "aye" and for the further reason that my district is decidedly liberal.

Mr. VanALLSBURG. Mr. Speaker,I desire to vote "aye" and file my reasons.

While I am personally opposed to Sunday movies, I voted "yes" on this measure because I cannot consistently vote otherwise. We have Sunday movies every Sunday in the year in Erie county. This bill will enable people to determine for themselves decisively whether or not Sunday movies shall be tolerated.

MOTION TO EXPUNGE WITHDRAWN

Mr. OMINSKY. Mr. Speaker, in view of the fact that the rebuke of the Chair, in calling the gentleman to order, is greater than expunging from the record the remarks against my colleague, I withdraw my former motion.

BILL ON SECOND READING

Agreeably to order,

The rulel requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceded to the second reading and consideration of House Bill No. 477, as follows:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) is hereby specifically appropriated to the Department of Wharves Docks and Ferries of the City of Philadelphia to be expended by said Department for the purpose of dredging the Delaware and Schuylkill Rivers

The moneys so appropriated shall only be expended as authorized and directed by the council of the City of Philadelphia and shall be drawn from the State Treasury upon warrants drawn by the Auditor General upon requisition by the directors of the Department of Wharves Docks and Ferries of said city

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1133, as follows:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one thousand dollars ($1,000) or so much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-five to be paid to the treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township and for the purpose of improving and replacing bridges and their abutments on such roads and highways Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisors of Elk Township

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2871 (Senate Bill No. 1232), entitled:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended by the act approved the twelfth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-nine) is hereby further amended to read as follows

Section 1 Definition of Terms Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

"Buyer" means the person who buys the goods covered by the conditional sale or any legal successor in interest of such person

"Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed

"Goods" means all chattels personal other than things in action and money and machinery and equipment attached or to be attached to real estate and includes emblements industrial growing crops and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether such event is the performance of an act by the buyer or the happening of a contingency

"Person" includes an individual partnership corporation and any other association

"Purchase" includes mortgage and pledge

"Purchaser" includes mortgagee and pledgee

"Seller" means the person who sells the goods covered by the conditional sale or any legal successor in interest of such person

Section 7 Fixtures [First As against a subsequent purchaser subsequent mortgagee or other subsequent encumbrancer of the realty for value and without notice of the reservation of property in the goods such reservation shall be void as to any goods so attached to the realty as to form a part thereof unless the conditional sale contract or a copy thereof shall be filed as required in section six before such purchase is made ar such mortgage is given or such encumbrance is effected "Subsequent" as used in this paragraph refers to the time of attaching the goods to the realty

Second As against an owner a prior mortgagee or other prior encumbrancer of the realty who has not assented to the reservation of property in the goods if any of the goods are so attached to the realy as not to be severable without material injury to the freehold the reservation of property in the goods so attached shall be void notwithstanding the filing of the contract or a copy thereof unless such injury although material be such as can be completelv repaired and the seller before retaking such goods furnishes or tenders to such owner prior mortgagee or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs "Prior" as used in this paragraph refers to the time of attaching the chattels to the realty

Third In order to entitle the conditional sale contract or copy thereof referred to in this section to be filed and indexed it shall have endorsed thereof or attached thereto a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto]

Goods to be affixed to realty shall not become a part of the said realty or of the freehold to which they are attached or are to be attached or of any operating plant of which they may form a part but shall be treated as severable and subject to removal as against the conditional vendee his heirs executors administrator successors and assigns and also as against any mortgagee encumbrancer owner purchaser or other persons having any interest in or liens against such real property or chattels real until the unpaid balance due under the said conditional sale contract has been paid if prior to the said affixing or attaching of the goods to the realty the conditional sale contract or a copy thereof together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto shall have been filed in the office of the prothonotary for the county in which the said realty is situate Provided however if a prior owner or encumbrancer of the said realty shall demand a bond to protect him against loss to be caused by the removal of the said goods conditionally sold the conditional seller or his successor in interest shall deliver to the said prior owner or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs said bond to be in a sum equal to the cost of making the said repairs before commencing the detachment or removal of the said goods If the amount of the bond cannot be agreed upon by the parties upon petition by any party at interest the amount shall be fixed by the common pleas court of the county where the conditional sale contract is filed at the sum necessary to repair the damage caused to the physical structure by the removal of the goods conditionally sold

On the question,

Will the House agree to the section?

Mr. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend as follows: line 19, page 4, by striking out the words, "chattels real," and by inserting in the place and stead thereof the word, "freehold".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and the title was separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

And said bill having been read at length the second time and ageeed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2435 (Senate Bill No. 820), entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1501 (Senate Bill No. 399), entitled:

An Act to amend sections two and fifteen of the act approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (P. L. 381), entitled "An Act Concerning Arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements; and conferring certain powers and imposing certain duties upon the courts with reference thereto;" by prescribing the time for making application to stay proceedings pending arbitration, by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration, and regulating such appeals.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2870 (Senate Bill No. 1296), entitled:

An Act to amend the title and to reenact and amend act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school disrict (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and act approved the first day of May one thousand nine hundred and thirty-five (Act Number fifty-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" is hereby amended and reenacted to read as follows

An Act [authorizing the abatement of] Abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years assessed against any real estate shall be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided

In order to receive the benefits of this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-four and for all previous years shall be paid on or before the first day of November one thousand nine hundred and thirty-five twenty per centum on or before the first day of November one thousand nine hundred and thirty-six and twenty per centum on the first day of November one thousand nine hundred and thirty-seven twenty per centum on or before the first day of November one thousand nine hundred and thirty-eight and the final twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine And provided [further] That the respective current taxes for the years during such installment periods shall be paid before they become delinquent Provided further That where any tax for the year one thousand nine hundred and thirty-five became delinquent prior to the effective date of the act to which this is an amendment or becomes delinquent at any time within thirty days after the effective date of the act to which this is an amendment such tax and any penalties due thereon shall be paid at any time on or before August first one thousand nine hundred and thirty-five in order to receive the benefits of this act

If any taxpayer availing himself of the provisions of this act shall fail to pay any installment of taxes as hereinbefore provided for the tax year one thousand nine hundred and thirty-four and all previous years as hereinbefore provided then the penalties and interest due on such unpaid installment or installments shall not be abated

Any taxpayer may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-four and previous years and receive the benefit of this act

This act shall be construed to apply to all taxes whether or not liens for such taxes have been returned for non-

payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county

The benefits of this act shall extend to and accrue to any grantee transferee mortgagee or other party in interest in the real estate against which the above mentioned taxes have been assessed and levied

On the question,

Will the House agree to the section?

Mr. STONE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 4, line 4, by inserting after the word "county" the following: "or where real property has been sold to a county, city, borough, town, township, school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired; but this act shall not be construed to apply to cases where real property has been sold other than to a county, city, borough, town, township, school district or poor district, at a tax sale or on a tax lien, and where the period of redemption has not expired."

Amend Sec. 1, page 4, by inserting between lines 8 and 9, following paragraph: "For the purposes of this act, a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

Mr. VanSICKLE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 3, line 9, by inserting after the word "delinquent" the following: "and if such current taxes are not paid before they become delinquent, then any penalties and interest abated on any instalment of delinquent taxes theretofore paid, shall be added to the remaining instalments of unpaid delinquent taxes:"

Amend sec. 1, page 3, line 16, by striking out with heavy-faced brackets the word "August" and insert in lieu thereof "November"

Amend sec. ,1 page 3, line 26, by inserting after the word "years" the following: "at any time on or before November first, one thousand nine hundred and thirty-five"

Amend sec. 1, page 3, line 27, by inserting after the word "act" the following: "and in such cases payment of current taxes shall not be required"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

The title was read as follows:

An Act to amend the title and to reenact and amend the act aproved the first day of May one thousand nine hundred and thirty-five (Act Number tiftfy-two) entitled "An act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes" by correcting the title and providing for the payment of taxes for the year one thousand nine hundred and thirty-five in certain cases in order to receive the benefits of said act

On the question,

Will the House agree to the title?

Mr. STONE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 8 of title, by striking out with dark-faced brackets the words "and providing" and inserting in lieu thereof: "extending the time"

Amend title, page 1, last line of title, by inserting after the word "act" the following: "excluding certain taxes from the provisions of the act; and fixing the dates when taxes shall be deemed delinquent."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and ageeed to as amended.

Ordered, To be transcribed for a third reading,

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2883 (Senate Bill No. 1235), entitled:

An Act to further amend section ten of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turn-pikes or toll-roads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions provid-

ing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the construction reconstruction and maintenance foot bridges over certain bridges by the Department of Highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2855 (Senate Bill No. 1246),

An Act empowering boroughs to refund liens and bonds secured by liens or water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured solely by liens and imposing no municipal liability

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2008, as follows:

An Act requiring weighers of cargo of ships at ports in cities and to be licensed and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the of the same That hereafter no person shall be employed as a weigher of cargo of ships at any port of any city of the first class unless such person shall be a resident of such city and shall have first obtained a license from the Department of Wharves Docks and Ferries authorizing him to engage in the business of weighing the cargo of ships The license fee for any such license shall be five dollars

Before any such license shall issue the Department of Wharves Docks and Ferries shall be satisfied that the person to whom a license is to be issued is qualified by experience and competent to act as a weigher of cargo of ships and is a person of good moral character

Section 2 It shall be unlawful for any person to weigh the cargo of any ship at the port of any city of the first class unless such person is a resident of such city and has first obtained license as required by this act Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of one hundred dollars or be sentenced to imprisonment for thirty days or both in the discretion of the court

Section 3 All acts or parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2865 (Senate Bill No. 657), entitled:

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws two hundred twelve) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this Commonwealth by persons having their principal places of business therein

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the third and fourth paragraphs of section six of the act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws two hundred twelve) entitled "An act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practice and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" are hereby amended to read as follows

The reporter shall have no pecuniary interest in such reports but the same shall be published under the supervision of the reporter by contract to be entered into by the reporter Secretary of the Commonwealth and Auditor General with the person or persons who in addition to furnishing the State Librarian for library and exchange fifty copies of each volume shall agree to publish and sell the said reports on terms most advantageous to the public and at the lowest price which contract shall be for a term of ten years and shall provide that the said reports shall be printed and published in this Commonwealth and that every volume printed under such contract shall be stereotyped and the plates thereof preserved and be delivered to the Secretary of the Commonwealth as the property of the State within three years after the expiration of the contract and shall provide that all volumes published under such contract shall be kept by the contractor at some convenient place within this Commonwealth to be designated by the said Secretary for the sale at the contract price to all citizens of the Commonwealth desiring the same during the term of his said contract and for five years thereafter

Before letting any contract as provided by this act the Secretary of the Commonwealth shall give notice of the time and place of awarding the contract by advertising in the newspaper having the greatest circulation in each of the cities of Philadelphia and Pittsburgh once a week for six consecutive weeks immediately preceding the letting of such contract and shall receive sealed proposals or bids and shall award the contract to the lowest bidder who can give the security required by the following clause of this act and who maintains his principal place of business in this Commonwealth

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. WITKIN. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Eberharter?

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. EBERHARTER. Mr. Speaker, I will.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman the purpose of recommitting this bill?

Mr. EBERHARTER. Mr. Speaker, the bill just came to my notice this morning, and the nature of the bill leads me to believe that it should be given more consideration in the Committee on Judiciary General of the House, because it refers to legal matters.

Mr. WITKIN. Mr. Speaker, was not this bill in the Committee on Judiciary General?

Mr. EBERHARTER. Not to my knowledge, Mr. Speaker.

Mr. WITKIN. Mr. Speaker, does the gentleman know from what committee it came?

Mr. EBERHARTER. I do not, Mr. Speaker. It just came to my notice this morning.

Mr. WITKIN. Mr. Speaker, may I ask the gentleman whether he would agree to have the bill pass second reading and then have it recommitted to the Committee on Judiciary General, where we can pick it up again?

Mr. EBERHARTER. Mr. Speaker, I will be glad to do that.

On the question,

Will the House agree to the section?

It was agreed to.

The second and third sections and title were separately read and agreed to as follows:

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

An Act to amend the third and fourth paragraphs of section six of an act approved the twenty-fourth day of June one thousand eight hundred ninety-five (Pamphlet Laws two hundred twelve) entitled "An Act to establish an intermediate court of appeal regulating its constitution officers jurisdiction powers practices and its relation to the Supreme Court and other courts providing for the reports of its decisions the compensation of the judges and other officers and the practice and costs on appeals from its judgments" so as to require the Pennsylvania Superior Court Reports to be printed and published in this commonwealth by persons having their principal places of business therein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2793 (Senate Bill No. 876), entitled

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty-three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1603 as follows

An Act to amend section two hundred and four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended further regulating the establishment and maintenance of branch banks offices and agencies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and four of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by the act approved the thirtieth day of December one thousand nine hundred and thirty-three (Pamphlet Laws one hundred twenty-five one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four) is hereby further amended to read as follows

Section 204 Branch Offices and Sub-Agencies A An institution shall not establish maintain or operate either directly or indirectly any branch bank branch office agency sub-office sub-agency or branch place of business within this Commonwealth for the transaction of any part of its

business but all of the business of such institution shall be carried on solely and exclusively at its principal place of business except as may be permitted by this act

This section shall not apply to branches sub-offices and sub-agencies established or those for which locations had been purchased or leased by deed recorded or leases actually delivered prior to the first day of March one thousand nine hundred twenty-seven or to branches sub-offices and sub-agencies which resulted from mergers or consolidations of institutions effective prior to the first day of April one thousand nine hundred twenty-seven and such institutions shall have the right to relocate the same within the corporate limits of the city borough or township in which the principal place of business is located at the time of such relocation provided that such relocation is made with the approval of the department in the manner provided by this act for any removal of the place of business of an institution

This section shall not apply to any institution which has its principal place of business in a city borough or township within this Commonwealth in which one or more national banking associations incorporated under the laws of the United States was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business for the transaction of any part of its business and any such institution may hereafter establish subject to the approval of the department and thereafter maintain and operate branch banks branch offices agencies sub-offices sub-agencies and branch places of business for the transaction of any part of its business but only within the corporate limits of the city borough or township in which its principal office is located and in which such national banking association was on the first day of March one thousand nine hundred twenty-seven operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business The right to establish and maintain branch banks branch offices agencies sub-offices sub-agencies or branch places of business under the provisions of this subsection shall be limited to the territory included within the corporate limits on the first day of March one thousand nine hundred twenty-seven of the respective cities boroughs or townships in which such national banking associations were on that date operating one or more branch banks branch offices agencies sub-offices sub-agencies or branch places of business and such right shall not extend to additional territory which may after the first day of March one thousand nine hundred twenty-seven be added to such cities boroughs or townships by annexation consolidation with one or more municipal corporations or otherwise nor shall it extend to other portions or divisions of municipal corporations to which such cities boroughs or townships may be annexed or with which they may be consolidated after that date the intention being to limit to the respective corporate limits such cities boroughs or townships as they existed on the first day of March one thousand nine hundred twenty-seven the right to establish and maintain the branch banks branch offices agencies sub-offices sub-agencies and branch places of business authorized in this section

B Any institution may continue to maintain and operate any branch bank branch office agency sub-office sub-agency or branch place of business lawfully established by such institution

C Any institution may in the manner provided by this act for an amendment to its articles establish a branch bank branch office agency sub-office sub-agency or branch place of business at any place within this Commonwealth where at the time such institution proposes to establish such branch bank branch office agency sub-office sub-agency or branch place of business any national banking association having its principal office in the same county as that in which the principal office of the institution proposing to take such action is located would have the power under the laws of the United States now or hereafter enacted to establish a branch bank branch office agency sub-office sub-agency or branch place of business of such national banking association

D Any institution in any city of the first class or any city of the second class may in the manner provided by this act for an amendment to its articles or in pursuance of a plan of merger or consolidation in accordance with the provisions of this act establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business at any place within the corporate limits of the said city of the first class or city of the second class in which its principal office is located or in any township of the first class or borough continguous to a city of the first class where the community in which such branch bank branch office agency sub-office sub-agency or branch place of business is to be established originally is without banking facilities or in the case of a merger or consolidation is without banking facilities other than an institution or institutions party or parties to a plan of merger or consolidation in accordance with this act and any institution in the county in which such township of the first class or borough is located may in like manner establish and thereafter maintain and operate a branch bank branch office agency sub-office sub-agency or branch place of business in any such township of the first class or borough

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2864 (Senate Bill No. 656), entitled:

An Act to amend sections seven and eight of an act approved the twelfth day of June one thousand eight hundred seventy-eight (Pamphlet Laws two hundred one) entitled "An act to provide for the publiction of the decisions of the supreme court and the appointment of a state reporter" so as to require the Pennsylvania State Reports to be printed and published in this commonwealth by persons having their principal places of business therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. EBERHARTER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Banking will meet immediately after this morning's session in room 323.

The Committee on Labor will meet one-half hour after this morning's session in room 325.

The Committee on Education will hold a special meeting at 3:00 P. M. today in the House Caucus Room.

The Committee on Education will meet tomorrow at 9:15 A. M. in room 326.

The Committee on Game will meet tomorrow at 9:30 A. M. in room 521.

The Committee on Insurance will meet tomorrow at 10:00 A. M. in room 325.

The Committee on State Government will meet tomorrow at 10:00 A. M. in room 323.

The Committee on Boroughs and Townships will meet tomorrow at 10:30 A. M. in room 326.

The Committee on Counties will meet tomorrow at 10:30 A. M. in room 324.

The Committee on Corporations will not meet tomorrow

The Committee on Judiciary Local will not meet tomorrow.

The Committee on Muncipal Corporations will not meet tomorrow.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 4:00 P. M. Are there objections? The Chair hears none and declares a recess until 4:00 P. M.

AFTER RECESS

The House reconvened at 4:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

BLUE LAWS

A petition from adult members of Christian Churches of Pittsburgh, protesting passage of Sunday Movie Bill.

A resolution from the Pittsburgh Ministerial Union urging the recommittment to the Committee on Law and Order of the Polo and Tennis Sunday Bills for a public hearing; also opposing passage of the Sunday Movie Bill.

Referred to the Committee on Law and Order.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

An Act empowering the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Pennsylvania Industrial Reformatory to grant to the borough of Huntingdon a right of way or easement to lay a water line across lands of the Pennsylvania Industrial School

HOUSE BILL No. 89.

An Act to prohibit discrimination on account of race or color in employment under contracts for public buildings or public works

HOUSE BILL No. 665.

An Act to amend clause twenty-five as amended and renumbered clause eighteen of and to add clause twenty to section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by establishing the State Forests and Waters Fund and transferring certain receipts into the State Forests and Waters Fund herctofore payable to the State School Fund and certain other receipts to said fund

HOUSE BILL No. 861.

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

HOUSE BILL No. 894.

An Act to amend section fifteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" further regulating the jurisdiction of the courts in divorce actions

HOUSE BILL No. 965.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Military Affairs to sell and convey a certain portion of the lands acquired for a State Military Cemetery located at Boalsburg Centre County Pennsylvania

HOUSE BILL No. 1024.

An Act to amend section two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred nine) entitled "An act authorizing the Secretary of Highways to join two or more State highway routes by the construction of connecting roads under certain conditions and providing for the payment of damages for land taken in the construction of such connecting roads"

HOUSE BILL No. 1130.

An Act prescribing the courts to which successive appeals by the same or different parties but involving the same questions shall be taken regulating the disposition of such appeals and repealing certain acts and parts of acts

HOUSE BILL No. 1078.

An Act relating to judgments by agreement

HOUSE BILL No. 1555.

An Act to amend section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid

to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended providing for appeals from refusals of the Board of Finance and Revenue to allow refunds

HOUSE BILL No. 1716.

An Act to amend section two thousand five hundred and ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the officers of school districts, to join with or aid any individual or association in the maintenance, or the establishment and maintenance of a public library, although a school library already exists.

HOUSE BILL No. 2044.

An Act to amend the act approved the twenty-third day of May one thousand eight hundred ninety-one (Pamphlet Laws one hundred nine) entitled "An act to limit the period within which petitions for the assessment of damages for the opening or widening of any street road or highway may be filed in the court of quarter sessions" by providing specifically for State highways and other highways and for cases in which no limitation has previously been made

HOUSE BILL No. 2049.

An Act to amend section one of the act approved the fourth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred seventy-seven) entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities boroughs or incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" to include as State highways portions of the highway outside municipalities under certain conditions

HOUSE BILL No. 2050.

An Act to amend the act entitled "An act to amend the act approved the twelfth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred fifty) entitled 'An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys and to incur indebtedness and issue bonds and other obligations for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth and providing the method for applying for said moneys and for the approval thereof by the State Highway Department in certain cases' as amended extending the provisions of said act to highways in cities" as amended

HOUSE BILL No. 2167.

An Act to further section one thousand four hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for releasing parts of the real property of a corporation from the lien of State taxes upon payment of a proportionate share of such taxes

HOUSE BILL No. 2203.

An Act to amend section fifteen of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred seventy-three) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" requiring dealers in securities to make reports of their financial condition

HOUSE BILL No. 2205.

An Act to amend sections two thousand one hundred and one and two thousand one hundred and two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for meetings of teachers

HOUSE BILL No. 2380.

An Act authorizing certain persons having charge of certain banking institutions which are in the process of liquidation and which have been surrendered by the Secretary of Banking to borrow money from certain agencies of the United States Government

Whereupon,

The Speaker in the presence of the House signed the same.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate, being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 19. (HOUSE BILL No. 2928).

An Act to amend sections two four five eight eleven twelve seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thir-

teenth day of May one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance re-issuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

Referred to the Committee on Labor.

SENATE BILL No. 963. (HOUSE BILL No. 2929).

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 213. (HOUSE BILL No. 2930).

An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate.

Referred to the Committee on Corporations.

SENATE BILL No. 954. (HOUSE BILL No. 2931).

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal for trust funds.

Referred to the Committee on Boroughs and Townships.

SENATE BILL No. 1025. (HOUSE BILL No. 2932).

An Act relating to the recording of certificates of incorporation of domestic corporations incorporated prior to July third one thousand nine hundred and thirty-three validating acts done and transfers and conveyances made to or by corporations before the recording of their certificates or of certified copies thereof and making certified copies of the record of certified copies of certificates competent evidence for all purposes.

Referred to the Committee on Corporations.

SENATE BILL No. 1026. (HOUSE BILL No. 2933).

An Act making an appropriation to the Department of Property and Supplies for the purpose of paying an amount due for architectual services in connection with a cell house at the Western State Penitentiary at Rockview.

Referred to the Committee on Appropriations.

SENATE BILL No. 1236. (HOUSE BILL No. 2934).

An Act to amend section three hunderd and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing a rule for the investment of funds given, granted, conveyed, bequeathed, devised to, or otherwise vested in corporations formed for religious, educational, scientific or charitable purposes.

Referred to the Committee on Corporations.

SENATE BILL No. 1243. (HOUSE BILL No. 2935).

An Act to amend section one thousand and seven of the act approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing the method by which a foreign business corporation may change the address of its registered office.

Referred to the Committee on Corporations.

SENATE BILL No. 1390. (HOUSE BILL No. 2936).

An Act to amend section twenty-nine of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties

from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," as amended; by cancelling certain judgments against townships.

Referred to the Committee on Highways.

SENATE BILL No. 1391. (HOUSE BILL No. 2937).

An Act to further amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State High Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats; principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by extending the conditions of the additional bond for labor and materials to include service rendered.

Referred to the Committee on Highways.

SENATE BILL No. 1396. (HOUSE BILL No. 2938).

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey three contiguous parcels of land.

Referred to the Committee on State Government.

SENATE BILL No. 1415. (HOUSE BILL No. 2939).

An Act for the establishment operation and maintenance by corporations and cities of foreign-trade zones in or adjacent to ports of entry of the United States in accordance with the act of Congress providing for the formation of private corporations for such purposes and prescribing the powers and duties of such corporations and cities in connection with such trade zones.

Referred to the Committee on Cities.

SENATE BILL No. 1426. (HOUSE BILL No. 2940).

An Act prohibiting others than members of the Bar to practice law and providing penalties.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1461. (HOUSE BILL No. 2941).

An Act making an appropriation for the purpose of maintaining the public roads through the Cornplanter Indian Reservation in Elk Township, Warren County.

Referred to the Committee on Appropriations.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1935.

Whereas, June 14, is the anniversary of the adoption by the Continental Congress, June 14, 1777, of the Stars and Stripes as the emblem of the United States, and with that date began the history of our Flag as a symbol of our nationality; and

Whereas, Pennsylvania has the honor of giving birth on its soil to our National Emblem; and

Whereas, The American Flag Day Association, which has for over forty (40) years has led the observation of "Flag Day" as a patriotic duty and their affiliated civic, education, patriotic, fraternal, religious and other cooperating organizations which also annually observe Flag Day, have by their example, shown the citizens of Pennsylvania particularly and the Nation at large the influence for good which such observance may exert; and

Whereas, By such celebrations our pride in American citizenship may be emphasized, our faith in and devotion to American institutions strengthened, a stronger love of country shown, our patriotism rekindled and also to perpetuate this observance; therefore be it

Resolved, (if the House of Representatives concur) That

the Governor of our Commonwealth be and is hereby authorized and empowered to designate June 14 of each year as Flag Day by proclamation and to request our citizens to observe Flag Day, June 14, as the anniversary birthday of "Old Glory" and that decorations in our National colors be made, and wherever possible in every community, the American Flag be displayed and worn as a badge of honor and distinction, that in schools and colleges and universities there be special patriotic exercises and societies, clubs and other organizations have suitable programs, and also on the Sunday nearest June 14th, in all places of worship, public recognition be made, that we then give expression to our thoughtful love of America, our determination to make it greater with each generation, by loyal service and loyal living.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Education.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate recedes from its non-concurence in the amendments made and insisted upon by the House of Representatives to House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1823.

An Act establishing a certain section of public road as a State highway and providing for its construction and mainttenance at the expense of the Commonwealth

HOUSE BILL No. 2047.

An Act to amend section one of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphet Laws three hundred and ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, January 28, 1935.

Whereas, Unemployment relief has heretofore generally been distributed by the State Emergency Relief Board in the form of food and clothing vouchers or orders and

Whereas, Many persons are of the opinion that such distribution should be in the form of direct or cash relief and

Whereas, That method of distribution is already in effect in the counties of Philadelphia and Allegheny and

Whereas, It is of paramount importance that milk be always available to the needy particularly to the ill and to children and

Whereas, The State Emergency Relief Board is able to procure milk more cheaply than destitute families can purchase it directly therefore be it

Resolved (if the Senate concur), by the General Assembly of the Commonwealth of Pennsylvania That the State Emergency Relief Board be urged to continue the direct distribution of milk without regard to the method or methods which may be adopted in the distribution of relief generally and be it further

Resolved, That a copy of this resolution be forwarded to the Director of the State Emergency Relief Board of this Commonwealth.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

Amend resolution page 1, by striking out lines 5 to 8 inclusive as follows: "Whereas many persons are of the opinion that such distribution should be in the form of direct or cash relief and

Whereas that method of distribution is already in effect in the counties of Philadelphia and Allegheny and"

On the question,

Will the House concur in the amendments made by the Senate?

They were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 804.

An Act to further amend section six hundred and fourteen of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing pen-

alties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" requiring the payment of fine and costs imposed before the restoration of operating privilege in certain cases and imposing duties upon clerks of the courts

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1286.

An Act to amend sections ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending before the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows instead of to estates defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 15 by striking out at the beginning the words "instead of" and inserting in lieu thereof the words "Non-residents and" also in line 15 by inserting after the word "estates" the words "under certain conditions"

Amend section 1, line 13 by inserting after the word "followed" the following: "Section 8 The board by a majority vote thereof may refuse to grant to renew suspend or revoke a license of any applicant or licensee for the following reasons

"(a) The practice of any fraud or deceit in obtaining or attempting to obtain a license

"(b) Violation of the health laws of this Commonwealth

"(c) The conviction of a crime involving moral turpitude

"(d) The use of misleading advertising

"(e) Gross incompetency negligence or misconduct in the carrying on of such business or profession

"(f) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board

"(g) Loaning borrowing or using a license of another or of knowingly aiding or abetting in any way the granting of improper licenses

"(h) Soliciting patronage other than by legitimate advertisement or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured or paying any gratuity to any person with intent to have such person aid in securing business or like unprofessional conduct"

Also page 3, line 1, by striking out after the word "Any" the word "State" also line 5, by striking out after the word "association" the words "or incorporated local association" also line 9, by striking out after the word "of" the word "this" also page 4, line 5, by striking out after the light bracket the figure "(6)" also line 5, by striking out after the word "Estates" the word "Widows" also line 7 by striking out after the word "period" the words "as she remains a widow" also line 9, by inserting after the word "board" the following :"Provided that the Board may issue licenses and renew the same to estates for a period not exceeding three years or widows of deceased licensees as long as they remain unmarried when the business is carried on under the supervision of a licensed undertaker and under the regulations of the board"

Also page 5, line 3, by inserting after the word "undertaking" the words "or who advertises himself as an undertaker" also line 26 by inserting after the word "inspector" the words "or inspectors" also page 6, line 7, by inserting after the word "inspection" the words "and for the investigation of complaints coming before the board and such other matters as the board may direct" also page 7, line 2, by striking out after the word "of" the word "six" and inserting in lieu thereof the word "five" also line 14, by striking out after the word "licensee" the words "Regulation shall not become effective until sixty days after notice thereof has been given to all licensees and all persons entitled to receive such notice" also line 23, by striking out after the letter "(e)" the following: "At the first meeting of each year which the Board shall hold in Harrisburg it shall elect one of its members as chairman and one as vice-chairman and one as secretary-treasurer It shall make an annual report to the Governor It shall keep all applications filed all documents under oath a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and of those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them The Board may appoint or employ a Chief clerk whenever in its judgment such services is needed and special counsel in place of or in addition to the attorney general Examinations shall not be held oftener than once yearly The Board shall not hereafter grant any new branch licenses and it may suspend or revoke inactive licenses of any individual or corporation" and inserting in lieu thereof the following: "The Board shall keep a record of its proceedings and shall maintain a register of all the names and addresses of all persons applying for and those receiving licenses and registration cards under this act any of which or a certified copy thereof shall be prima facie evidence of all matters covered by them Such register shall be open to public inspection The board may appoint or employ with the Attorney General's consent special counsel in addition to the Attorney-General The board shall not hereafter grant any new licenses and it may suspend or revoke inactive licenses of any individual or corporation"

Also line 12, by striking out at the beginning the heavy faced bracket also line 20 by striking out after the word "Commonwealth" the heavy faced brackets, also in line 21, by striking out at the beginning the letter "(f)" and inserting in lieu thereof the letter "(g)" also line 26, by inserting after the word "health" the words "The Secretary of Health shall be ex-officio a member of the board"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brennan,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1608

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothontaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill page 23, by adding the following: "Section 2 Effective Date This Act shall become effective immediately upon final enactment"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Atkins,	Flinchbaugh,	McKinney,	Simpson,
Arnold,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1654.

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 1, line 7, by inserting after the word "of" the words "his attorney of record"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsh,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2176.

An Act to amend section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Acts page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" as amended by reducing the amount of the state appropriation and the amount required to be raised by citizens and re-appropriating to the Department of Property and Supplies the appropriation as so reduced

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1 by striking out after the work "amend" the words "section two of" and inserting in lieu thereof the words "the title of an" also line 7, by inserting after the word "by" the words "providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the Borough of Prospect Park" also line 10, by striking out after the word "of" the words "Property and Supplies" and inserting in lieu thereof the words "Forests and Waters"

Amend section 1, page 1, line 3 by inserting after the word "that" the words "the title and" also line 4, by striking out after the word "Section" the word 'two" and inserting in lieu thereof the word "one"

Also page 2, line 1, by inserting after the word "appropriation" the following: "are hereby amended to read as follows

"An Act authorizing the Department of [Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory] Forests and Waters to acquire repair restore and maintain the birthplace of John Morton in the borough of Prospect Park and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of [Property and Supplies] Forests and Waters with the approval of the Pennsylvania Historical Commission shall arrange for the [construction erection and dedication in the city of Chester on public grounds of a suitable monument or memorial to the memory] purchase and acquisition in the name of the Commonwealth of the birthplace of John Morton in the borough of Prospect Park and for the repair restoration and maintenance thereof The department shall have power to enter into any and all contracts deemed necessary to carry into effect the provisions of this act The amount of land purchased and acquired under the provisions of this act shall be in the discretion of the department

Section 2 Section two of said act"

Amend bill page 2, section 2, line 9, by inserting after the word "Supplies" the words "Forests and Waters"; also

line 12, by inserting after the word "Chester" the words "county of Delaware"; also line 15 by inserting after the word "monument" the words "acquisition repair restoration and maintenance of said birthplace"; also line 21, by inserting after the word "Supplies" the words "Forests and Waters".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J. J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Kelder,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 2485.

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and public service companies and making an appropriation

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title Page 1, line 8, by striking out after the word "and" the words "public service" and inserting in lieu thereof the word "railroad"

Amend Section 2, page 2, line 9, by striking out after the word "and" the words "public service" and inserting in lieu thereof the word "railroad"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the years and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Eroe,	Mason,	Shortz,
Alexander,	Falkenstein,	McCreary,	Shreiner,
Allen,	Ferko,	McDermott,	Shugarts,
Altenburg,	Finnerty,	McDevitt,	Siegel,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Gillette,	Moore,	Sowers,
Barnhardt,	Green,	Moran,	Spangler,
Bernhard,	Greenstein,	Moul,	Sproul,
Blumberg,	Habbyshaw,	Muir,	Stank,
Boose,	Haberlen,	Munley,	Stevens,
Boyd, H. N.,	Hagerty,	Murrin,	Stewart,
Boyd, R.,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Panton,	Tahl,
Brown, J. E.,	Hartman,	Parks,	Terry,
Brownfield,	Hefferon,	Patterson, C.,	Tronzo,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Trout,
Burke,	Hetrick,	Pearson,	Tumelty,
Cannon,	Hindman,	Perry,	Turner,
Caputo,	Hirsch,	Peters,	VanAllsburg,
Carr,	Hoffner,	Pfaff,	VanSickle,
Carson,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Rinn,	Welsh,
Condon,	Kelder,	Roan,	Westrick,
Conner,	Kelso,	Robinson,	Wheeler,
Coolahan,	Kilroy,	Rooney,	White,
Cordier,	Kinney,	Root,	Wickersham,
Davies,	Klinger,	Ruffennach,	Wilson,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Scanlon,	Wood,
Diehl,	Long,	Schrock,	Woodside,
Dilley,	Longaker,	Schrope,	Yeakel,
Downey, G. E.,	Lovett,	Schwab,	Yourishin,
Downey, J. J.,	Lynch,	Schwartz,	Zappala,
Duffort,	Male,	Shaw,	Zimmerman,
Eberharter,	Mallen,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2512.

An Act staying legal proceedings except in certain cases against banks bank and trust companies and trust companies engaged in a fiduciary business where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title Page 1, line 1, by striking out at the beginning of line 1, the word "Staying" and inserting in lieu thereof the words "authorizing courts to stay" also line 3, by striking out after the word "companies" the words "engaged in a fiduciary business"

Amend bill, page 2, line 6 of Whereas clause, by inserting after the word "years" the word "from" also line 7, of Whereas clause by striking out at the beginning the word "thirty-one" and inserting in lieu thereof the word "thirty-first"

Amend section 1, page 2, line 6, by striking out after the word "company" the words "engaged in a fiduciary business" also line 13, by striking out after the words "real estate" the words "no suit for other proceeding at law in equity or otherwise including proceeding" also page 3, line 1, by striking out at the beginning the following: "on exceptions filed to accounts of fiduciaries shall be brought nor shall further proceedings be had on any such suit or proceedings now pending or on any judgment or decree heretofore entered until after two (2) years from the date of this Act by any trust estate or beneficiary interested in such trust estate to recover in cash either the amount or value of such trust funds so invested"

Amend Section 2, page 3, line 6, by striking out at the beginning the following: "Section 2 Any court in this Commonwealth in which such suit or proceeding is now pending or may be hereafter brought shall have full power and authority to grant proper stays of proceedings in accordance with the provisions of this Act including stays of execution where any such suit or proceeding has been reduced to judgment"

And inserting in lieu thereof the following: "Any court in this Commonwealth in which any suit or proceeding is now pending or may be hereafter brought affecting such trust or other funds including exceptions filed to accounts of fiduciaries may upon such terms and conditions as to it seem necessary and proper under the circumstances of each case grant proper stays of proceedings in accordance with provisions of this act including stays of execution where any suit or proceeding has been reduced to judgment Providing however that no stay so granted shall extend beyond March thirty-first nineteen thirty-seven"

Amend bill page 3, line 12, by striking out after the word "section" the figure "3", and inserting in lieu thereof the figure "2." Also amend section 3, page 3, line 13, by striking out after the word "petition" the word "a"

Amend bill page 3, line 18 by striking out after the word "section" the figure "4" and inserting in lieu thereof the figure "3" Also amend bill page 3, line 22, by striking out after the word "section" the figure "5" and inserting in lieu thereof the figure "4"

Amend bill line 27 by striking out after the word "section" the figure "6" and inserting in lieu thereof the figure "5"

Amend bill page 3, line 29, by inserting after the word "is" the words "less than"; also amend bill line 29, by striking out at the end of the line the words "or less"

Amend bill page 4, line 1, by striking out after the word "section" the figure "7" and inserting in lieu thereof the figure "6"

Amend bill line 8, by striking out after the word "Section" the figure "8" and inserting in lieu thereof the figure "7"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the years and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Siegel,
Andrews,	Flanagan,	McHenry,	Simon,
Arnold,	Flinchbaugh,	McKinney,	Simpson,
Atkins,	Flynn,	Melchiorre,	Sinwell,
Aukerman,	Forrest,	Mentzer,	Sloan,
Baine,	Furman,	Merrell,	Smith, J. A.,
Baker, F. T.,	Gates,	Moomaw,	Smith, W. G.,
Baker, J J.,	Gerard,	Mooney,	Snyder, F. E.,
Baldi,	Gillette,	Moore,	Snyder, J. L.,
Barber,	Green,	Moran,	Sowers,
Barnhardt,	Greenstein,	Moul,	Spangler,
Bernhard,	Habbyshaw,	Muir,	Sproul,
Blumberg,	Haberlen,	Munley,	Stank,
Boose,	Hagerty,	Murrin,	Stevens,
Boyer,	Haluska,	Nagel,	Stewart,
Bradley,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brancato,	Hamilton, R. S.,	O'Keefe,	Stone,
Brennan,	Harkins,	Ominsky,	Stott,
Brown, H. S.,	Harmuth,	O'Neill,	Sumney,
Brown, J. E.,	Hart,	Panton,	Surface,
Brownfield,	Hartman,	Parks,	Tahl,
Brumbaugh,	Hefferon,	Patterson, C.,	Terry,
Burke,	Hermansen,	Patterson, J. W.,	Tronzo,
Cannon,	Hetrick,	Pearson,	Trout,
Caputo,	Hindman,	Perry,	Tumelty,
Carr,	Hirsch,	Peters,	Turner,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Castor,	Holland,	Phillips,	Van Sickle,
Chervenak,	Holstrom,	Piole,	Walker,
Coakley,	Hoopes,	Powers,	Wall,
Cochran,	Horst,	Reising,	Wasserman,
Cohen,	Jackson,	Reynolds,	Weidemann,
Coleman,	Jones,	Rhys,	Weiss,
Condon,	Kane,	Rinn,	Welliver,
Conner,	Keiser,	Roan,	Welsh,
Coolahan,	Kelso,	Robinson,	Westrick,
Cordier,	Kilroy,	Rooney,	White,
Davies,	Kinney,	Root,	Wickersham,
Decker,	Klingler,	Ruffennach,	Winner,
Denning,	Kobelak,	Ruth,	Witkin,
Dent,	LaRue,	Sarraf,	Wood,
Diehl,	Linderman,	Scanlon,	Woodside,
Dilley,	Long,	Schrock,	Yeakel,
Downey, G. E.,	Longaker,	Schrope,	Yourishin,
Downey, J. J.,	Lovett,	Schwab,	Zappala,
Duffort,	Lynch,	Schwartz,	Zimmerman,
Eberharter,	Male,	Shaw,	Sarig,
Eroe,	Mallen,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 371.

An Act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 25 by striking out after the word "work" the heavy faced bracket, also line 25, by striking out after the word "service" the heavy faced brackets. Also line 26, by striking out at the beginning the following: "and farming" and inserting in lieu thereof the following: "registered pharmacists assistant pharmacists and apprentice pharmacists employed in a registered pharmacy or hospital dispensary employes in hotels restaurants dining rooms and eating places nursing service in private homes nurses and nurses' helpers employes in hospital and farming"

Amend section 3, page 4 line 2, by striking out after the word "than" the word "industrial" and inserting in lieu thereof the word "manufacturing" also line 6, by striking out after the word "than" the word "forty-four" and inserting in lieu thereof the word "forty-eight" also in line 7, by striking out after the word "than" the word "eight" and inserting in lieu thereof the word "ten" also in line 9 by striking out after the letter "(a)" the following: "Provided That female telephone and telegraph operators over the age of eighteen years may be employed for a total of two hours overtime on any one day in emergency cases when necessary for the continuous operation of a telephone exchange or a telegraph office but no such operator shall be permitted to work for more than forty-four hours in any one week" and inserting in lieu thereof the following: "Providing That for a period not to exceed two weeks during the first six months of the calendar year and for a period not to exceed three weeks during the second six months of the calendar year female workers whose basic work week is forty-eight hours as herein provided may work six hours per week more than their normal basic work week if the employer has notified the Department of Labor and Industry at least one day in advance of the beginning of such periods and if such periods of overtime shall be identical for all employes in an establishment but no female shall be permitted to work more than the maximum hours per day and the maximum days per week specified in this Act for such establishments And provided further That the maximum hours fixed in this section shall not apply to telephone and telegraph exchanges or offices where the service does not require more than three operators on duty at any one time" also page 5, line 14, by striking out at the beginning the following:

"(c) Females employed in the canning of perishable fruits and vegetables may be permitted to work for not longer than ten hours in any one day including any overtime as specified in subsection (a) Provided That no female so employed may in any case be employed or permitted to work for more than forty hours in any one week or for more than six days in any one week

"(d) No female shall be employed or permitted to work in domestic service more than fifty-four hours in any one week"

And inserting in lieu thereof the following:

"(c) Upon submission of satisfactory proof of the existence of special conditions in any establishment making it necessary for certain persons engaged in the canning of perishable fruits and vegetables and those engaged in the packing of perishable fruits and vegetables at shipping point to be employed more than eight hours in any one day or more than forty-eight hours in any one week the Secretary of Labor and Industry or his duly selected representatives may issue exemption permits with respect to such workers relieving the employer from the provisions of this act with reference to such workers but not for a longer period than thirty days at any one time"

Also page 6, line 4, by striking out at the beginning "(f)" and inserting in lieu thereof the letter "(e)" also line 5, by striking out after the word "hospitals" the word "nor"; amend section 4, page 7, line 4, by striking out after the word "six" the word "five" also line 8, by inserting after the word "work" the following: "Provided That when ever any female shall be employed or permitted to work in or in connection with any establishment [for less than eight] on a shift of not more than six hours in any one day the interval between work periods may be reduced to not less than [thirty] fifteen minutes"; also page 7, line 13, by striking out the following: "Provided that whenever any female shall be regularly employed or permitted to work in or in connection with any establishment on a shift of not more than six hours in any one day the interval between work periods may be reduced to not less than fifteen minutes"

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HALUSKA. Mr. Speaker, I move that the House do nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

STATEMENT BY MR. REISING

Mr. REISING asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, owing to the fact that a local paper in Beaver County, in the issue of Monday, June 3, 1935, made a statement to the effect "County Officers Rebuke Reising for False Talk," I feel that as chairman of the Legislative investigating committee investigating the various relief agencies of Beaver County, I owe to this House a statement, which I shall make at this time.

In reply to the charge made against me for being guilty of false statements, the charge being made by the county commissioners of Beaver County, I herewith make the following reply:

That some weeks prior to April 20, 1935 the question of the proposed Legislative investigation of the various relief agencies in Beaver County was being discussed with certain members of the Beaver County bar, at which time it was suggested that Court Room No. 3 in the Beaver County Court House would be an appropriate place to conduct the investigation. Following this certain of the Beaver County papers made mention of the fact that Court Room No. 3 would be used by the Legislative

Investigation Committee to conduct its hearings, beginning at 10 A. M. Saturday, April 20, 1935.

Witnesses were advised to be present at Court Room No. 3 on the above date and at the designated time. It has been stated that certain court house employes were requested by me to unlock the door leading to Court Room No. 3. This statement is in error, as the door was not locked at the time we desired to use that room. After the room was about filled with people an employe of the court house advised Mr. Nagel, one of the members of the committee, that we would have to vacate this room and use the Assembly Room. The time having arrived to begin our hearing, I consulted with Commissioner J. J. Zimmerman with respect to the use of that room which he objected to the Committee using, and owing to the fact that it was generally known for some weeks that the hearings were to be held in Court Room No. 3, I as chairman of the committee did not see fit to acquiesce in the demand of Mr. Zimmerman to vacate that room and leave this room vacant and re-establish ourselves in another room in another part of the court house. As a result of the power and authority vested in me by the resolution authorizing the investigation, I commandered Court Room No. 3 for the use of the committee for that day, Saturday, April 20, 1935, which delayed the investigation in getting started.

On this same date requisition was made to the county commissioners office for transcribing stationery. The said stationery was not delivered until May 11, 1935, the last day of the Legislative investigation hearing, which in effect was responsible for the stenographer who was taking these hearings, not being able to transcribe them until after the final hearing was completed. The first hearing began at 10 A. M., Saturday, April 20, 1935, the final hearing ended Saturday afternoon, May 11, 1935, which entailed a delay of approximately three weeks in the report to the Legislature by the said committee.

Prior to Saturday, April 20, 1935 requisition was made upon the director of the Emergency Relief for stenographic aid. The stenographer provided had already worked forty hours that week, and as a result I refused to accept her services, because I did not desire to violate the Working Code, and to avoid further delay I employed a stenographer to perform the stenographic work for the Legislative investigation committee.

In this investigation I was determined to carry out the wishes of the Legislature in an honest, clean and an upright manner, and as a result the Committee has received many expressions of commendation, both written and oral, for the courageous and determined and upright manner in which this investigation was conducted, and in refuting the rebuke by the county commissioners I will leave it to the judgment of the people of Beaver County who read this statement as to whether or not my judgment was in error when I stated that the lack of cooperation, on the part of certain County Officers and others, was responsible for the delays in making the final report by the committee.

RESOLUTION

RECALLING HOUSE BILL NO. 2637 FROM THE GOVERNOR

Mr. SURFACE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 4, 1935.

Resolved (if the Senate concur), that House Bill No. 2637, Printer's No. 870, entitled "An act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON SECOND READING

Mr. EBERHARTER asked and obtained unanimous consent to call up out of order House Bill No. 2436, Printer's No. 1302, on page 4 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by the act approved the twentieth day of December one thousand nine hundred and thirty-three (P. L. 75 1933-34) are hereby amended to read as follows

An Act to regulate and restrain the traffic in malt [liquors] and brewed beverages as herein defined providing for the licensing of the sale and distribution of such [liquors] beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such [liquors] beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon [county treasurers the Department of Revenue] the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the ["Malt Liquor License Law"] "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt [liquor"] or brewed beverage" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquors may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons [holding permits issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board of this Commonwealth] holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase and resale of malt [liquors] or brewed beverages in the original sealed packages as prepared for the market by the manufacturer but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "retailer" means and includes persons licensed to engage in the retail sale of malt [liquors where the consumption thereof is upon the premises of such vendor with the privilege of selling malt liquors to be carried from the premises by the purchaser thereof only however in the original containers] or brewed beverages as follows

(1) "Retail Dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licenses with the privilege of selling malt or brewed beveraged in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(2) "Package Retailer" means and includes persons licensed to engage in the retail sale of malt or brewed beverages in original containers as prepared for the market by the manufacturer in quantities not in excess of seventy-two fluid ounces in a single sale to one person

(f) The term "original containers" means and includes bottles casks kegs or other containers that have been securely capped sealed or corked by the manufacturer with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(g) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(h) "Eating place" means a premise having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(i) ["Treasurer" means the county treasurer of the county in which is located any place specified in an application as the place for which a license is desired] "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(j) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(k) The term "manufacturer" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(l) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least eight and in any other place at least four permanent bed rooms for the use of guests and a public dining room or eating place operated by the same management having a total area in one or more rooms of not less than three hundred square feet and accommodating at least thirty persons at one time

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt [liquor] or brewed beverages unless such [person] vendor holds a valid [malt liquor retail license] Retail Dispenser License issued under this act by the [treasurer] board or a valid license issued under any other act authorizing the sale of spirituous and vinous [and malt] liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another any malt [liquor] or brewed beverages not for consumption upon the premises where sold unless such person holds a valid [manufacturer's permit issued by the Pennsylvania Alcohol Permit Board or the Pennsylvania Liquor Control Board or a valid distributor's or retailer's malt liquor license issued by the treasurer] license issued by the board permitting such sale

Section 5 [Malt Liquor Distributors' Licenses —The treasurer shall issue to any person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a malt liquor distributor license for the place at which such person desires to sell malt liquors not for consumption on the premises where sold] Manufacturers' and Distributors Licenses

(a) It shall be unlawful for any person to manufacture malt or brewed beverages unless such person holds a valid manufacturerer's license issued by the board The Board shall issue to any person of good repute who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Manufacturer's license to produce and manufacture malt or brewed beverages and to transport sell and deliver malt or brewed beverages at or from one or more places of manufacture or storage only in original packages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth The application for such license shall contain the name and address of the Applicant together with information concerning the size capacity equipment and location of all plants or places of storage to be used for the purposes of such license and where Applicant is a Corporation the names and addresses of all officers and Directors of the Corporation a statement that the corporation is organized or registered under the laws of the Commonwealth and that all officers and directors are citizens of the United States and that at least fifty-one per centum of the capital stock of the Corporation is owned by persons who are citizens of the United States and such other necessary information as the board shall require All such licenses shall be granted for the calendar year and where a license runs for less than the full calendar year the license fee shall be reduced one-twelfth for each full month such license was not in force during the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and quantities

of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof

(b) The Board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the Bond hereinafter required a Distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original packages as prepared for the market by the Manufacturer Such licenses shall be issued only to reputable individuals who are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable Corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania

Section 6 Malt [Liquor] and Brewed Beverage Retailer's Licenses (a) Subject to the restrictions hereinafter provided the [treasurer] board shall issue to a person who conducts a reputable hotel or any reputable incorporated club [whatsoever] or a reputable bona fide eating place where food is regularly and customarily prepared and sold and who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the bond hereinafter required a [malt liquor retailer] retail dispensers license for such place

Such licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

No [malt liquor retailer] retail dispensers license shall be granted [for the sale of malt liquors for consumption on the premises] in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt [liquors] or brewed beverages may be sold for consumption on the premises where sold

(b) Subject to the restrictions hereinafter provided the Board shall issue to any reputable person who makes application upon a form as hereinafter prescribed pays the license fee hereinafter prescribed and files the Bond hereinafter required a "Package Retail license" for the place for which application is filed

Such licenses shall be issued only to reputable persons engaged in the sale of food or beverages who are citiens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their applications or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania

Such licenses shall be issued to Corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of such Corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and at least fifty-one percentum of the capital stock of such Corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application

Section 7 Appeals from Refusal of Licenses Any person aggrieved by the [treasurer's] refusal of the board to issue a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date or refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the [treasurer] board whereupon a hearing shall be held upon said petition by the court upon thirty days' notice to the [treasurer who] Board which shall be represented in the proceeding by the [district attorney] Department of Justice At said hearing testimony may be presented by the applicant and the [treasurer] board after the consideration of which the court shall either sustain the refusal of the [treasurer] board or order an issuance of the license to the applicant There shall be no further appeal

Section 8 Public Service [Malt Liquor] Licenses The [Department of Revenue] board may issue public service malt [liquor] and brewed beverage licenses to a railroad pullman or steamship company permitting malt [liquors] or brewed beverages to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding months and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The [Department of Revenue] board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the [Department of Revenue] board in refusing suspending or revoking any such license may within thirty days thereafter appeal to the court of common pleas of Dauphin County which shall fix a time for hearing of which notice shall be given to the [Department of Revenue] board as the court may provide The court shall hear the appeal de novo and shall make such order affirming modifying or reversing the order of the [department] board as to it shall appear just The action of the court shall be final

Section 9 [Malt Liquor] License Year Mercantile License Exemption (a) Licenses issued under this act to distributors [retailers and public service companies] retail dispensers and retail package licenses shall unless revoked in the manner provided in this act be valid for the [malt liquor] license year [for which they are issued The malt liquor license years shall begin on June first in each calendar year Licenses may be issued at any time during a malt liquor license year] as set up by the board for the particular district in which the license issues

(b) Licenses issued under this Act to Manufacturers and Public Service Companies shall unless revoked in the

manner provided in this Act be valid for the calendar year for which they are issued Licenses to manufacturers and Public Service Companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt [liquors] or brewed beverages and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt [liquors] or brewed beverages from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' and Retailers' Licenses Every person intending to apply for a distributor's [or retailer's] retail dispenser or package retail license as aforesaid in any municipality or township of this Commonwealth shall file with the [treasurer] board his or its application at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act and at the same time pay said [treasurer] board [a] the filing fee of ten dollars [for the use of the county] as specified in this act

Section 11 Application for Distributor's and Retailers' Licenses Application for distributors' and retailers' [malt liquor] licenses shall contain the following information and statements

(a) The name and residence of the applicant and how long he has resided there [and if an individual the residence of such applicant] and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director if the application is for a Distributors or Package Retail license and the applicant therefor is a Corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one percentum of the capital stock of the Corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of the Pennsylvania stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter [temporarily] permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter [temporarily] permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt [liquors] or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt [liquors] or brewed beverages a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt [liquors] or brewed beverages are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the [treasurer] board unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the Board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses (a) Any retailer dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt [liquors] or brewed beverages but a separate license must be secured for each place where malt [liquors] or brewed beverages are sold [or where orders are taken]

(b) No person shall possess or be issued more than one distributor's or package retail license [in any one municipality or township nor shall any] no person shall possess or be issued more than one class of license No distributor shall maintain or operate any place or places whether for sale or for storage other than [that] those for which the license is granted [where malt liquors are sold or where orders are taken] No distributor's license shall be issued for any premises in any part of which there is operated any other license for the manufacture sale or storage of liquor alcohol or malt or brewed beverages

(c) Licenses shall be granted by the [treasurer] board only to reputable individuals or to associations partnerships and corporations whose members or officers and directors are reputable individuals

[Licenses shall be granted by the treasurer only to individual citizens of the United States who have been residents of this Commonwealth for at least three years immediately preceding or to corporations organized in or duly authorized to transact business in this Commonwealth and all of those officers and directors shall be citizens of the United State who have also been residents of this Commonwealth for at least three years immediately preceding the applications for license]

A [malt liquor] retail dispenser license or a package retail license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located

The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residential district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed for the sale of malt or brewed beverages at the time of the final enactment of this act

Section 13 Revocation and Suspension of Licenses [by Court of Quarter Sessions] After a license has been granted upon petition of the Attorney General the treasurer the district attorney or fifteen or more taxpayers residents of the ward borough or township where the place of business is located to the court of quarter sessions and upon sufficient cause being shown or proof being made to the court that the licensee holding a license or any partners members officers or directors of the licensee has

or have violated any of the laws of this Commonwealth relating to the sale of malt liquors or relating to the manufacture sale or transportation of alcohol or other alcoholic beverages it may upon due notice and proper hearing being given to the person so licensed suspend or revoke the said license issued by the treasurer The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final

Any licensee whose license is revoked shall be ineligible to have a license or permit under this act or under another act relating to the manufacture sale or distribution of malt liquor or other alcoholic liquors until the expiration of five years from the date his license was revoked]

Upon the Petition of the Attorney General the District Attorney of any County or in the case of a Retail Dispenser's license or a Package Retail license upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the Board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to the sale of beverages or relating to the manufacture sale possession or transportation of malt or brewed beverages alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act In all cases where the Board shall suspend or revoke a license it shall set forth its Finding of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt or brewed beverages until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any person aggrieved by the suspension or revocation of license issued under this Act may within twenty days after such suspension or revocation appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such Appeal shall be upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the Petition by the Court after ten days notice to the Board which shall be represented in the proceedings by the Department of Justice At such hearing testimony may be presented by the Applicant and the Board The court shall review the testimony submitted to the board after the consideration of which the Court shall either sustain the suspension or revocation of the license modify or reverse the order of the Board in all such cases of Appeal the Court of Quarter Sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such Appeal is based and shall determine whether or not the action of the Court of Quarter Sessions was properly based upon the evidence presented to it The action of the Superior Court shall be final In no case shall an Appeal from the action of the Board in either suspending or revoking a license act as a supersedeas

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The [treasurer] board is hereby authorized to transfer any [distributor's or retailer's malt liquor] license from one person to another or from one place to another or both within the same municipality or township as the [treasurer] board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally [Any such transfer of a license may be made at any time] or to a place as to which a license has been revoked within one year of the date of application Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the Board may determine such circumstances to justify its action transfers of licenses may be made only at times fixed by the Board From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action or shall have a Receiver appointed by any Court whether by voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the Board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the Board as in the case of a new application for license In all such cases the Board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fee [Applications for any such transfer shall be filed in the office of the county treasurer at least one week before the transfer is made] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except [a fee of ten dollars to be paid to the treasurer for the use of the county] a filing fee of ten dollars ($10)

Section 16 Renewal of Licenses [Renewals of licenses shall be granted annually by the treasurer upon the filing of an application as hereinbefore provided and the payment of a fee of ten dollars for the use of the county and the payment of the license fee and the filing of a bond as in the case of an original license]

All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless within one month of the date of filing of such application for renewal the Applicant shall have been notified by the Board of objections to the granting thereof filed by persons authorized so to do upon the payment of the requisite filing fee the payment of the license fee and the filing of a Bond as in the case of an original application for license the Board shall grant such renewal of license Objections to the granting of the renewal of the license shall be limited to those filed by persons authorized to file Petitions for the revocation or suspension of licenses as provided in Section Thirteen hereof

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no license shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor or retailer of either class or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed and with sufficient sureties either personal

or a surety company authorized to do business in this Commonwealth Bonds with personal surety shall be executed by not less nor more than two individuals as sureties each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2000) or more Such bonds shall not be accepted until approved by the [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies] board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to the [sale of beverages or relating to] the manufacture sale possession or transportation of malt or brewed beverages [of] or alcohol or any other alcoholic beverages [Such] All bonds shall be filed with and retained by the board [treasurer in the case of licenses issued to retailers and distributors and by the Department of Revenue in the case of licenses issued to railroad pullman or steamship companies The penal sums of such bonds filed by a distributor or retailer shall be one thousand dollars for each place at which the licensee is authorized to sell beverages The penal sums of such bonds filed by railroad pullman or steamship companies shall be one thousand dollars irrespective of the number of licensed cars or ships operated by such companies] The penal sum of Bonds filed by the Manufacturers shall be Ten Thousand ($10,000.00) Dollars for each place at which the licensee is authorized to manufacture The penal sum of Bonds filed by Distributors shall be one thousand ($1,000.00) dollars for each place which the licensee is authorized to maintain The penal sum of bonds filed by all other licensees shall be one thousand ($1,000.00) dollars for each place at which the licensee is authorized to sell malt or brewed beverages except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand ($1,000.00) dollars irrespective of the number of licensed cars or ships operated by such companies Every such bond shall be forfeited when a license is revoked and shall be turned over to the [district attorney or the] Attorney General [as the case may be to be sued out] for collection if and when the licensee's license shall have been revoked as herein provided

Section 19 License Fees Distribution of Revenue No license shall be issued to any manufacturer distributor or [retailer] retail dispenser or package retailer until the licensee shall have first paid an annual license fee for such grant as follows

[(a) In the case of a distributor the license fee shall be graduated according to the population of the municipality or township in which the place of business is located and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants thirty-seven dollars and fifty cents

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants fifty dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants seventy-five dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants one hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants one hundred and twenty-five dollars

VI In those having a population of one hundred fifty thousand and more one hundred fifty dollars

(b) In the case of a retailer the license fee shall be graduated according to the population of the municipal unit in which the place of business is located as follows and shall be paid to the treasurer

I In municipalities or townships having a population of less than one thousand five hundred inhabitants seventy-five dollars]

II In those having a population of one thousand five hundred and more but less than ten thousand inhabitants one hundred dollars

III In those having a population of ten thousand and more but less than fifty thousand inhabitants one hundred and fifty dollars

IV In those having a population of fifty thousand and more but less than one hundred thousand inhabitants two hundred dollars

V In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants two hundred and fifty dollars

VI In those having a population of one hundred fifty thousand and more three hundred dollars

(c) In the case of an incorporated club the fee shall be twenty-five dollars in all cases

(d) In the case of a public service license for the sale of malt liquors in dining club and buffet cars the fee shall be ten dollars for each car on which malt liquors are sold and shall be paid to the State Treasurer through the Department of Revenue

(e) In the case of a public service license for the sale of malt liquors on a boat or vessel the fee shall be fifty dollars for each such vessel or boat which shall be paid to the State Treasurer through the Department of Revenue

(f) The fees for distributor retail and public service company malt liquor licenses when applied for and issued on or after

September first but prior to December first shall be three-fourths of the annual fee

December first but prior to March first of the succeeding year shall be one-half of the annual fee

March first but prior to June first one-fourth of the annual fee]

[The license fees fixed by this section shall be paid before the license or renewal is issued

The fees for distributors' and retailers' malt liquor licenses shall be paid by the treasurer to the municipalities and townships in which the licensed places are located for the use of such municipalities and townships The fees for public service malt liquor licenses shall be for the use of the Commonwealth

Remittances shall be made by the treasurer to municipalities and townships within thirty days of the receipt of any license fee]

(a) In the case of a Manufacturer the license fee shall be One Thousand ($1,000.00) dollars for each place of manufacture and three hundred ($300.00) dollars for each separate place of storage In the case of a manufacturer who maintains no place of manufacture within the Commonwealth the license fee shall be one thousand ($1,000.00) dollars for each place of storage and shall be paid to the Board

(b) In the case of a Distributor the license fee shall be six hundred ($600.00) Dollars and shall be paid to the Board

(c) In the case of a Retail Dispenser and Package Retailer the license fee shall be graduated according to the population of the Municipal unit or township in which the place of business is located and shall be paid to the Board as follows

	Retail Dispenser	Package Retailer
(a) Less than 10,000	$100	$50
(b) 10,000 and more but less than 50,000	150	75
(c) 50,000 and more but less than 100,000	200	100
(d) 100,000 and more but less than 150,000	250	125
(e) 150,000 and more	300	150

(d) In the case of an incorporated Club the fee shall be Twenty-five Dollars in all cases and shall be paid to the Board

(e) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(f) In the case of a Public Service license for the sale of malt or brewed beverages on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

(g) The fee for filing applications for license and for renewals shall be ten dollars which together with fees fixed by the board for transfers shall be paid to the board

(h) The license fees fixed by this Section shall be paid before the license or renewal is issued

(i) The fees for Manufacturers Distributors Public Service Retail Dispensers and Package Retail licenses and all filing fees shall be transmitted to the State Treasurer by the Board The fees for manufacturers distributors and public service licenses and filing fees shall be paid unto the State Stores Fund Fees paid for Retail Dispensers and Package Retailers licenses shall be paid by the Treasurer of the Commonwealth into the Liquor License Fund for the use of Municipalities and Townships in which the licensed places are located and shall be paid over to such municipalities and townships at the same time as other moneys in the Liquor License Fund

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt [liquors] or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt [liquors] or brewed beverages in other than original containers nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate any place or places other than the place or places covered by [him] his or its [permit] license where malt [liquors] or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors No distributor shall purchase receive or resell any malt [liquors] or brewed beverages except in the original containers as prepared for the market by the manufacturer No distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided that no malt [liquors] or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or in any place provided for such purpose by such distributor

Section 22 Sales by Retailers (a) No retailer shall purchase or receive any malt [liquors] or brewed beverages except in original containers [and thereafter may] as prepared for the market by the manufacturer The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for [use and] consumption [only however in and upon the premises so licensed Provided That such retailer may sell such malt liquors in the original containers to be carried from the premises by the purchaser thereof] on or off the premises so licensed Provided however that no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises And provided further That no club licensee may sell any beverages for consumption off the premises where sold

(b) No package retailer shall purchase or receive any malt or brewed beverages except in original containers as packaged for the market by the manufacturer Thereafter he may sell or dispense the same only in original containers to be carried from the premises by the purchaser thereof and not to be consumed upon the premises of the package retailer or in any place provided for such purpose by such package retailer No package retailer may sell to a single customer in a single sale more than seventy-two fluid ounces or deliver malt or brewed beverages to any point away from his licensed premises

No retailer shall [maintain] [any bar at which malt liquors are served to customers or] sell any malt [liquors] or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit [the sale of malt liquors at a lunch counter with seats or chairs permanently fastened thereto if such counter is in an eating place as herein defined A retailer licensed to sell] a retail licensee from selling malt [liquors] or brewed beverages in a hotel or club house [may however sell and deliver such malt liquors] in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

Section 23 Unlawful [Sales] Acts It shall be unlawful for any licensee or his or its servants agents or employes

(a) To sell trade or barter in malt liquors between the hours of twelve o'clock midnight of any Saturday and six o'clock in the forenoon of the following Monday

(b) To sell furnish or give any malt liquors to any person visibly intoxicated or to any insane person or to any minor

(c) To sell furnish or give any malt liquors to any person on any day on which a general municipal special or primary election is being held

(d) In the case of retailers to sell or offer to sell any malt liquors for consumption on the premises where sold to any person on credit excepting credits extended by a hotel or club to a bona fide registered guest or member No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause

(e) To sell offer to sell or furnish any malt liquor to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for malt liquors

(f) To hawk or peddle any malt liquors in this Commonwealth

(g) To manufacture import sell trade or barter in any spirituous vinous or other alcoholic liquors except malt liquors]

(a) For any manufacturer or distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday

(b) For any package retailer or retail dispenser except clubs or the servants agents or employes of such licensees except clubs to sell trade or barter in beverages between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock ante meridian and seven o'clock ante meridian of any day

(c) For any licensee to sell furnish or give any beverages to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(d) For any licensee except a club to sell furnish or give any malt or brewed beverages to any person until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(e) For any licensee to sell or offer to sell or purchase or receive any malt or brewed beverages except for cash exeepting credits extended by a Hotel or Club to bona fide registered guests or members No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the Manufacturer Distributor or other Vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the beverages so sold are actually transported and delivered to points outside of the Commonwealth

(f) For any licensee to sell offer to sell or furnish any beverage to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(g) For any licensee except a manufacturer on his own premises to advertise on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any beverage all outside advertisements of malt or brewed beverages erected prior to or maintained on the effective date of this act in violation of this section shall be removed from licensed premises within thirty days after such date

(h) For any manufacturer or distributor to give furnish or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular beverage or the manufacturer producer or place of manufacture or production of any beverage unless the size of such sign shall be no larger than two hundred seventy square inches and the actual value thereof shall not exceed ten dollars

(i) For any licensee to advertise or hold out for sale any malt or brewed beverage by trade name or other designation which would indicate the Manufacturer or place of production of the said beverage unless he shall actually have on hand and for sale a sufficient quantity of the particular beverage so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(j) For any retail dispenser to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing appartus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing aparatus

(k) For any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverage upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such beverage was produced This clause shall not be construed to prohibit a manufacturer from desigating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another State or territory when the laws of such State or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(l) For any retail licensees except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a special permit to provide such entertainment or for any Retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The Board shall have power to provide for the issue of such special permits and to fix the fee for such permits sufficient to provide for the proper inspection of such licensed places All such fees shall be paid into the State Stores Fund

(m) For any "Distributor" on the licensed premises to engage in any other business whatsoever except the business of distributing malt or brewed beverages or non-intoxicating beverages

(n) For any Distributor Retail Dispenser or Package Retailer to have in his possession on any licensed premises or to permit the storage on the licensed premises of any spiritous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages

(o) For any licensee to manufacture import sell trade or barter in any spiritous vinous or other alcoholic liquors or alcohol except Malt or Brewed beverages

(p) For any licensee to issue publish or post or cause to be issued published or posted any advertisement of a malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(q) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or pricipals to purchase or contract to purchase malt or brewed beverages from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

(r) For any licensee to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties of nominal value which the board shall define

(s) For any licensee to offer pay make or allow or for any licensee to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages manufactured or sold by the licensee

(t) For any licensee to fail to keep for a period of at least two years complete and truthful records covering the operation of his license and particularly showing the date of all purchases of malt or brewed beverages the actual price paid therefor and the name of the vendor or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(u) For any licensee to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(v) For any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(w) For any person to hawk or peddle malt or brewed beverages or to distribute malt or brewed beverages unless an order therefor has been previously received

(x) For any licensee to be directly or indirectly employed by any other licensee engaged in the manufacture storage transportation or sale or spirituous or vinous liquors alcohol or malt or brewed beverages

(y) For any manufacturer or distributor to sell any malt or brewed beverages for use or delivery within the Commonwealth unless such manufacturer or distributor shall have posted with the Liquor Control Board in accordance with regulations to be promulgated by the Liquor Control Board a price list which shall set forth

(1) All of the brands and types of malt or brewed beverages containing more than one-half of one per centum of alcohol by volume offered for sale by such manufacturer or distributor

(2) The sale price thereof to the various classes of licensee provided for in this act Provided That any manufacturer or distributor may change such postings at any time

Section 24 Things of Value Not to Be Offered [for the Return of Certain Articles] It shall be unlawful for any person licensed to sell malt [liquors] or brewed beverages to offer or give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt [liquors] or brewed beverages or to offer or give anything of value as a premium or present to induce the purchase of such malt [liquors] or brewed beverages or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate Malt [Liquors] or brewed beverages It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt [liquors] or brewed beverages from that as originally marketed by the manufacturer

Section 26 Transportation in Original Packages It shall be unlawful for any licensee or transporter for hire to transport any malt [liquors] or brewed beverages except in the original containers

Section 27 Delivery Vehicles to Bear Name and Address of Distributor or Manufacturer It shall be unlawful for a manufacturer or distributor to deliver any malt [liquors] or brewed beverages excepting in vehicles bearing the name and address and license number of such

distributor or manufacturer painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor [or retailer] retail dispenser or package retailer or an officer director or stockholder or creditor of any distributor [or of any retailer] retail dispenser or package retailer nor except as hereinafter provided be the owner proprietor or lessor of any place covered [by] directly or indirectly by any [malt liquor distributor or malt liquor retail] distributor's retail dispensers or package retailer's license or retail liquor license

(b) No distributor and no officer or director of any distributor shall at the same time be a manufacturer or retailer or be an officer director stockholder or creditor of a manufacturer or retailer or be the owner proprietor or lessor of any place covered by any other [malt] [liquor] malt or brewed beverage or liquor [retail] license

(c) No manufacturer or distributor or retailer licensed under this act shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this or any other act

(d) Excepting as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage lien against the same for which a [malt liquor retail] liquor retail dispensers or package retailers license is granted nor shall a manufacturer or distributor either directly or indirectly lend any moneys credit or equivalent thereof to any retailer in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business [where malt liquors are licensed for sale and consumption upon the premises excepting only the usual and customary commercial credits for malt liquors sold and delivered] operated under a liquor retail dispenser's or package retailer's license excepting only the usual and customary credits allowed for returning packages or containers in which malt or brewed beverages were packaged for market by the manufacturer

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or mortgage lien against the same for which a [malt liquor distributor] distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to any distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt [liquors] or brewed beverages are licensed for sale by a distributor excepting only the usual [and customary commercial credits for malt liquors sold and delivered] credits allowed for the return of packages or containers in which malt or brewed beverages were originally packaged for the market by the manufacturer

(f) "No Distributor Retail Dispenser or Package Retailer shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributors retail dispensers or package retailers license excepting only the usual and customary credits allowed for the return of packages or containers in which malt or brewed beverages were packaged for the market by the Manufacturer"

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest [until January first one thousand nine hundred and thirty-six by a manufacturer of any place occupied by a distributor or retailer if the manufacturer has continuously owned or had a conflicting interest in such place for a period of at least three years prior to the effective date of this act] by a manufacturer of any place occupied by a distributor retail dispenser or package retailer after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this Act

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt [liquor] or brewed beverages outside of this Commonwealth

Section 29 Penalty (a) Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding three hundred dollars ($300) for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine not exceeding five hundred dollars ($500) Any such person or the members agents servants or employes of any such partnership or association or the officers directors agents servants or employes of any such corporation responsible for any violation of any of the provisions of this act in addition to the fines hereinbefore prescribed may upon a first conviction be sentenced to imprisonment for a term not exceeding six months and upon a second or subsequent conviction shall be sentenced to imprisonment for a term of not more than one year

(b) Upon proof being made that any licensee under this Act has violated any of the provisions of this Act the Board may in its discretion revoke or suspend any license issued by it to any such licensee The right of the Board to suspend or revoke rights as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this Section

Section 30 [Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein]

Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no beverage shall be manufactured sold offered for sale transported bartered or furnished in such

room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 31 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of any municipal election to determine the will of the electors with respect to the granting of licenses to [retailers of malt liquors] retail dispensers under the provisions of this act Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such licenses the said corporate authorities shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt [liquor] and brewed beverage retail licenses for consumption on premises where sold in the of	Yes	
	No	

If a majority of the persons voting on such question vote "yes" then malt [liquor] and brewed beverage retail licenses shall be granted by the [treasurer] board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the [treasurer] board shall thereafter have no power to grant or to renew upon their expiration any [malt liquor retail] retail dispenser's licenses in such municipality or township under the provisions of this act

No [retail malt liquor] such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P L 252) and its amendments voted prior to the adoption of this amendment against the granting of retail beverage licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 32A Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 32B (a) All licenses or permits issued to manufacturers and railroad pullman and steamship companies prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the first day of January one thousand nine hundred and thirty-six

(b) All licenses issued to distributors for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall be in force subject to adjustment as hereinafter provided for such period of a whole license year as the amount of license fee paid to the county treasurer bears to the amount of the license fee payable for a distributor's license under this act but no such license shall be deemed to expire prior to July first one thousand nine hundred and thirty-five notwithstanding the amount of the license fee paid The board shall have power without hearing to issue to the holders of such distributors' licenses new licenses under the provisions of this act to expire on the date fixed by the board as the expiration date of licenses in the district in which granted for which license a fee shall be paid equal to one twelfth of the fee fixed by this act for each month such license is to be in force In fixing the expiration dates of existing licenses granted to distributors by county treasurers and the dates when licenses issued by the board shall become effective the board shall not divide any calendar month but shall have full discretion to adjust the time for which credit shall be given for the license fee paid to county treasurers except as above excepted

(c) All licenses issued to retailers for the license year beginning June first one thousand nine hundred and thirty-five prior to the effective date of this act and which remain unrevoked on that date shall continue in force and effect until the date fixed by the board for the beginning of the license year in the district in which the said retail license is located In the event the person to whom a retailer's license has been issued prior to the effective date of this act and whose license remains unrevoked on that date shall apply for and be issued a retail dispenser's license for the ensuing license year for the district in which his licensed place is located such person shall be allowed a credit on the license fee for the license year for such district for the unused portion of the license fee which he has paid In the event a person to whom a retailer's license shall have been issued prior to the effective date of this act and whose license remains unrevoked on that date shall apply for and be refused a retail dispenser's license for the ensuing license year for the district in which his licensed place is located the license theretofore issued to such retailer shall continue in force until the expiration of the license year for which issued unless previously revoked or suspended In the event that a person to whom a retailer's license shall have been issued prior to the effective date of this act and whose license remains unrevoked on that date shall fail to apply for a retail dispenser's license at the time to be fixed by the board for the filing of applications for the ensuing license year for the district in which such person's licensed place is located the license heretofore issued to such person shall continue in force until the first day of June one thousand nine hundred and thirty-six but such person shall not be eligible to apply for a retail dispenser's license in the district in which the licensed place is located until the expiration of one year after June first one thousand nine hundred and thirty-six

(d) Upon final enactment of this act the board is authorized to issue package retail licenses to those who qualify without hearings for such period of time as the board determines will expire between such date and the beginning of the license year for the district in which the licensed place is located upon payment of a license fee at the schedule of rates herein set forth said fee to be determined on a monthly basis

On the question,

Will the House agree to the section?

Amendments were offered by Messrs. Eberharter, Sowers, Falkenstein, Reising and Hagerty.

The amendment offered by Mr. Eberharter was read as follows:

Amend Section 1, page 31, line 9, by striking out the words and figures "six hundred ($600)" and inserting in lieu thereof "five hundred($500)"

On the question,

Will the House agree to the amendment?

It was agreed to.

The amendments offered by Mr. Sowers, were read as follows:

Amend the Bill on page 5, by striking out lines 23, 24 25, 27.

Amend the Bill on page 12, by striking out lines 1, 2, 3, 4, 5, 6.

Amend the Bill on page 14, line 20 by striking out the following words "and retail packages."

Amend the Bill on page 15, line 14 by inserting the word "or" after the word "distributors" and the following lines 14 and 15 by striking out the following words "dispenser of package retail."

Amend the Bill on page 16, line 11 by striking out after the word "distributor" the following words: "or package retail."

Amend the Bill on page 19, line 5 by striking out after the word "distributor" the following words: "or package retail."

Amend the Bill on page 19, line 28 by striking out after the word "a" the following words: "retail dispenser license or a package."

Amend the Bill on page 21, line 12 by striking out after the word "a" the following words: "retail dispenser license or a package."

Amend the Bill on page 28, line 8 by striking out after the word "dispenser" the following words: "or package retailer."

Amend the Bill on page 31, line 11 by striking out after the word "dispenser" the following words: "and package retailer."

Amend the Bill on page 31, line 16 under the heading of the words: "package retailer" by striking out all license fees.

On the question,

Will the House agree to the amendments?

Mr. SOWERS. Mr. Speaker and members of the House, the amendments that have been offered to House Bill No. 2436 bring before you a moral issue plus some others.

The moral issue is, shall Pennsylvania go along the line which will eventually mean chair store system selling of beer.

When the eighteenth amendment was repealed and the first liquor and beer bills were written, the first struggle was with the effort of the chain stores to sell beer.

And now, the new license that is created under twenty-four thirty-six is a license known as Package Retail License, wherein six bottles of beer can be sold at retail not for consumption on the premises; the purchaser must carry them away. We have the thought back of it:—Cash and carry. Shall it be the policy of Pennsylvania to permit the chain store system to dispense and sell and cater to the public beer No; I think we have ample avenues for the distribution of beer today.

It appears to me that House Bill No. 2436 is a worse bill than what the present law is. The present law permits a restaurant keeper to sell package beer. The present law permits a distributor to sell beer by the bottle or the case. Why should we try to create some other form of license so that thereby in the future the chain store system will get possession of the liquor trade? And now, the amendments go a little further than that. Of course, if this House had the time, I would present many amendments to this bill. I would present some amendments to the bill preventing the liquor control board from having control of the beer business.

It seems to me that beer has been distributed remarkably well under the licenses issud by the various city treasurers and county treasurers of this Commonwealth. I can see no reason why the beer business should be centralized in the State Liquor Control Board. I can see no reason why the investigators provided for the Liquor Control Board should also have jurisdiction over beer.

It seems to me that the public ought to be encouraged to drink beer rather than hard liquor. It seems to me that we ought to encourage an easy distribution of beer and not to encourage a complicated system, and I think that the revenue derived from this bill properly belongs where the law placed it.

I would ask the members of this House to vote "aye" on these amendments and then if the amendments are adopted, the proper place for this bill is to have it go back to the Law and Order Committee with instructions that that Committee in a formal and orderly way sit down, discuss the bill and permit the members of that committee to suggest amendments and for the committee to vote on them rather than have a bill sent in and out, out and in, and amendments put on that nobody can see until the bill comes out in print.

I ask the members of this House to vote "aye" on these amendments and then I will ask you afterwards to commit the bill for further amendments in Committee.

Mr. EBERHARTER. Mr. Speaker and members of the House, in the first place, in answer to Mr. Sowers, the gentleman from Philadelphia, I want to inform the members that this bill positively prohibits any chain store system from having more than one license. Therefore, none of the grocery chain stores, or any other chain system can be issued a license through which they can sell beer under the package retailer's license in more than one place, so that his argument along that line should have no weight whatever with the members of this House. The purpose of certain of his amendments is to eliminate the package retailer. The package retailer is a new licensee, a form of license which was recommended first by the Liquor Control Board. The matter was considered very thoroughly by the Committee on Law and Order. On that Committee on Law and Order, we have three members who were also members of the committee appointed to investigate the Liquor Control Board.

We feel that this package retailer is a good idea for this particular reason: the package retailer is not permitted to sell more than seventy-two fluid ounces to any one person; that means not more than six pint bottles.

We must bear in mind, members of the House, that this act is passed for several different purposes, and one of the main purposes, in fact the chief purpose behind this bill, is to suit the convenience of the public. We all agree, I believe, that we want a wide distribution of beer and we want to make it convenient for every home owner in every district and rural section of the state, to have an opportunity to buy beer. Therefore, we have inserted this provision so that there can be a package retail licensee.

Another consideration which induced us to introduce this new form of license was the fact that many persons do not care to go to the ordinary tap room or saloon, if you want to call it such, in order to get a couple of bottles of beer to take home. For that reason we feel that this is a good idea.

Therefore, members of the House, I ask you to vote down all of these amendments which refer to the package retailer.

As I said before, it has the endorsement and the approval of the members of the Liquor Control Board, many of the members of the special committee investigating the liquor system, and most all of the interests who have a financial interest in this business, in my opinion.

Mr. Speaker, in order that we may vote on this question alone, I would ask that the vote first be taken on those amendments which refer to the package retailer license.

Mr. KANE. Mr. Speaker and members of the House, as a member of the Committee on Law and Order, I wish to say that I have spoken to Mr. Sowers on this particular matter covered by his amendments. If you will turn to page twelve of the bill which is under consideration, you will see, beginning with line seven, the plain wording, "Such licenses shall be issued only to reputable persons engaged in the sale of food or beverages who are citizens of the United States" and so forth.

It seems to me, members of the House, that persons engaged in the sale of food or beverages would include every grocery store and every soda fountain in the State of Pennsylvania. I won't take any of your time in this matter. You may all remember that when prohibition was repealed, there were several rather potent arguments used to secure the consent of the people for that repeal. One of the principal arguments which influenced most of the decent citizens who went along for repeal was the plea that it would end drunkenness in the United States. You can't possibly sustain the argument that you are going to end drunkenness if you allow everybody who sells food and beverages in the state of Pennsylvania to dispense beer in packages. We were going to end unemployment, we were going to end bootlegging, we were going to get the liquor business out of the hands of criminals and back into the hands of responsible people, and I submit to you ladies and gentleman that one of the ways to keep the liquor business under control, if it can be kept under control, is to see to it that the sale of liquor is confined and limited strictly to responsible concerns.

Mr. Sowers is entirely right in his argument and I think we should vote to put these amendments into the bill, and then we should send this bill back into committee, in order that a bill may be brought out here which would be thoroughly understood by the members of the House. You can't do this with this bill with four or five brackets to every line.

I ask you to support these amendments.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Eberharter.

The SPEAKER. Will the gentleman from Allegheny. Mr. Eberharter, permit himself to be interrogated?

Mr. EBERHARTER. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, will the gentleman from Allegheny, Mr. Eberharter, tell me where it states in this bill that a person can have only one license.

Mr. EBERHARTER. Mr. Speaker, on page nineteen, line four; also on page ten, line twenty-six, there are provisions with respect to the ownership and the stockholders of corporations which prevent effectually any chain system in Pennsylvania from having a license.

Mr. SOWERS. Mr. Speaker and members of the House, I am reliably informed that a chain store system in western Pennsylvania is at this time preparing to have its different store managers make application for a retail package store license. Apparently the lawyers of that chain store system think they have found a way to get a license for each chain store under this bill.

Mr. Speaker and members of the House, many other amendments ought to be offered to this bill. Let me call your attention to a few more thoughts in the bill. The State Liquor Control Board wants the right to suspend or revoke licenses—

POINT OF ORDER

Mr. EBERHARTER. Mr. Speaker, I dislike very much to raise a point of order but I feel that I must do so.

The SPEAKER. The gentleman from Allegheny, Mr. Eberharter, will state his point of order.

Mr. SOWERS. Mr. Speaker, I will confine myself to the amendments.

Mr. EBERHARTER. Mr. Speaker, the gentleman is not speaking on the amendments.

Mr. SOWERS. Mr. Speaker, I will speak directly on the amendments.

The SPEAKER. The gentleman will proceed.

Mr. SOWERS. Mr. Speaker, the retail package license, if created by this Legislature would be under the control, as well as the other licenses, of the State Liquor Control Board, and if any little infraction occurred and a letter went out from your county to Harrisburg, a letter would follow from Harrisburg back to your county saying to the licensee, "Your license is suspended." Suspended for how long? Until the Board sees fit to lift the suspension. You would have to gather your witnesses together, bring them to Harrisburg and make some explanation. When you got here you might find that your package license has been revoked or suspended, because somebody sent the Board an anonymous letter. Now, do you want to create a system like that, whereby a restaurant license, whereby a distributor's license, whereby a package store license may be suspended as the result of an anonymous letter and remain suspended until a man has spent two or three hundred dollars traveling from his home county up to Harrisburg for a hearing and then be met with no real evidence?

Members of the House, that system is going far from the principles of the Brooks high license law. Even our great Governor, Pinchot, didn't have the nerve to write a bill so strong as this bill. Even Governor Pinchot in his bill preserved many of the principles of the Brooks high license law. This bill takes those out, this bill takes them out for the package store licensee. This bill would make you come to Harrisburg. The Brooks high license law gave the community control, to a great extent, over the liquor traffic in that community. What is good for Philadelphia may not be good for Washington county, what may be good for Allegheny county may not be good for Tioga county, but if the system is allowed to remain as it now is, you keep the principle of the Brooks high license law in effect. You give back to your own county courts, your courts of Quarter Sessions the power of control.

If you pass this bill, then you would deprive your own county of that control and you would put yourselves under the thumb of some bureaucrat who knows nothing about your local conditions. I ask the members of the House to vote in favor of these amendments.

Mr. EBERHARTER. Mr. Speaker and members of the House, it seems to me that Mr. Sowers, the gentleman from Philadelphia, is unduly fearful that we are going to lose the home-rule feature. Everybody knows that the system as it existed in the past, with the county treasurers issuing licenses, has proved unsatisfactory. This bill intends to correct that condition.

I want to again impress upon the members of the House

that this feature of this act has been very deeply considered and has the approval of practically everybody who has made a study of the situation. Insofar as the home-rule feature is concerned, this bill provides that the Board will set up districts all over the state, license districts. Hearings in those districts will be had at different times, so that it will not be necessary to come here to Harrisburg for the purpose of a hearing.

Members of the House, I ask you to vote down these amendments and support this bill as drawn.

Mr. WITKIN. Mr. Speaker and members of the House, I dislike very much to disagree with my colleague from Philadelphia, Mr. Sowers, but there are one or two statements that he has made that are apparently made in error.

He speaks of the fact that the chain stores are now arranging whereby each manager may apply for such a license, dealing with the retail package distribution. That is clearly prohibited under the bill. I direct his attention to page twelve of the bill, lines fourteen to twenty-five, wherein one who would get a license would have to own fifty-one per cent of the stock of the corporation. It is ridiculous to conjure up in your minds how it could be arranged whereby a manager of a store would own fifty-one per cent of the stock of a chain store corporation. So, the argument of the gentleman from Allegheny, Mr. Eberharter, is clearly irreputable and the gentleman from Philadelphia, Mr. Sowers, clearly is in error when he endeavors to convey that impression to you.

He also endeavors to convey to you the impression that the passage of this bill is a narrow construction of the distribution of beer. On the contrary, the bill is just the opposite. It is not a narrow construction of the distribution of beer, but a liberal one.

A housewife goes out to buy her groceries, under the present law, if she wants to get beer, she has to go to a tap room. I do not think that a housewife ought to be compelled to go to a tap room to buy beer. She may not want to enter a tap room. I can see no objection to her going into a grocery store, where she buys her household supplies, and buying at the same time, six pints of beer, the limit set under this act, direct from the retail package distributor. This bill would permit her so to do. So instead of tightening the distribution, it liberalizes the distribution of beer. The other argument offered by the gentleman from Philadelphia, to-wit, that you would have to come to Harrisburg for the purpose of a hearing was well answered by the gentleman from Allegheny, Mr. Eberharter, by saying that the present law is inadequate. This measure provides for districts throughout the state. That is a liberal idea introduced into this bill and into the present law for the purpose of helping people in the various parts of the Commonwealth.

For the reasons I have stated and for the reasons advanced by the gentleman from Allegheny, I regret very much that I must ask the members of this House to vote "no" on these amendments, in order that this bill may be speeded to final passage.

Mr. TUMELTY. Mr. Speaker and members of the House, I would like to see these amendments placed in this bill, not for the reason that I worry about chain stores dispensing beer. A retail dispenser must pay a license of three hundred dollars and must set up a place of business with a lot of fixtures and glasses and everything else, in order to dispose of his beer, while the package retailer can have a little candy store, grocery store or anything else and only pay a license of one hundred and fifty dollars—in Philadelphia County I mean. These places at the present time are the places in Philadelphia that abuse the law. I hope that nobody will ask me to prove a lot of things that I might think of in that connection. However, if we went out and investigated, we would find that they are the very people who are selling beer on Sunday and doing a bigger business than the licensee who pays a higher license fee.

Mr. VANSICKLE. Mr. Speaker and members of the House, I think that the gentleman from Philadelphia, Mr. Witkin, has rather hurriedly read page twelve, line twenty-one, when he has the impression that any manager of any store would have to own fifty-one per cent of the stock. The act says at least fifty-one per cent of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application. This does not mean that the manager must actually own fifty-one per cent, it simply means that persons who own fifty-one per cent of the stock and are not actually engaged in the retailing business but are simply stock owners, must be citizens of the United States and residents of the Commonwealth of Pennsylvania.

Mr. KANE. Mr. Speaker and members of the House, Mr. Sowers, the sponsor of these amendments, has informed me that the only amendments before the House are those that deal with the question of whether or not you are going to provide or whether you are going to eliminate by these amendments from the bill persons engaged in the sale of food or beverages as licensed package retailers. That is all there is before you. The question of whether it is done by chain stores or by grocery stores or by someone else is a minor consideration. The thing before this House is whether or not the dispenser of beverages or every seller of food, whatever his title or wherever he is located, can be licensed to sell beer in packages.

I ask you to vote 'no" on amendments of this sort to open beer selling places in every block in every city and along every road in the State of Pennsylvania.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Mr. SOWERS and Mr. SHORTZ and were as follows:

YEAS—109

Alexander,	Hagerty,	Merrell,	Snyder, J. L.
Altenburg,	Haluska,	Mooney,	Sowers,
Andrews,	Hamilton, R. S.,	Moore,	Spangler,
Atkins,	Hart,	Moran,	Stank,
Baker, F. T.,	Hartman,	Muir,	Stewart,
Baldi,	Hefferon,	Nagel,	Stockham,
Barnhardt,	Hermansen,	Panton,	Stone,
Bernhard,	Hetrick,	Parks,	Stott,
Brancato,	Hirsch,	Pearson,	Sumney,
Burke,	Hoffner,	Perry,	Surface,
Cannon,	Holland,	Pfaff,	Tahl,
Chervenak,	Holstrum,	Piole,	Terry,
Coakley,	Hoopes,	Powers,	Trout,
Cochran,	Horst,	Reynolds,	Tumelty,
Condon,	Jones,	Rhys,	VanAllsburg,
Conner,	Kane,	Rinn,	VanSickle,
Cordier,	Kelder,	Roan,	Walker,
Dilley,	Kilroy,	Ruth,	Wall,
Duffort,	Kinney,	Schrock,	Wasserman,
Falkenstein,	Kobelak,	Schrope,	Welsh,
Ferko,	LaRue,	Shortz,	Westrick,
Fitch,	Long,	Shreiner,	White,
Flanagan,	Longaker,	Siegel,	Wickersham,

Flinchbaugh,	Male,	Simpson,	Winner,
Gates,	McDermott,	Sinwell,	Woodside,
Gillette,	McElroy,	Sloan,	Yeakel,
Green,	McKinney,	Smith, W. G.,	Sarig,
Habbyshaw,	Mentzer,		

NAYS—64

Achterman,	Carson,	Klinger,	Ruffennach,
Allen,	Cohen,	Lovett,	Sarraf,
Arnold,	Coleman,	Lynch,	Schwab,
Aukerman,	Davies,	McCreary,	Shaw,
Baine,	Dent,	Melchiorre,	Shugarts,
Baker, J. J.,	Downey, G. E.,	Moomaw,	Simon,
Barber,	Eberharter,	Munley,	Smith, J. A.,
Blumberg,	Eroe,	Nothnagle,	Sproul,
Boose,	Furman,	O'Keefe,	Stevens,
Boyer,	Gerard,	Ominsky,	Tronzo,
Brennan,	Greenstein,	Patterson, C.,	Turner,
Brown, H. S.,	Hamilton, F. P.,	Patterson, J. W.,	Weidemann
Brown, J. E.,	Harkins,	Phillips,	Weiss,
Brumbaugh,	Harmuth,	Reising,	Witkin,
Caputo,	Hindman,	Robinson,	Yourishin,
Carr,	Kelso,	Rooney,	Zappala,

So the question was determined in the affirmative and the amendments were agreed to.

BILL AND AMENDMENTS RECOMMITTED

Mr. SOWERS. Mr. Speaker, I move that this bill together with all the amendments be recommitted to the Committee on Law and Order for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker and members of the House, the Committee on Law and Order ought to function. It has not functioned on this bill and the following bills. The Committee on Law and Order should sit down and consider the bill, and I ask the House to send these bills back to the committee on Law and Order, so that that Committee will go to work and send out bills after the committee as a whole has considered and voted on them.

Mr. EBERHARTER. Mr. Speaker and members of the House, I rise to oppose this motion. This bill was introduced on April seventeenth. That is about seven weeks ago, and since that time public hearings have been held, many conferences have been held with all of the different interests concerning the proposed changes in this measure.

We must take into consideration, members of the House, that we will only be in session a matter of practically two weeks. We must show to the Senate the courtesy of giving them time to consider this bill, because I feel that we all realize that the present law is unsatisfactory.

We appreciate, I think, each and every one of us, that there must be some changes in the law. If we are going to send this bill back to committee, we are delaying the matter, and in the final analysis, in the closing days of the session, we will try to pass something and the result will be something that will be unsatisfactory to the members of this House and to the people at large.

I ask the members of the House not to send this bill back to committee. The members have had plenty of time to study it and we must pass a bill regulating this traffic.

On the question recurring,

Will the House agree to the motion?

The Speaker declared the ayes appeared to have it,

Whereupon a division was called for, one hunderd and twenty-eight members or more than a majority having voted in the affirmative the question was determined in the affirmative and the motion was agreed to.

BILL ON SECOND READING

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 2437, Printer's No. 1290, on page 5 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2437 entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of and the entire act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" are hereby reenacted and amended to read as follows

An act to regulate and restrain the sale manufacture possession importation and use of alcohol and certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting

certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties

ARTICLE I

SHORT TITLE AND PRELIMINARY PROVISIONS

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Liquor Control Act"

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least six months and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse for the use of members Continuous existence must be proven by satisfactory evidence Any cessation of continuous activity shall be reason for refusal to grant the license The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members

"Corporation" shall mean a corporation or jointstock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room operated by the same management accomodating at least thirty persons at one time and a kitchen apart from the public dining room in which food is regularly prepared for the public

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per cent of alcohol by volume except alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor and malt or brewed beverages in this Commonwealth

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor and malt or brewed beverages as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accomodating at least thirty persons at one time and a kitchen apart from such area regularly used for the preparation of food for the public [and in which at least three persons are regularly employed in the preparation of meals or work incidental thereto]

"Sale" or "Sell" shall include any transfer of liquor or malt or brewed beverages for a consideration and any gift in connection with or as a part of a transfer of property other than liquor or malt or brewed beverages for a consideration

Section 3 Interpretation of Act (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor which take place wholly within the Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

ARTICLE II

GENERAL POWERS AND DUTIES OF PENNSYLVANIA LIQUOR CONTROL BOARD

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor in the manner set forth in this act

(b) To control the manufacture possession sale consumption importation use and delivery of liquor in accordance with the provisions of this act

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant issue suspend and revoke liquor licenses as provided in this act

(e) To lease through the Department of Property and Supplies as agent and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the Board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the manufacture or transportation of or having illegal possession of liquor alcohol or malt or brewed beverages contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power to seize and confiscate without warrant or process except in private homes any liquor alcohol and malt or brewed beverages so illegally

possessed manufactured or transported and any stills equipment materials utensils vehicles boats vessels aircraft or any of them which are being used in the manufacture of transportation of the same Such liquor alcohol malt or brewed beverages stills equipment materials utensils vehicles boats vessels or aircraft so seized or confiscated shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages to be used for containing liquor or malt or brewed beverages kept or sold under this act

(h) Without in any way limiting or being limited by the foregoing to do all such things as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder

Section 202 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the boards subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 203 Specific Subjects on Which Board May Adopt Regulations Subject to the provisions of this act and without limiting the general power conferred by the preceding section the board may make regulations regarding

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor is kept or sold and the books and records to be kept therein

(b) The duties and conduct of the officers and employes of the board

(c) The purchase of liquor and its supply to Pennsylvania Liquor Stores

(d) The classes varieties and brands of liquor to be kept and sold in Pennsylvania Liquor Stores

(e) The issuing and distribution of price lists for the various classes varieties or brands of liquor kept for sale by the board under this act

(f) The sealing and labeling of liquor sold under this act and of liquor lawfully acquired by any person prior to January first one thousand nine hundred and thirty-four

(g) Forms to be used for the purposes of this act

(h) The issuance of licenses to hotels restaurants clubs and railroad pullman or steamship companies and the conduct management and equipment of licensed places

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue

ARTICLE III

PENNSYLVANIA LIQUOR STORES

Section 301 Board to Establish State Liquor Stores The board shall establish operate and maintain at such places throughout the Commonwealth as it shall deem essential and advisable stores to be known as "Pennsylvania Liquor Stores" for the sale of liquor in accordance with the provisions of and the regulations made under this act When the board shall have determined upon the location of a liquor store in any municipality it shall give notice of such location by public advertisement in at least two newspapers of general circulation If within five days after the appearance of such advertisement fifteen or more taxpayers residing within a quarter of a mile of such location shall file a protest with the court of quarter sessions of the county averring that the location is objectionable because of its proximity to a church a school or to private residences the court shall forthwith hold a hearing affording an opportunity to the protestants and to the board to present evidence The court shall render its decision immediately upon the conclusion of the testimony and from its decision there shall be no appeal If the court shall determine that the proposed location is undesirable for the reasons set forth in the protest the board shall abandon it and find another location The board may establish operate and maintain such establishments for storing and testing liquors as it shall deem expedient to carry out its powers and duties under this act

The board may lease the necessary premises for such stores or establishments but all such leases shall be made through the Department of Property and Supplies as agent of the board The board through the Department of Property and Supplies shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments

Section 302 Selection of Personnel No officer or employe shall be appointed or employed by the board after January first one thousand nine hundred and thirty-four except as provided in this section Any officers or employes engaged prior to January first one thousand nine hundred and thirty-four except employes heretofore in the service of the Pennsylvania Alcohol Permit Board shall be deemed provisional employes and shall be retained thereafter only under the provisions of this section The board is hereby authorized to prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment under it The qualifications shall be such as will best promote the efficient operation and management of its affairs but in all cases persons appointed shall be citizens of the United States and in the case of appointments to operate or assist in the operation of liquor stores shall be qualified electors of the county in which the store is located

Every person desiring employment under the board shall file with the board an application under oath or affirmation which shall be in such form and shall set forth such information as the board shall prescribe Provided however That the board shall not require an applicant to furnish a photograph of him-or her-self and that no application blank shall require the color of the applicant to be designated Upon receiving such application the board shall transmit the same to the Department of Public Instruction which shall determine whether under the rules or regulations of the board the applicant is qualified for the employment he seeks If so the applicant shall be admitted to competitive examination when examinations shall next be held for positions in the class of employment he seeks Such competitive examinations shall be practical in character and as far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to perform the duties of the service to which they seek to be appointed

The Department of Public Instruction shall conduct such examinations at such places in the Commonwealth as to make it reasonably convenient and inexpensive for applicants to attend them When there are positions to be filled examinations shall be held at least twice in each year The department may divide the State into districts for the purpose of conducting such examinations Every candidate admitted to such examination shall be given a number so that when his paper is marked and graded it will be impossible for the person passing upon the examination papers to ascertain his identity until his grade has been establshed The examination papers of such candidates shall be marked by committees composed of representatives of the Department and of persons not employed by the Commonwealth in any other capacity designated by the presidents of the colleges and universities receiving State aid from the Commonwealth All such examination papers shall be graded on a basis of one hundred per centum and less Such examination papers shall immediately thereafter be filed and the applicants listed Any person who shall have been a member of the armed forces of the United States during a war or expedition for which the Government of the United States issued a campaign badge whose separation from said service was honorable whether by discharge or otherwise shall receive in addition to his rating on his examination paper an additional rating of five per centum All such outside examiners shall receive compensation at the rate of fifteen dollars per day for their services The number of committees which may be necessary shall be determined by

the department and each committee shall consist of three persons The selections made by the presidents of State aided colleges and universities shall be submitted to the department in writing by each such president and the department shall designate committee members from the lists so submitted in rotation

All offices places and employment in Pennsylvania Liquor Stores or establishments operated by the board shall be filled by selections from persons who have satisfactorily passed the examinations The persons receiving the highest grade shall be first appointed and so on The list of eligibles in any district shall be valid only until the next examination is held in such district

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores

Section 304 When Sales May be Made at Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be open for business week days except legal holidays or any day on which a general municipal special or primary election is being held [from nine A M to nine P M] during such hours as the board in its discretion shall determine but shall not be open longer than fourteen hours or less than seven hours in any one day nor later than eleven o'clock post meridian The board may with the approval of the Governor temporarily close any store in any municipality

Section 305 Sales by Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall keep in stock for sale such classes varieties and brands of liquor as the board shall prescribe If any person shall desire to purchase any class variety or brand of liquor which any such store does not have in stock it shall be the duty of such store immediately to order the same upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the board The customer shall be notified immediately upon the arrival of the goods

Unless the customer pays for and accepts delivery of any such special order within five days after notice of arrival the store may place it in stock for general sale and the customer's deposit shall be forfeited

Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels restaurants clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board of chemists The Board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia All other sales by such stores shall be at retail No liquor shall be sold except for cash except that the board may by regulation authorize the acceptance of checks for liquor sold at wholesale

Whenever any checks issued in payment of liquor purchases from State Liquor Stores by persons holding wholesale purchase permit cards issued by the board shall be returned to the board as dishonored the board shall charge a fee of five dollars per hundred dollars or fractional part thereof plus all protest fees to the maker of such check submitted to the board Failure to pay the face amount of the check in full and all charges thereon as herein required within ten days after demand has been made by the board upon the maker of the check shall be cause for revocation or suspension of any license issued by the Board to the person who issued such check and the cancellation of the wholesale purchase permit card held by such person

No liquor shall be sold to any purchaser except in a package sealed with the official seal of the board required by this act which package shall not be opened on the premises of a Pennsylvania Liquor Store No manager or other employe of the board employed in a Pennsylvania Liquor Store shall allow any liquor to be consumed on the store premises nor shall any person consume any liquor on such premises

Every purchaser of liquor from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the brand of liquor the price paid therefore and such other information as the board may prescribe Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store

Section 306 Audits by Auditor General It shall be the duty of the Department of the Auditor General to make all audits which may be necessary in connection with the administration of the financial affairs of the board and the Pennsylvania Liquor Stores operated and maintained by the Board

At least one audit shall be made each year of the affairs of the board and all collections made by the Pennsylvania Liquor Stores shall be audited quarterly

Special audits of the affairs of the board and the Pennsylvania Liquor Stores maintained and operated by the board may be made whenever they may in the judgment of the Auditor General appear necessary and shall be made whenever the Governor shall call upon the Auditor General to make them

Copies of all audits made by the Department of the Auditor General shall be promptly submitted to the board and to the Governor

Unless the Department of the Auditor General shall neglect or refuse to make annual quarterly or special audits as hereinabove required it shall be unlawful for the board to expend any money appropriated to it by the General Assembly for any audit of its affairs except for the payment of the compensation and expenses of such auditors as are regularly employed as part of the administrative staff of the board

ARTICLE IV

LICENSES AND PERMITS

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt liquor to guests patrons or members for consumption on the hotel restaurant or club premises Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively

Section 402 Application for Hotel Restaurant or Club Liquor Licenses Every applicant for a hotel liquor license restaurant liquor license or club liquor license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by an application fee of ten dollars the prescribed license fee and the bond hereinafter specified Every such application shall contain a description of that part of the hotel restaurant or club for which the applicant desires a license and shall set forth such other material information description or plan of that part of the hotel restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board If the applicant is a natural person his application must show that he is a citizen of the United States and has been a resident of this Commonwealth for at least three years immediately preceding his application If the applicant is a corporation the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania and that the manager of the hotel restaurant or club is a citizen of the United States The application shall be signed and verified by oath or affirmation by the owner if a natural person or in the

case of an association by a member or partner thereof or in the case of a corporation by an executive officer thereof or any person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof Every Club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employes together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the licensed business would inure to the benefit of individual members officers agents or employes of the club rather than to the benefit of the entire membership of the club

Section 403 Issuance of Hotel Restaurant and Club Liquor Licenses Upon receipt of the application the proper fees and bond and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute and seeks a license for a hotel restaurant or club as defined in this act the board shall grant and issue to the applicant a liquor license [entitling him to purchase liquor from a Pennsylvania Liquor Store and in that part of the hotel restaurant or club set out in the license to sell by open bottle glass or other container or in any mixture the liquor so purchased and also mail liquor to the patrons guests or members for consumption in that part of the hotel or restaurant habitually used for the serving of meals to patrons guests or members or in private rooms of the building as hereinafter provided and in accordance with the provisions of this act and the regulations made thereunder] The board may in its discretion refuse to grant a new license for premises situated within three hundred feet of a church school or hospital or in a strictly residental district but shall not refuse a license applied for under this act for such reason if the premises applied for are licensed at the time of the final enactment of this act for the sale of liquors and malt liquors

Section 404 Appeals from Refusal of Board to Issue Licenses Any person aggrieved by the refusal of the board to issue a hotel restaurant or club liquor license may appeal within twenty days from date of refusal to the court of quarter sessions of the county in which the hotel restaurant or club is located Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the applicant and the board after the consideration of which the court shall either sustain the refusal of the board or order the issuance of the license to the applicant There shall be no further appeal

Section 405 Display of License Every license issued under this act shall be constantly and conspicuously exposed under transparent substance on the licensed premises

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board a surety bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars ($2,000) Such bond shall have as surety a duly authorized surety company or not less nor more than two individuals each of whom shall own real estate of an assessed valuation over and above all encumbrances and outstanding liabilities of two thousand dollars ($2,000) or more to be approved by the board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages Such bonds shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be [sued out] collected if and when the licensee's license shall have been revoked as provided in this act

Section 407 License Fees (a) Every applicant for a hotel liquor license or restaurant liquor license shall before receiving such license pay to the board the following license fees which shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located as follows

In municipalities having a population of less than fifteen hundred inhabitants one hundred fifty dollars ($150.00)

In those having a population of fifteen hundred and more but less than ten thousand inhabitants two hundred dollars ($200.00)

In those having a population of ten thousand and more but less than fifty thousand inhabitants three hundred dollars ($300.00)

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants four hundred dollars ($400.00)

In those having a population of one hundred thousand and more but less than one hundred forty thousand inhabitants five hundred dollars ($500.00)

In those having a population of one hundred forty thousand and more inhabitants six hundred dollars ($600.00)

(b) Every applicant for a club liquor license shall before receiving such license pay to the board a license fee of fifty dollars ($50.00) except clubs which cater to groups of non-members either privately or for functions in which case the license fee shall be the same as for hotels and restaurants located in the same municipality and the board shall by its rules and regulations define what constitutes catering under this clause

[(c) The fees for hotel restaurant or club licenses when applied for and issued on or after

April first but prior to July first shall be three-fourths or the annual fee

July first but prior to October first shall be one-half of the annual fee

October first but prior to January first one-fourth of the annual fee]

[(d)] (c) All license fees authorized under this section shall be collected by the board for the use of the municipalities [except] or townships [of the second class] in which such fees were collected [License fees for liquor licenses issued to hotels restaurants or clubs located in townships of the second class shall be collected by the board for the use of the school districts coextensive with such townships]

Section 408 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board is hereby authorized to transfer any license from one person to another or from one place to another within the same municipality or both as the board may determine but no transfers shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not originally have been issued lawfully Upon any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses

(b) [at least one week] Every applicant for a transfer of a license shall file a written application with the board in such form as the board shall prescribe and at such time as the board shall fix in its regulations Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year except a fee of twenty dollars ($20.00) to be paid to the board for the use of the Commonwealth

(c) In the event that any person to whom a license shall have been issued under the terms of this act shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was con-

ducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 409 License Year Renewal of Licenses [(a) Unless previously revoked every license issued by the board under this act shall expire and terminate on the thirty-first day of December in the year for which the license is issued]

[(b) Licenses issued under the provisions of this act shall be renewed annually upon the filing of applications in such form as the board shall prescribe but no license] (a) The Board shall by regulation divide the State into convenient License Districts and shall hold hearings on such applications as it deems necessary at a convenient place or places in each of said districts at such times as it shall fix by regulation for the purpose of hearing testimony for and against applications for new licenses and renewals thereof The board shall by regulation fix the License year for each separate district so that the expiration dates shall be uniform in each of the several districts but staggered as to the State

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the Board of objections to the renewal of his license based upon violation by the licensee of any of the laws of the Commonwealth or regulations of the Board relating to the manufacture transportation use storage importation possession or sale of liquors or malt or brewed beverages or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute the license of a licensee shall be renewed [until] when the applicant shall file with the board a new surety bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License [After a license has been issued to a hotel restaurant or club under this act the Attorney General the district attorney or fifteen or more taxpayers residents of the municipality where the hotel restaurant or club is located may petition the court of quarter sessions of the proper county for the revocation of such license If after notice and hearing it shall appear to the court that the licensee has violated any law of this Commonwealth or regulation of the board relating to liquor malt liquor or alcohol the court may suspend or revoke the license The court shall assess or remit the costs in its discretion The action of the court in suspending or revoking a license shall be final]

Any licensee whose license is revoked shall be ineligible to have a license or permit under this act or under any other act relating to the manufacture sale or distribution of liquor or malt liquor until the expiration of five years from the date his license was revoked]

After a license has been issued under the provisions of this Act upon the petition of the Attorney General the District Attorney of any County or upon the Petition of fifteen or more tax payers residents of the Ward Borough or Township where the place of business is located or upon its own motion the board upon sufficient cause being shown or proof being made that the licensee holding a license or any partners members officers or directors of the licensee has or have violated any of the laws of this Commonwealth relating to liquors malt or brewed beverages or alcohol or other alcoholic beverages may upon due notice and proper hearing being given to the person so licensed and complained against suspend or revoke the license issued under the provisions of this Act when a license is revoked the licensee's bond shall be forfeited In all cases where the Board shall suspend or revoke a license it shall set forth its Findings of Fact the evidence from which such Findings of Fact are made and the reasons upon which its action is based Any licensee whose license is revoked shall be ineligible to have a license under this Act or under any other Act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor or malt liquor until the expiration of three years from the date such license was revoked In the event the Board shall revoke a license no license shall be granted for the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises Any licensee aggrieved by the suspension or revocation of any license issued under this Act may appeal to the Court of Quarter Sessions of the County in which the premises in which said license was conducted are located Such appeal shall be taken within twenty days from the date of revocation or suspension upon the Petition of the person aggrieved who shall serve a copy thereof upon the Board whereupon a hearing shall be held upon the petition by the Court after ten days notice to the board which shall be represented in the proceeding by the Department of Justice At such hearing testimony may be presented by the Applicant and the board after the consideration of which the court shall either sustain the suspension or revocation of the license modify the order of the Board or reverse the action of the board In all such cases of appeal the court of quarter sessions shall file of record at least a brief statement in the form of an Opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the Board shall feel aggrieved by the action of the Court of Quarter Sessions he shall have the right to appeal to the Superior Court The Superior Court shall examine the record upon which such appeal is based and shall determine whether or not the action of the court of quarter sessions was properly based upon the evidence The action of the Superior Court shall be final In all such appeals the court may allow a supersedeas if the appellant shall have filed with the clerk of the court to which the appeal was taken a penal bond in the sum of two thousand dollars ($2.000.00) to be approved by the court and conditioned for the prompt prosecution of the appeal by the appellant the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors and malt or brewed beverages and for the payment of all costs that may be assessed against the appellant

Section 411 Sale of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of meals to guests or patrons and in the case of hotels and clubs to guests or members in their private rooms in the hotel or club In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel Every such licensee may also sell liquor in original packages as purchased from a Pennsylvania Liquor Store in quantities not to exceed one quart to any one person at any one time at the retail price established by the board

[A hotel or restaurant licensee shall not maintain any counter or bar at or over which liquors are sold to guests patrons or members]

[Liquor may be sold by licensees other than clubs only after seven o'clock ante meridian of any weekday and until two ante meridian of the following week day and shall not be sold on Sunday or on any day on which a general municipal special or primary election is being held]

(c) Club licensees selling to members only may sell at any time regardless of day or hour All other licensees may sell liquor and malt or brewed beverages only after seven o'clock ante meridian of any week day and until two o'clock ante meridian of the following day and shall not sell on Sunday after two o'clock ante meridian or on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls

The board may with the approval of the Governor temporarily close all licensed places within any municipality

during any period of emergency proclaimed to be such by the Governor

Section 412 Sale of Malt or brewed beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person [It shall not be necessary for such licensees to obtain malt liquor retail licenses under the provisions of the Malt Liquor License Law] no licensee under this act shall at the same time be the holder of any other license authorizing the sale of malt or brewed beverages only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor and malt liquor to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor or malt liquor to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensee shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of manadamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each [dining club or buffet car for which a license is desired] of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars ($20.00) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars ($100.00) [The board shall collect a proportionate license fee for such licenses issued during a license year in such proportions as elsewhere provided in this act in the case of hotels restaurants or club liquor licenses]

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor and malt or brewed beverages by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses The board may upon application grant to responsible persons of good character sacramental wine licenses The fee for such licenses shall be five hundred dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of five thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and regulations of the board relating to the distribution sale and use of liquor

Holders of such licenses may purchase from manufacturers or bring or import into this Commonwealth wine to be used for sacramental or religious purposes and to sell the same only to priests clergymen or rabbis for such purposes under such regulations as the board shall prescribe Priests clergymen and rabbis may lawfully make purchases from such licensees under the regulations of the board but any wine purchased under authority of this section shall not be used for any other than sacramental or religious purposes

Any such license may be suspended or revoked by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Section 415 Importer's Licenses The board may upon application grant to responsible persons of good reputation importers' licenses Such licenses shall permit the holders thereof to bring or import liquor from other states foreign countries and insular possessions of the United States and obtain from manufacturers located within the Commonwealth to be sold outside of this Commonwealth and exclusively to Pennsylvania Liquor Stores within this Commonwealth

The fee for such licenses shall be one thousand dollars per annum and before any such license shall be granted the applicant shall file with the board a bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all of the laws of this Commonwealth and of the regulations of the board relating to the distribution sale and use of liquor malt or brewed beverages alcohol or other alcoholic beverages Upon the revocation of any such license the bond of the licensee shall be forfeited and shall be collected in the same manner as heretofore provided for the collection of forfeited hotel restaurant and club license bonds

Any such permit may be revoked or suspended by the board upon proof satisfactory to it that the licensee has violated any law of this Commonwealth or any regulation of the board relating to the distribution sale or use of liquor malt or brewed beverages alcohol or other alcoholic beverages

ARTICLE V

LOCAL OPTION

Section 501 Local Option Areas Authorized In any municipality an election may be held but not oftener than once in four years on the date of any general or municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality

Section 502 Petition of Electors for Local Option Whenever electors equal to at least ten per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the corporate authorities of the municipality or township for a referendum on the question of granting such liquor licenses the respective corporate authorities shall cause a question to be submitted at the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in of ?	Yes	
	No	

If a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place in any local option area where the electors have voted against such sales but the sale of malt liquors by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

ARTICLE VI

ILLEGAL ACTS PENALTIES FORFEITURES

Section 601 Restrictions on Sales by Manufacturers or Licensed Importers It shall be unlawful for any manufacturer or licensed importer of liquor in this Commonwealth to sell or offer to sell any liquor in this Commonwealth except to the board for use in Pennsylvania Liquor Stores or to the holder of a sacramental wine permit but a manufacturer or licensed importer may sell or offer to sell liquor to persons outside of this Commonwealth

Section 602 Sale by Persons Other Than Manufacturers (a) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

(b) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess any liquor within the Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store But nothing herein contained shall prohibit the possession of liquor purchased from a licensee in accordance with this act or prohibit the possession of wine manufactured by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one year two hundred and fifty gallons Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

(c) Except as provided in this act it shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor from any person or source other than a Pennsylvania Liquor Store

(d) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine permit to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board but nothing herein contained shall prohibit the possession of wine as provided in clause (b) of this section

(e) It shall be unlawful for any licensee or the board or any employe of such licensee or of the board to sell furnish or give any liquor or to permit any liquor to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(f) It shall be unlawful for any licensee to sell or offer to sell or purchase or receive any liquor [to any person on credit] or malt or brewed beverages except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the Vendor if such containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor or beverages so sold are actually transported and delivered to points outside of the Commonwealth

(g) It shall be unlawful for any licensee or the board or any employe or agent of a licensee or of the board to sell offer to sell or furnish any liquor or malt or brewed beverages to any person on a pass-book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

(h) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

(i) It shall be unlawful for any licensee except a Manufacturer on his own premises to advertise in any manner whatsoever on the outside of any licensed premises any liquor or malt or brewed beverages by trade name trade mark or in any manner which would indicate the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages All outside advertisements of liquor or malt or brewed beverages erected prior to or maintained on the effective date of this act in violation of this section shall be removed from licensed premises within thirty days after such date

(j) It shall be unlawful for any manufacturer or licensee to give furnish lease or sell or for any other licensee to lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade mark or trade name of any particular liquor or malt or brewed beverages or the manufacturer producer or place of manufacture of any liquor or malt or brewed beverages unless the size of such advertising matter shall be no larger than two hundred and seventy square inches and the actual value thereof shall not exceed ten dollars ($10)

(k) It shall be unlawful for any licensee to advertise or hold out for sale any liquor or malt or brewed beverages by trade name or other designation which would indicate the manufacturer or place of production of the said liquor or malt or brewed beverages unless he shall actually have on hand and for sale a sufficient quantity

of the particular liquor or malt or brewed beverages so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(l) It shall be unlawful for any licensee to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(m) It shall be unlawful for any licensee or his or its servants agents or employees to transport sell deliver or purchase any malt or brewed beverages upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage must be stated upon the package

(n) It shall be unlawful for any licensee except club licensees to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee of twenty-five dollars ($25.00) for such permits All such fees shall be paid into the State Stores Fund

(o) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color for any licensee to purchase transport sell or distribute any malt or brewed beverage advertised or labeled contrary to the provisions of this clause

(p) It shall be unlawful for any retail licensee to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(q) It shall be unlawful for any licensee to have alcohol in his possession on the licensed premises

Section 603 Unlawful to Fortify Adulterate or Contaminate Liquor It shall be unlawful for any licensee or any employe or agent of a licensee or of the board to fortify adulterate or contaminate any liquor except as permitted by the regulations of the board

Section 604 Things of Value Not to be Offered [for the Return of Certain Articles] It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor or malt or brewed beverage or to offer or give anything of value as a premium or present to induce the purchase of liquor or malt or brewed beverage or for any other purpose whatsoever in connection with the sale of such liquor or malt or brewed beverage or for any licensee manufacturer or to offer or give any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define to either trade or consumer provided however that this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 605 Delivery Vehicles to Bear Name and Address of Manufacturer It shall be unlawful for a manufacturer to deliver any liquor except in his own vehicles bearing his name and address on each side in letters not smaller than four inches in height or in the vehicle of another person duly authorized to transport liquor within this Commonwealth

Section 606 Restrictions on Importation of Liquor into the Commonwealth It shall be unlawful for any person other than the board or the holder of a sacramental wine permit or of an importer's license to import any liquor whatsoever into this Commonwealth but this section shall not be construed to prohibit railroad and pullman companies from selling liquors purchased outside the Commonwealth in their dining club and buffet cars which are covered by public service liquor licenses and which are operated in this Commonwealth

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) A manager or employe of the board or any employe of the Commonwealth shall not solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor to or purchasing liquor from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the Commonwealth or to anyone on behalf of such member or employe

Section 608 Nuisances (a) Any room house building boat vehicle structure or place except a private home where liquor is possessed sold offered for sale bartered or furnished in violation of this act and all liquor and property kept or used in maintaining the same is hereby declared to be a common nuisance and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties hereinafter provided

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General of the State or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by testimony to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no liquor shall be sold offered for sale bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than

five hundred dollars ($500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that liquor will not thereafter be manufactured sold offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 609 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a hotel restaurant or club liquor license nor be the owner proprietor or lessor of any place covered by any hotel restaurant or club liquor license

(b) No manufacturer shall own any stock or have any financial interest in any hotel or restaurant licensed under this act

(c) Excepting as hereinbefore provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a hotel or restaurant license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or the equivalent thereof to any hotel or restaurant for equipping fitting out or maintaining and conducting either in whole or in part a hotel or restaurant licensed for the selling of liquor for use and consumption upon the premises

(d) Excepting as hereinbefore provided no hotel licensee restaurant licensee or club licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor nor shall any hotel restaurant or club licensee either directly or indirectly lend any moneys credit or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of hotel or restaurant licenses and as herein provided of club licenses issued under this act and no person shall by any device whatsoever directly or indirectly evade the provisions of the section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this act after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to the effective date of this act

Section 610 Penalties (a) Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars ($300.00) and on failure to pay such fine to imprisonment for not more than three months and for any subsequent offense shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) and to undergo imprisonment for a period of not more than one year

(b) The right of the board to suspend and revoke licenses granted under this act shall be in addition to the penalty set forth in this section

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage illegally possessed or in any still equipment material utensil vehicle boat vessel or aircraft illegally used in the manufacture or transportation of liquor alcohol malt or brewed beverages and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that any liquor alcohol or malt or brewed beverage was so illegally possessed or property so used in the illegal manufacture or transportation of liquor alcohol or malt or brewed beverage such liquor alcohol malt or brewed beverage or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol or malt or brewed beverage and property seized or obtained from such defendants except that the court may order the same or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle boat vessel or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol and malt or brewed beverages and property (except vehicles boats vessels and aircraft) publicly destroyed by the sheriff except that the court may order the same or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel or aircraft seized under the provisions of this act and condemned the court shall order a public sale thereof by the sheriff of the county Notice of such sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias The proceeds of such sale shall be paid to the county treasurer for the use of the county In the event any such vehicle boat vessel or aircraft is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle boat vessel or aircraft is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgage or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle boat vessel or aircraft has not been found within the jurisdiction of the court the sheriff shall given ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol or malt or brewed beverages were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol or malt or brewed beverages in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle or to such person and no other license shall be issued to such person or for such motor vehicle for a period of one (1) year following such suspension or revocation Provided That a license may be issued for such motor vehicle after the public sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property the destruction or sale of which is provided for in subsection (2) and (3) of clause (b) of this section shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or

citizen containing the following (I) a description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possession or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold or destroyed (as the case may be) according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such property shall have been seized once a week for three (3) successive weeks Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property or the holder of a chattel mortgage or conduct of conditional sale thereon (II) that he lawfully acquired the same (III) that it was not unlawfully used or possessed by him and (IV) in the event that it shall appear that the property was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of additional sale upon any liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft the disposition of which is provided for in this section may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol or malt or brewed beverage or still equipment material utensil vehicle boat vessel or aircraft was lawfully acquired possessed and used by him or if it appearing that the property was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be destroyed or sold (as the case may be) as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

(e) The provisions of this section shall apply to the disposition of any liquor alcohol or malt or brewed beverage or property in the custody of the law or of any officer at the time of the passage of this act

ARTICLE VII

DISPOSITION OF MONEYS

Section 701 License Fees to Be Returned to Municipalities All license fees collected by the board under the provisions of this act except fees for public service liquor licenses sacramental wine and importers' licenses shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund" Fees for public service licenses sacramental wine and importers' licenses shall be paid into the State Stores Fund The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the respective municipalities [except] and townships [of the second class] in which the respective licensed places are situated in such amounts as represent the aggregate license fees collected from licensees in such municipalities during the preceeding period [On the above dates in each year the board shall pay to the respective school districts coextensive with townships of the second class the license fees collected by it during the period immediately preceeding the date of payment for licenses issued to hotels restaurants or clubs located in townships of the second class]

Section 702 Application Fees and Receipts from Pennsylvania Liquor Stores to Be Retained by the Commonwealth All application fees and moneys accruing from sales of liquor at Pennsylvania Liquor Stores and all [fines penalties and] forfeitures collected received or recovered under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as "The State Stores Fund" All moneys in such fund shall be available for the purposes for which they are appropriated by law

ARTICLE VIII

EFFECTIVE DATE AND REPEAL

Section 801 Effective Date This [act] amendment and re-enactment shall become effective immediately upon its [passage and approval by the Governor except that nothing herein contained shall authorize the sale of any liquor prior to the day when the Twenty-first Amendment to the Constitution of the United States is ratified by conventions in at least three-fourths of the several states and except that the provisions of this act forbidding the importation of liquor except by Pennsylvania Liquor Stores and purchases not for consumption on the premises except from Pennsylvania Liquor Stores shall not become effective until the first day of January one thousand nine hundred and thirty-four

Prior to January first one thousand nine hundred and thirty-four holders of manufacturers' permits heretofore issued by the Pennsylvania Alcohol Permit Board may sell liquor not for consumption on the premises otherwise than to Pennsylvania Liquor Stores and holders of liquor licenses issued by the board may buy liquor otherwise than from Pennsylvania Liquor Stores and sell it not for consumption on the premises as well as for consumption on the premises but they shall keep such records and make such reports of sales not for consumption on the premises as may be required by the board for the use of the Department of Revenue

The provisions of section four hundred seven clause (c) shall not be effective until January first one thousand nine hundred and thirty-four

For all licenses and permits issued during the year one thousand nine hundred and thirty-three the full annual license or permit fee shall be charged but such licenses and permits shall be valid until midnight of the thirty-first day of December one thousand nine hundred and thirty-four unless sooner revoked as provided in this act And all bonds filed with the board in connection with the issuance of such licenses and permits shall cover the period ending December thirty-first one thousand nine hundred and thirty-four] final enactment

Section 802 Repeal The act approved the twenty-seventh day of March one thousand nine hundred twenty-three (Pamphlet Laws thirty-four) entitled "An act con-

cerning alcoholic liquors prohibiting the manufacture advertising furnishing traffic in and possession of intoxicating liquors for beverage purposes and articles and substances designed or intended for use in the manufacture thereof defining intoxicating liquor providing for penalties forfeitures and the abatement of nuisances and repealing existing alcoholic liquor laws and alcoholic license laws" and all other acts and parts of acts including special or local acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 6, line 11, by inserting after the word "thereof" the following: "except as to incorporated clubs, the term "person" shall mean, such individual or individuals who, under the by-laws of such club, shall have jurisdiction over the possession and sale of liquor therein"

On the question,

Will the House agree to the amendment?

BILL AND AMENDMENTS RECOMMITTED

Mr. VanSICKLE. Mr. Speaker, I move that the bill together with all the amendments be recommitted to the Committee on Law and Order for the purpose of further study and amendment.

On the question,

Will the House agree to the motion?

Mr. SOWERS. Mr. Speaker, in order that my amendments may go with the bill, I offer them now.

The SPEAKER. The gentleman will send his amendments to the desk.

Mr. SOWERS. Mr. Speaker and members of the House, I want to join with my friend, Mr. VanSickle. I think that the proper thing for this House to do is to send this bill back to committee and let the committee consider it and amend it and report out to this House a really good and substantial bill.

Mr. ACHTERMAN. Mr. Speaker and members of the House, I rise to oppose the motion. I point to the members of the House that the bill has not even been discussed; no tangible or sensible reason has been presented to the members why this bill should be recommitted to the committee. As a matter of fact, it is not in its entirety, a companion bill. I say, very frankly, that this bill should receive the consideration of the members of this House rather than having it sent back to committee.

I, therefore, ask the members of this House to vote down the motion to recommit.

Mr. BLUMBERG. Mr. Speaker and members of the House, I, too, rise to oppose the motion to recommit this bill to the committee on Law and Order and I do so for two very important reasons. In the first place, may I state that during the last session of this Legislature I opposed the creation of the State Liquor Store System. I did not believe that that was the proper method of dispensing liquor, but we do have that system and there will be no repeal of that system in the next two years.

In the light of the experience that the Liquor Control Board has had during the past year and a half, this bill has been prepared and is a distinct advance in the method of dispensing alcoholic liquors in the state. I say, this bill grows out of the experience that we have had. For instance, when this bill was passed, one of the main bones of contention was the regulation of clubs, and we thought at that time that we had provided so that clubs could sell liquor on Sunday, that a club was in effect a man's home, and there was quite an extensive debate on the floor of this House, and yet when the bill came up to the Superior Court for interpretation, that court said that a club could not sell liquor on Sunday. Now, that is taken care of in this bill. This bill provides that clubs can sell liquor at any time or in any way. In addition thereto, the hours have been extended on Saturday night and Sunday morning until two A. M.

It provides for the one-man store, so that people in small communities can have the advantage and the convenience of purchase.

The bill has been thoroughly considered. As one of its sponsors, I have sat in a number of conferences, I have sat in with the Liquor Control Board, I have sat in with distillery interests who are vitally interested. I have sat in with others who wrote in to the committee with suggestion.

And now, what would be the effect of sending this bill back to committee for amendment? If the committee does not agree with an amendment or any group of amendments, when the bill is reported back to the House we would have the same situation as if the amendments were offered on this floor and considered. Let us do this now. We are in the closing days of this session. If we are to continue with our present store system, it will need a lot of improvements, and this bill is the first serious attempt to close up those loopholes that experience has taught us should be closed. We can't evade that responsibility. We ought to pass on this measure right here on the floor of this House. It is useless, it is futile and it is a waste of time to send the bill back to committee, where we won't get anywhere.

I, therefore, ask you to oppose this motion to recommit.

Mr. SOWERS. Mr. Speaker and members of the House, I have learned that it is true that the sponsors of this bill met privately with the Liquor Control Board.

I ask that the Law and Order Committee committee to hear the Liquor Control Board, I ask the committee to consider this bill, I ask that the members of that committee be permitted to vote on the various amendments to the bill. The chairman of the committee would fix a time for the meeting and then come an hour late to the meeting. The chairman of the committee would quit the meeting about five minutes before the House would convene and have a bundle under his arm.

We haven't the time to consider. The committe has reported amendments to this House which the committee did not even read. I ask you, in all fairness, to let it go back to committee. Let that committee sit down and go over this bill, consider all the amendments, and then let the members of the committee report out a bill.

We have no real improvement on Liquor Control in this bill. True, the clubs are taken care of, but they are not taken care of properly, but in a highly improper manner. We have no aid and assistance for the men who pay the six hundred dollar fee. We have an amendment in the bill permitting the Liquor Control Board to go on creat-

ing state stores and infinitum in competition with the restaurant license holder.

We have many principles in the bill as it is now written that are good, but the various principles that are there in addition weigh down the good ones.

Send it back to the Committee so that a good bill may come out.

Mr. BLUMBERG. Mr. Speaker and members of the House, as I stated previously, I do not feel that I have the right at this time to take up this bill section by section and point out to you why I made the statement that this bill represents a great advance in the operation of the Liquor Control System.

When my friend from Philadelphia, Mr. Sowers, said that clubs have not been adequately taken care of, I should like to interrogate him for the purpose of ascertaining in what manner clubs have not been taken care of, but that would only extend the debate.

I say to you, that the time we are now spending on the motion to recommit ought to be spent on these amendments. Let us have an open discussion of the question by the entire House. The subject is important enough. Let us not delay any longer. Sending it back to committee will only postpone discussion and the second reading of this bill.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, one hundred and twenty-two members or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

REPORTS FROM COMMITTEES

Mr. GEORGE E. DOWNEY, from the Committee on Appropriations reported as committed, House Bill No. 2714, entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

Mr. SCHWAB, from the Committee on Banking reported as committed, House Bill No. 2337, entitled:

An Act to amend sections two, four, five, thirteen, fifteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," changing certain requirements for incorporation; enlarging the scope of membership; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

Mr. HOMER S. BROWN, from the Committee on Appropriations reported as amended, House Bill No. 2579, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, defining the purposes for which such monies may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State Departments.

Mr. HOOPES, from the Committee on Labor reported as amended, House Bill No. 2881 (Senate Bill No. 39), entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes farm labor and newspaper boys by regulating under the police power of the Commonwealth the minimum wage which shall be paid to such women and minors providing for wage boards their powers and the procedure to determine the necessity for and to establish the minimum wage standard in any industry where the health safety and welfare of women and minors is jeopardized by the payment of an oppressive and unreasonable wage defining the powers of and imposing duties on courts the Attorney General the Department of Labor and Industry and the Secretary of Labor and Industry imposing certain duties on employers and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

Mr. RINN, from the Committee on Banking, reported as committed House Bill No. 2908 (Senate Bill No. 884), entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

Mr. NAGEL, from the Committee on Agriculture re-reported as amended House Bill No. 2529, entitled:

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (Pamphlet Laws twenty-seven) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act.

Mr. FITCH, from the Committee on Labor, reported as committed House Resolution No. 162.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2714, entitled:

An Act making an appropriation to the Department of Property and Supplies for the restoration, preservation, development and maintenance of the Ephrata Cloisters Park.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2337, entitled:

An Act to amend sections two, four, five, thirteen, fifteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076), entitled "An act to provide for the organization, incorporation, operation, and supervision of cooperative savings and credit associations,

to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties," changing certain requirements for incorporation; enlarging the scope of membership; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2908 (Senate Bill No. 884), entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RESOLUTION RECALLING HOUSE BILL NO. 2129 FROM THE GOVERNOR

Mr. MALE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 4, 1935.

Resolved (if the Senate concur), That House Bill No. 2129, Printer's No. 686, entitled "An act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended by exempting in certain cases the security required of depositories for school funds," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

HOUSE BILL NO. 1373 MADE A SPECIAL ORDER

Mr. MORAN. Mr. Speaker, I move that House Bill No. 1373, entitled:

An Act relating to local taxation establishing a centralized system in counties of the second class for the collection of all county borough town township and certain school and poor taxes except in certain cases through the county treasurer as county tax collector defining the powers and duties of the county tax collector and of counties boroughs towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws

be made a special order of business on third reading and final passage tomorrow at 12:30 o'clock.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for, ninety-seven members having voted in the affirmative and fifty-six in the negative, the question was determined in the affirmative and the motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. On behalf of the Chief Clerk, the speaker desires to inform the members that checks representing mileage for nine additional weeks have been arranged for and members may receive same by calling at the office of the Chief Clerk at the close of this afternoon's session:

THANKS EXTENDED CHIEF CLERK.

Mr. EBERHARTER. Mr. Speaker, I move that the House give the Chief Clerk a rising vote of thanks.

The motion was unanimously agreed to.

ADJOURNMENT

Mr. TRONZO. Mr. Speaker, I move that this House do no adjourn until tomorrow at 11:00 A. M.

The motion was agreed to, and (at 6:15 P. M.) the House adjourned until Wednesday, June 5, 1935, at 11:00 A. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1935. 131st of the General Assembly.

Vol. 18. HARRISBURG, PA., WEDNESDAY, JUNE 5, 1935 No. 72

SENATE

WEDNESDAY, June 5, 1935

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. William E. Howard, D. D., offered the following prayer:

Give unto us, O God, clearness of vision to discover the opportunities which are from time to time presented unto us as we pursue life's journey. Opportunities to increase our own usefulness, develop our own character and strengthen our own powers.

May we also, O Lord, cultivate a desire to use these possessions of body, mind and soul to serve the age in which we live. May our light not be hidden under a bushel but placed on a candlestick so as to brighten the way for our fellow travelers. Many such there are who sorely need a guiding beacon in these times of uncertainty and depression.

Our Father, in the midst of gloom, suffering and despair, may we radiate cheerfulness, healing and joy. Make the sun of hope to shine in great effulgence from this hilltop, bringing new horizons of prosperity to the people of our Commonwealth. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. BAUMER, the further reading was dispensed with, and the Journal was approved.

PETITIONS

OPPOSING ANTI-SABBATH LEGISLATION

The Chair cleared his table and laid before the Senate petitions from various organizations, churches and individuals throughout the State protesting against anti-Sabbath legislation.

Which were referred to the Committee on Law and Order.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, June 3, 1935.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene Monday evening, June 10, 1935 at 9 o'clock, Eastern Standard Time and when the House of Representatives adjourns this week it reconvene on Monday evening, June 10, 1935, at 9 o'clock, Eastern Standard Time.

AMENDMENT TO HOUSE BILL NO. 2129 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 2129, entitled:

An Act to amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code" as amended, by exempting in certain cases the security required of depositories for school funds.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the calendar.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 67

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill, No. 67,

An Act to amend section one of the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 130), entitled "An act to provide civil rights for all people, regardless of race or color," amplifying and extending the provisions of said act and increasing the penalties for violation thereof.

He also presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Federal Relations.

RESOLUTION URGING THE PASSAGE OF SOCIAL WELFARE LEGISLATION

In the House of Representatives, June 3, 1935.

Whereas The National Industrial Recovery Act by establishing codes of fair competition by eliminating child labor and by setting up minimum rates of wages in coded industries had been of incalculable benefit to the people of our nation throughout the period of the operation of that Act and

Whereas By decision of the Supreme Court of the United States the continued operation of the National

Industrial Recovery Act is declared to be no longer constitutional and

Whereas The highly desirable humane results attained through the National Industrial Recovery Act can and should be retained and augmented by voluntary co-operative action to the end that between employers and employees within this Commonwealth Therefore be it

Resolved (if the Senate concur) That it is the sense of the General Assembly of Pennsylvania that the cause of social justice and the best interests of our people require the maintenance of and continuous improvement in the standards of employment for all wage-earners as essential to eventual economic recovery and sustained prosperity and be it further

Resolved That the General Assembly urge upon our citizenry both employers and employes such steps as may be necessary in good faith to carry out the intent of this concurrent resolution and be it further

Resolved That the General Assembly augment the program outlined herein through the immediate passage of any and all pending legislation that will contribute to the social and economic welfare of the people of Pennsylvania

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 371

The Clerk of the House of Representatives being introduced, informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 371, entitled:

An Act to amend an act, approved the twenty-fifth day of July, one thousand nine hundred thirteen (P. L. 1024), entitled "Female Labor Law," as amended, by excepting from the provisions of the act domestic service in private homes and further regulating the hours of labor.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 371

Mr. HUNSICKER. Mr. President, I move that the Senate insist upon the amendments made by the Senate to House Bill No. 371.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for twenty-five Senators voted in the affirmative and fifteen in the negative; whereupon the question was decided in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. STAUDENMEIER, from the Committee on State Government, reported as amended, Senate Bill No. 624, entitled:

An Act to prohibit the Commonwealth from purchasing automobile accessories by contract or otherwise from certain manufacturers and from dealers representing certain manufacturers

Mr. OWLETT, from the Committee on Finance, reported as amended, Senate Bill No. 1422 (House Bill No. 266), entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax for a limited period of time clarifying the provisions defining wholesale and retail venders and dealers and relating to appeals and repealing inconsistent acts

Mr. ARON, from the Committee on State Government, reported as committed, Senate Bill No. 1537 (House Bill No. 1703), entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical, or mechanical musical accompaniment, prelude, playing or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical, or mechanical musical accompaniment, prelude playing or selection incidental thereto on Sunday, during certain hours; and also during other hours; unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday, providing for referendums to ascertain the will of the electors, and providing penalties and repealing inconsistent laws.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1538, entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement, which were to rest alone for their security upon payment of assessments for benefits

Mr. COYNE, from the Committee on Executive Nominations, reported with favorable recommendation the following:

Pursuant to the request of His Excellency, the Governor, of June 3, 1935, the Committee on Executive Nominations herewith returns to the Senate the nomination of Joseph B. Shaw, of Harrisburg, Dauphin County, as a Member of the Board of Trustees of the Pennsylvania State College, vice Edward B. Dorsett, whose term expired, until July 1, 1937, with the recommendation that this nomination be returned to His Excellency, the Governor, as requested.

NOMINATION RETURNED TO THE GOVERNOR

Mr. BUCKMAN. Mr. President, I move that the recommendation of the Committee on Executive Nominations be returned to His Excellency, the Governor of the Commonwealth.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO, from the Committee on Education, reported as committed, Senate Bill No. 1475 (House Bill No. 1914), entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

Also from the Committee on Education, reported as committed, Senate Bill No. 1476 (House Bill No. 1973), entitled:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service

Also from the Committee on Banking, reported as amended, Senate Bill No. 1311 (House Bill No. 2139), entitled:

An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the right, powers, duties, liabilities, and immunities of such corporations, or existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended by regulating the establishment and maintenance of branch banks, branch offices, agencies, sub-offices, sub-agencies, or branch places of business.

Mr. CLARK from the Committee on Appropriations, reported as committed, Senate Bill No. 1540, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of making preliminary surveys, collecting data and reporting on a proposed vehicular tunnel or tunnels under the State Capitol building.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 949, entitled:

A Joint Resolution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the 300th Anniversary of the establishment of the first permanent white settlement, the first capitol, and the first courts of law, within the confines of Pennsylvania.

Mr. MILLER, from the Committee on Forests and Waters reported as committed, Senate Bill No. 1508, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by private corporations; providing for the ascertainment of the validity and the recording of certain condemnations and appropriations of water by private corporations, and appeals therefrom; conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by private corporations and compensation therefor, and conferring powers and imposing duties upon the Water and Power Resources Board.

Also from the Committee on Military Affairs, reported as committed, Senate Bill No. 1357, entitled:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization government, discipline, maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty.

Mr. THOMPSON (Centre), from the Committee on Forests and Waters reported as committed, Senate Bill No. 793 (House Bill No. 1088), entitled:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 704) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund.

Mr. BAUMER, from the Committee on Labor and Industry reported as committed, Senate Bill No. 217 (House Bill No. 339), entitled:

An Act to repeal the act approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-six), entitled "An act authorizing the appointment by the Governor of industrial police upon application of certain corporations, companies, associations, and individuals; prescribing the powers of such police; authorizing the Governor to investigate their work, and require periodical reports from them; imposing duties upon the Secretary of the Commonwealth and recorders of deeds; and imposing penalties."

Mr. RICE, from the Committee on Education, reported as committed, Senate Bill No. 1484, entitled:

An Act to further amend the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities allowances returns benefits and rights from taxation and judicial process; and providing penalties," by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three; and requiring the Commonwealth to contribute on the same basis in such cases.

Also from the Committee on Agriculture, re-reported as amended, Senate Bill No. 1278 (House Bill No. 2393), entitled:

An Act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws

five hundred forty-one) entitled "An act providing for the protection of public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties" further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales by butter-fat test and empowering the Secretary of Agriculture to adopt rules and regulations.

Mr. RODGERS, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1072, (House Bill No. 1725), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

Mr. McGINNIS, from the Committee on Education, reported as committed, Senate Bill No. 34, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by providing for a State annuity for principals supervising principals and superintendents who separated from school service prior to the establishment of the retirement system.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 712

Mr. McGINNIS offered the following resolution, which was twice read, considered and agreed to:

In the Senate, June 4, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 712, Printer's No. 482, entitled "An act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled 'An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties' by prohibiting the issuance of [corporate] licenses to the registration of and the conducting of business by corporations not previously licensed and registered [and in active operation]", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION GRANTING PERMISSION TO USE THE SENATE CHAMBER FOR PUBLIC HEARING

Mr. REED (Dauphin) offered the following resolution, which was twice read, considered and agreed to:

In the Senate, June 4, 1935.

Resolved, That the Senate of Pennsylvania grant permission to the Committee on State Government for the use of the Senate Chamber for a public hearing on House Bill 1703, on Tuesday, June 11, 1935, at 8 P. M.

PREFERENCE GIVEN TO SENATE BILLS ON THIRD READING

Mr. BUCKMAN. Mr. President, I move that in the consideration of the calendar Senate Bills on third reading be given preference.

Mr. HUNSICKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING POSTPONED FOR THE PRESENT

Mr. HUNSICKER. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 112, on third reading postponed for the present, entitled:

An Act relating to the relief of the burden of local taxation making an appropriation out of the Motor License Fund providing for the allocation thereof to cities incorporated towns boroughs and townships prescribing the time manner basis and purposes for and upon which such said money shall be allocated and reallocated and paid specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways the Auditor General State Treasurer and on cities boroughs towns and townships and officers thereof and providing penalties

Mr. BUCKMAN. Mr. President, I second the motion,

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Aron,	Graff,	McClure,	Shapiro,
Batchelor,	Harris,	Norton,	Sordoni,
Bean,	Harvey,	Owlett,	Staudenmeier,
Chapman,	Homsher,	Pierson,	Thompson,
Clark,	Howell,	Prince,	(Westmoreland)
Coyne,	Hunsicker,	Reed,	Trainer,
Ealy,	Lanius,	(Dauphin)	Woodward,
Gelder,	Mallery,		

NAYS—19

Baumer,	Kahle,	Pytko,	Roberts,
Buckman,	Law,	Rankin,	Rodgers,
Cavalcante,	McCreesh,	Reed,	Rupp,
Frey,	McGinnis,	(Washington)	Sones,
Huffman,	Miller,	Rice,	Thompson, (Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON CONCURRING IN HOUSE AMENDMENTS—RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate proceeded to the consideration of Senate Bill No. 420 (House Bill No. 181), entitled:

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to

fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna River to the City of Pittston and Duryea Borough line.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Said amendment having been printed as required by the Constitution, was twice read as follows: Amend title, page 1, line 9 of title by striking out after the article "the" the following: "Wyoming-Luzerne County" and inserting in lieu thereof the following: "City of Pittston and Duryea Borough"

On the question,

Will the Senate agree to the amendment?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 55, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto section four hundred and eleven A establishing the effect of medical examinations or the waiver thereof in applications for life insurance and restricting defenses by insurance companies in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto section four hundred and eleven A which reads as follows

Section 411 A EFFECT OF MEDICAL EXAMINATION AND WAIVER THEREOF In any case where the medical examiner or physician acting as such or the agent of the insurer recording the answers of the applicant where a medical examination is waived of any insurance company doing business in this State shall issue a certificate of health or declare the applicant a fit subject for insurance or so report to the company or its agent under the rules and regulations of the company it shall thereby be estopped from setting up in defense of the action on the policy or certificate issued to the insured that the insured was not in the condition of health required by the policy or certificate or by the company issuing the same at the time of the medical examination or the recording of the answers of the applicant where a medical examination is waived unless the same was procured by or through the fraud deceit or misrepresentation of or on behalf of the insured

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 718, as follows:

An Act to carry into operation the provisions of Article XV Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh and providing a charter for the government thereof providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein reserving substantial powers to the cities boroughs and townships situated in the county of Allegheny providing for the transfer to the consolidated city of the property and indebtedness of the county of Allegheny and the poor districts thereof and of such property and indebtedness of the cities boroughs and townships thereof as relate to the powers and duties of the consolidated city providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith providing for the appointment or election as provided herein of the officers of the consolidated city including a public administrator and abolishing certain

officers of the county of Allegheny vesting in the consolidated city the exclusive power to assess property offices professions and persons for taxation by the consolidated city and the cities boroughs and townships thereof providing for a municipal court and abolishing the offices of magistrates aldermen constables and justices of the peace providing for a special election for the submission of said charter to the electors of the county of Allegheny and for the resubmission thereof providing a schedule to carry the charter into operation and repealing inconsistent laws

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ARTICLE I

GENERAL PROVISIONS

Section 101 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That pursuant to the provisions of Article XV Section 4 of the Constitution of the State the County of Allegheny the offices and poor districts thereof and as hereinafter provided the cities boroughs and townships situated therein are hereby consolidated into a consolidated city and county with the constitutional and legal capacity of a municipal corporation to be known as city of "Metropolitan Pittsburgh" and hereinafter referred to as the consolidated city

Section 102 The said consolidated city shall be at the same time a city and a county and shall have at the same time all the powers rights and obligations appropriate to a city and to a county except as hereinafter expressly provided The said consolidated city shall be governed in accordance with the provisions of this charter All the laws of the state whether general special or local relating to or applicable to the County of Allegheny and to county officers of the County of Allegheny as the same may be on the date of the adoption of this charter shall continue to be in full force and effect except as the same may be inconsistent with the terms hereof and shall be and become a part of this charter as if incorporated herein and shall so remain until amended modified supplemented or repealed by appropriate amendment of this charter in accordance with the provisions hereinafter provided in Article XIX

Section 103 The cities boroughs and townships within the County of Allegheny as the same shall be on the date of adoption of this charter shall continue to exist as municipal divisions thereof with their then names and boundaries The powers rights capacities and duties of said cities boroughs and townships as municipal divisions of the consolidated city and the forms of government thereof shall except as otherwise provided in this charter continue to be determined by the laws of the state relating to cities boroughs and townships of their respective classifications as said laws now are or may hereafter be Any two or more municipal divisions or portions thereof may in accordance with the procedure hereinafter provided in Article XVIII be united of their own volition to form a single municipal division

Section 104 This charter shall become effective for all purposes except as hereinafter expressly otherwise provided upon the first day of January one thousand nine hundred thirty-six but if said charter has not been adopted prior to said date then upon the first day of the year which follows the adoption of this charter Whenever in any section of this charter the term "effective date" appears the same shall be taken and construed to refer to the effective date of this charter as defined in this section

Section 105 This charter does not include any provisions and shall not be construed to repeal or modify any acts relating to juries the duties of jury commissioners the administration of public schools public libraries law libraries or state highways applicable to the County of Allegheny or any part thereof but the same shall continue to be in full force and effect in the consolidated city and in the cities boroughs and townships situated therein in like manner as if this charter had not been adopted

Section 106 The consolidated city shall be a body corporate and politic under the name of city of "Metropolitan Pittsburgh" It shall have the capacity as a body corporate to

(a) Make such contracts as may be necessary for carrying out its corporate purposes and powers

(b) To acquire by purchase lease or otherwise and hold real estate within and without the limits of the consolidated city and personal property and to lease pledge mortgage sell convey or otherwise dispose of the same

(c) To sue and be sued

(d) To enjoy perpetual existence and succession

(e) To have a corporate seal

Section 107 There shall be transferred to the consolidated city upon the effective date of this charter all the property rights moneys interests claims and causes of action now possessed by or vested in the County of Allegheny and the directors of the poor of the County of Allegheny and all the works buildings and properties of the several cities boroughs and townships of the County of Allegheny now devoted to the care of the poor indigent feebleminded and insane The property rights of the several municipal divisions of the said consolidated city in such streets and bridges as may be designated by the Board of Commissioners as through traffic streets pursuant to Section 108 of this Article shall upon such designation pass to the consolidated city In the same manner the property rights of any municipal division in all works buildings and property used in connection with any function of said municipal division hereafter surrendered by such municipal division and accepted by the consolidated city shall pass to the consolidated city

Section 108 There shall be transferred to the consolidated city upon the effective date of this charter the following bonded and other indebtedness as the same may be on said date

(a) The bonded and other indebtedness and liabilities of the County of Allegheny

(b) The bonded and other indebtedness and liabilities of the directors of the poor of the County of Allegheny

(c) The bonded and other indebtedness and liabilities of the present City of Pittsburgh incurred for and on account of the care of the poor indigent feebleminded and insane and being the indebtedness of the present City of Pittsburgh incurred in connection with the activities and institutions now administered by its Department of Welfare

The consolidated city shall be liable for the payment of the foregoing indebtedness and liabilities to the same extent as if originally incurred by the consolidated city In the case of the bonded and other indebtedness and liabilities of the County of Allegheny and of the directors of the poor of the County of Allegheny the consolidated city shall pay the same in accordance with the terms on which such bonded indebtedness was created or such other liabilities incurred

The said bonded and other indebtedness and liabilities of the present City of Pittsburgh hereby transferred to and assumed by the consolidated city shall be treated and

regarded as a new indebtedness of the consolidated city and the adoption of this charter as hereinafter provided shall be taken to constitute the consent of the electors thereof authorizing the creation of the said new indebtedness and the increase of the indebtedness of the consolidated city as provided in Article IX Section 8 of the Constitution of the State The consolidated city may issue bonds pursuant to the said authorization upon such terms as may be permitted by Law and the consolidated city may for the purpose of discharging the said indebtedness of the present City of Pittsburgh so transferred to and assumed by it either exchange the said bonds for the said outstanding obligations or sell the said consolidated city bonds or any portion thereof from time to time to provide funds to pay the said outstanding obligations of the present City of Pittsburgh as they mature or both as the board of commissioners may deem advisable

In the case of works buildings property and improvements including through traffic streets which may from time to time be transferred to and acquired by the Consolidated city pursuant to the provisions of the preceding section the then outstanding indebtedness incurred in connection therewith shall be assumed and paid by the consolidated city For this purpose the consolidated city shall have such additional rights and powers in connection with the payment and liquidation of the assumed indebtedness as may be possessed by the municipal division or district from which such works buildings property and improvements including through traffic streets shall have been so acquired

Whenever only a portion of the works buildings or property including through traffic streets may be taken by acquired by and transferred to the consolidated city from any municipal division thereof on account of which there is outstanding bonded or other indebtedness of the said municipal division the amount or proportion of such indebtedness to be transferred to the consolidated city shall be determined by agreement if possible between the Board of Commissioners of the consolidated city and the corporate authorities of the municipal division If such agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the fair and equitable adjustment of the said bonded or other indebtedness The said board shall consist of three members One member shall be selected by the Board of Commissioners of the Consolidated city Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom

Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Section 109 The consolidated city shall succeed to the rights and obligations of the several cities boroughs and townships of the County of Allegheny under all franchises consent ordinances or other agreements with public untilities to the extent to which the same relate to the portion of the facilities of any public utility company located in any through traffic streets as designated by the Board of Commissioners

Where the conditions of any such franchise consent ordinance or agreement entitle the city borough or township to use any portion of the authorized facilities for its own purposes then said city borough or township shall continue as a municipal division of the consolidated city to enjoy the same privilege during the life of said franchise or consent ordinance

The consolidated city shall be entitled to receive a share of the payments due to any such city borough or township under any such franchise consent ordinance or agreement equal to the proportion which the facilities located in the through traffic streets bear to the total facilities authorized by such franchise or consent ordinance or covered by such agreement

If in any case an agreement cannot be reached then the matter shall be submitted to a board of arbitration to determine the sum to which the Consolidated City is entitled The said board shall consist of three members one member to be selected by the Board of Commissioners of the Consolidated City Another member shall be selected by the corporate authorities of the municipal division affected and the third member shall be selected by the aforesaid two members of the board of arbitration In the event that the said Board of Commissioners or the corporate authorities of the municipal division affected neglect or fail to select a member of said board of arbitration promptly then it shall be the duty of the President Judge of the Court of Common Pleas of Allegheny County upon petition of any interested party to make such appointment for and on behalf of the defaulting party In the event that the two members of the board of arbitration fail or neglect to select a third member promptly it shall be the duty of the President Judge of the said Court of Common Pleas upon petition of any interested party as aforesaid to select said third member of the board of arbitration A decision of a majority of the board of arbitration shall be final and conclusive and without right of appeal therefrom Upon the rendering of a decision by the board of arbitration as aforesaid the board of commissioners of the consolidated city and the corporate authorities of the municipal division affected thereby shall forthwith enter into a proper agreement for the carrying out of said decision of the arbitrators and shall take such other action as is necessary to insure the carrying out of the said decision Either party to a decision of the board of arbitration shall have the right in proper cases upon default by the other party in carrying out the terms of a decision of the board of arbitration to apply to the court of common pleas of the County of Allegheny for appropriate relief by mandamus or otherwise

Section 110 This act shall be known as submitted to the electors as and may be cited as "The Metropolitan Charter for the County of Allegheny"

ARTICLE II

POWERS

Section 201 The consolidated city in its corporate capacity as distinguished from the municipal divisions thereof shall have in addition to the powers and duties conferred or imposed thereon as provided in Article I of this charter the following powers and duties

Section 202 The power to regulate and provide for the care of the poor the indigent sick the defective the delinquent the feeble-minded and the insane and for the care of neglected and dependent children and for these purposes to acquire provide and maintain grounds buildings and equipment needed therefor For such purposes the consolidated city shall have all the powers and duties now possessed by the directors of the poor of the County of Allegheny and the Department of Welfare of the present City of Pittsburgh

Section 203 The power and duty to provide institutions for the care custody and education to juvenile and adult offenders and to maintain direct and administer the same It is the intent and purpose of this charter that the

maintenance direction and administration of the Allegheny County prison and the Allegheny County workhouse and inebriate asylum shall continue to be in the form and manner at present provided by law and so remain until a majority of the judges of the Court of Common Pleas of Allegheny County recommend that the consolidated city through an appropriate new or existing department take over all or a portion of said matters and said recommendations are approved by appropriate resolution of the board of commissioners And provided further that nothing in this article shall be taken to affect or modify the powers and duties of the juvenile court of the county of Allegheny as the same are now or may be hereafter provided by law

Section 204 The power to make and enforce regulations in relation to public health in addition to and not in conflict with the laws of the state and the regulations of the adisory board of the state department of health and to construct maintain and manage hospitals clinics sanitaria laboratories and other institutions for the promotion of the same Municipal divisions may adopt regulations in relation to public health in addition to and not in conflict with those of the consolidated city

Section 205 The power to acquire lease improve maintain and manage within or without the corporate limits of the consolidated city parks athletic fields playgrounds swimming pools community centers and other recreational athletic or cultural facilities and to construct acquire lease and maintain buildings and works appurtenant thereto It shall have the power to make and enforce regulations for the use of said parks playgrounds and other recreational facilities and to lease concessions and to charge or allow to be charged reasonable prices for goods sold or fees for the use of property or services

Section 206 The power to designate from among streets and highways other than state highways or state aid highways or township roads receiving state reward at any time existing in any part of the consolidated city and in addition to county roads hitherto established by the County of Allegheny or hereafter established by the consolidated city through-traffic streets which shall thereafter be maintained by the consolidated city the power to lay out and open new through-traffic streets the power to name re-name locate relocate improve straighten widen grade re-grade pave repave and establish street lines and grades for all through-traffic streets and to number buildings thereon the power to construct and maintain sidewalks curbs gutters catch basins drains culverts signs lighting fixtures and all other appurtenances incident to such through-traffic streets No street shall be designated or laid out as a through-traffic street unless the proposal so to do originates with the planning commission of the consolidated city or until the proposal has been laid before the planning commission and it has had not less than sixty days in which to express its opinion thereon If the planning commission of the consolidated city advises against the designation or laying out of any street as a through-traffic street the board of commissioners shall reconsider the proposal but the decision of the board of commissioners by a two-thirds vote upon reconsideration shall be final Whenever a change of grade of such a through-traffc street results in or requires a change of grade of any connecting street or highway the said change of grade on the said connecting street or highway shall be regarded and treated in all respects as a part of the improvement of the through-traffic street and the consolidated city shall have the power to fix the grade of said connecting street or highway and do all other things necessary to fully carry out and complete the necessary improvement and acquire all right and assume all burdens arising therefrom

Section 207 The power to make regulations with regard to the erection of fences signs billboards buildings and structures within three hundred feet of any through-traffic street or county road provided that in any municipal division which has in effect an ordinance inconsistent with such regulations the ordinance of the municipal division shall control

Section 208 The power to construct operate and maintain bridges viaducts and tunnels connecting streets or portions of streets designated as through-traffic streets as provided in this charter

Section 209 The power to determine subject to existing rights and obligations when and under what conditions through-traffic streets or any portion thereof so designated by the board of commissioners may be occupied by poles wires conduits pipes subways tracks or other property or facilities of public utility companies Municipal divisions shall have the right to use such through-traffic streets for their facilities subject to such reasonable regulations as the board of commissioners shall adopt

Section 210 The power to create districts for the purpose of regulating the location height area bulk and use of buildings and premises and to exercise planning powers but in any municipal division which has an ordinance inconsistent with such regulations the ordinance of the municipal division shall control

Section 211 The power to create and provide for the management of special districts for the purpose of acquiring constructing maintaining and operating or contracting for any public property work improvement utility or service not for the exclusive benefit of any one municipal division and when the same are not self-sustaining to provide for the payment of the cost and/or operation and maintenance of such property work improvement utility or service by a special tax levied through such special district receiving such special service No such district shall be created unless and until the board of commissioners has held a public hearing upon the creation thereof Notice of such hearnig shall be served upon the governing body of each municipal division any part of which is included in the said proposed district and shall be published two times at intervals of one week in a newspaper of general circulation in the consolidated city and similarly in a newspaper published in each of the said municipal divisions and of general circulaton therein if there be such a newspaper The hearing shall be held not less than ten days after the last publication of the notice and not less than thirty days after the service of notice upon the governing bodies of the said municipal divisions

Section 212 The power and duty to establish recruit train and maintain a police and detective force together with the power to create and maintain agencies institutions and facilities for the apprehension of criminals and the prevention and detection of crime

Section 213 The power to regulate by ordinance the production or emission of smoke from any chimney smokestack or other source and the construction of all hereafter constructed or rebuilt chimneys stacks flues smokepipes and ventilators Smoke is hereby defined as the product of combustion whether gases or solids

Section 214 The power to make uniform regulations not inconsistent with the laws of the State for the control of traffic on all through-traffic streets and all bridges and tunnels incident thereto which regulations it shall be the duty of all peace officers of the several municipal divisions as well as the police and traffic patrol of the consolidated city to enforce The power to acquire provide install and maintain traffic signal lights and other physical devises for the control of traffic on such through-traffic streets and the power to prescribe the type and manner of installation and operation of signs signal lights and other physical devices for the control of traffic thereon established and maintained by any municipal division The term "through-traffic street" as used in this section shall be taken to mean the streets designated as such in accordance with the provisions of section 206 (two hundred six) of this article and shall have no reference to the term "through-traffic street" as used in any other law

Section 215 The exclusive power to assess property offices professions and persons for taxation within the consolidated city and to establish such methods and procedure therefor not inconsistent with the provisions of this charter as the board of commissioners may by ordinance determine

Section 216 The power to levy and collect such taxes as may be necessary for the purpose of paying the debts and defraying the expenses of the consolidated city on all property and persons within the limits of said

city taxable according to the laws of the state for county purposes except machinery of all kinds and to levy and collect all other taxes fees and licenses permitted to counties or county officers under the laws of the state

Section 217 The power to incur indebtedness for the purpose of carrying out any of the powers conferred by this charter subject always to the limitations of the constitution of the state and wherever practicable serial bonds shall be issued in preference to bonds of any other nature In no case however shall any bonds of any other securities of the consolidated city be issued for a term which shall exceed thirty years or the estimated life of the work or improvement for the payment of which they are issued whichever period of time is shorter Said estimated life shall be determined by the head of the department under the direction of which such work or improvement is carried on and he shall make affidavit thereto to the board of commissioners which affidavit shall be supported and substantiated by the additional affidavits of two disinterested registered engineers not being in the employ of the consolidated city who shall be members in good standing of the American Society of Civil Engineers or its successors to be appointed by the public administrator of the consolidated city stating that each of them is familiar with the work or project in question and that the estimated life of the work is not less than the estimated life certified by the head of such department

Section 218 The power to exercise for the purpose of carrying out any of the powers conferred by this charter including the acquisition of property on behalf of the special districts provided for in section two hundred eleven of this article the right of eminent domain in the form and manner provided for by the laws of the state for municipal corporations and in connection with the exercise of the right and power of eminent domain for the acquisition of real property the title thereto so acquired shall be in fee simple provided that nothing herein contained shall be deemed to give the consolidated city power to condemn property or facilities of public utilities the power to condemn which is not possessed by Allegheny County or the municipal divisions thereof on December thirty-first one thousand nine hundred and twenty-nine

Section 219 The power in connection with the construction and operation of any public building or improvement to include therein or attach thereto storerooms parking garages or other space or facilities and to charge for the use thereof

Section 220 The power to enact ordinances for the purpose of carrying out the powers conferred by this charter and to make reasonable rules and regulations pertaining thereto and to provide for the punishment of violation thereof by imposing a fine of not more than one thousand dollars or imprisonment in the jail or workhouse for a period not exceeding six (6) months either or both for each violation thereof

Section 221 The power to create and define by ordinance the powers and duties of all offices and employments not established by the constitution of the state or by this charter necessary for the purpose of carrying out the provisions of this charter and executing the powers and duties of the consolidated city to modify consolidate or abolish the same and to fix the compensation of all officers and employees of the consolidated city not fixed by this charter Except as specifically provided in this charter the officers and employees of Allegheny County of the directors of the poor of Allegheny County and of the department of welfare of the present city of Pittsburgh as the said officers and employes shall be on the effective date of this Charter are continued in their then offices and employments at their then rate of compensaion until removed or transferred or until their successors are duly elected or appointed as the case may be or until their said offices and employments be modified consolidated or abolished or the compensation therefor altered as authorized in this charter It is the purpose and intent of this section that no interruption in the performance of any of said offices or employment shall be caused by the adoption of this charter

Section 222 The power to provide a system of retirement annuities or pensions for old age and/or disability and/or death benefits to dependants applicable to regular officers and employes of the consolidated city based upon equal contributions by the consolidated city and by the officers and employes thereof to an extent of not less than thirty per cent nor more than fifty per cent of their annual compensation and to provide for the insurance of any and all of its officers and employes and dependents against the consequences of injuries received by such officers and employes in performance of their duty Provided however That nothing herein contained shall be construed to repeal sections three hundred eleven to three hundred twenty-six inclusive of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred and seventy-eight) entitled "An act relating to counties of the second third fourth fifth six seventh and eighth classes and revising amending and consolidating the laws relating thereto" nor any of the amendments to said sections

Section 223 The power to accept devises bequests legacies donations or services to or for the use of the consolidated city or any of its departments and to administer the same in accordance with the conditions thereof or to reject and devise bequest legacy or donation accompanied by conditions unacceptable to the consolidated city

Section 224 The power to employ such measures as may be necessary or proper for the carrying out of the powers conferred by this charter upon the consolidated city and the departments and officers and employes thereof and all rights and powers incidental thereto and as may be necessary or convenient to enable it to carry on its metropolitan powers and functions without interruption

Section 225 The power to receive accept and administer grants of money from the United States the State or any sub-division or bureau thereof upon such terms and conditions as the board of commissioners may deem advisable provided however that nothing in this section shall be construed to permit the consolidated city to incur any indebtedness except in strict accordance with the provisions of the constitution In the event that indebtedness of the consolidated city is created in connection with the receiving of such grants said indebtedness shall provide for the payment and liquidation thereof over a period of not more than thirty years preferably by serial bonds and shall make such appropriations of general funds or levy such appropriate taxes as may be necessary to provide for the payment and liquidation of said indebtedness

ARTICLE III

BOARD OF COMMISSIONERS

Section 301 There shall be a board of seven commissioners in which shall be vested except as otherwise provided in this charter all the powers of the consolidated city In addition to such powers the said board of commissioners shall have all the powers of the commissioners of the County of Allegheny the directors of the poor of the County of Allegheny as the same shall be on the date of adoption of this charter and shall have powers similar to those exercised by the departments of welfare and of health of the present city of Pittsburgh as the same shall be on the date of the adoption of this charter.

Section 302 The members of the board of commissioners shall be qualified electors of the consolidated city and must at the time of their election have been citizens of the United States for a period of not less than ten years and shall have resided in the district of which each must be a resident as hereinafter provided for not less than five years The chairman of the board of commissioners shall at the time of his election have resided in the consolidated city for a period of not less than ten years and shall have been a citizen of the United States for not less than twenty years and shall be elected at large and the other six commissioners shall be residents of and elected by the electors of districts numbers one two three four five and six respectively as hereinafter provided The chairman of the board of commissioners shall receive an annual compensation of six thousand dollars and the remaining members shall receive an annual compensation of five thousand dollars

Section 303 In the event that this charter is adopted at the special election hereinafter provided to take place during the year one thousand nine hundred and thirty-five the election of the first board of commissioners of the consolidated city shall be held at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-five and the commissioners thereupon elected shall take office on the first day of January one thousand nine hundred and thirty-six At said election there shall be elected at large a chairman of the board of commissioners and six other members of the said board to serve for terms of four years each from the first Monday of January one thousand nine hundred and thirty-six In the event that this charter is not adopted at the special election during the year one thousand nine hundred and thirty-five hereinafter provided then the following provisions shall govern the taking of office of the first board of commissioners of the consolidated city If the charter is adopted during the year one thousand nine hundred and thirty-seven prior to the municipal election for that year the three county commissioners of the County of Allegheny in office on the thirty-first day of December one thousand nine hundred and thirty-seven shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-seven there shall be elected at large four members of the board of commissioners to serve for terms of two years from the first Monday of January one thousand nine hundred and thirty-eight and the person receiving the highest number of votes for the office of commissioner at the said municipal election in the year one thousand nine hundred and thirty-seven shall be and become chairman of the board of commissioners At the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board hundred and thirty-eight or the year one thousand nine hundred and thirty-nine the three county commissioners of the County of Allegheny in office on the thirty-first day of December of the year during which the charter is adopted as aforesaid shall be members of the board of commissioners until the expiration of the term for which they have been elected or appointed and at the municipal election on the first Tuesday after the first Monday of November one thousand nine hundred and thirty-nine the entire board of commissioners shall be elected as above provided

Section 304 The board of commissioners of the consolidated city as first constituted shall meet on the third Monday of November following their election or as soon thereafter as the returns of the election are officially certified appoint a secretary prepare ordinances and resolutions affecting the organization of the consolidated city government so that the same may be adopted promptly upon the commencement of their term of office consider a budget for the ensuing year and transact any other appropriate business

Section 305 The board of commissioners shall meet at ten o'clock in the morning of the first Monday of January of the year in which their terms of office become effective and shall hold a regular meeting at least three times a week on Mondays Wednesdays and Fridays Special meetings may be called only by written notice signed by the chairman or by four members of the board of commissioners delivered at the residence or place of business of each member of the board at least twenty-four hours before the time of such meeting The presence of four members which may include the chairman shall constitute a quorum Every ordinance resolution or vote of the board of commissioners except votes upon merely procedural motions shall require at least four affirmative votes

Section 306 At the said meeting on the first Monday of January of the year during which the terms of office of said commissioners become effective the board of commissioners shall elect from its own members a vice-chairman who shall preside at meetings in the absence of the chairman In the event of the death removal or resignation from office or permanent disability of the chairman the board of commissioners shall fill the vacancy forthwith by the election for the unexpired balance of the term of a person qualified to be elected to such office who shall be of the same known political affiliation as the said chairman In the event of the death resignation or removal from office or permanent disability of any other member of the said board of commissioners the remaining members of the board including the chairman shall forthwith cause said vacancy to be filled by the appointment for the unexpired balance of the term of a person qualified to be elected to such office and who shall be of the same known political affiliation as the said commissioner

Section 307 The board of commissioners shall have power to adopt such rules of procedure as are not inconsistent with the provisions of this charter

Section 308 All ordinances and resolutions shall be introduced in written form and except in the case of an emergency ordinance no procedings other than reference to a committee or other authority to which ordinances and resolutions must or may be referred as provided in this charter shall be had thereon until the same have been printed and placed on the desks of the members for at least twenty-four hours All ordinances other than emergency ordinances shall be read once at length and considered on three separate days The yeas and nays shall be taken upon the passage of all ordinances and resolutions and shall be entered upon the journal of the board of commissioners The enacting clause of all ordinances shall be Be it ordained by the Board of Commissioners of the city of Metropolitan Pittsburgh

Section 309 All ordinances except the annual appropriation ordinance and ordinances codifying or arranging existing ordinances shall be confined to one subject and the subject of each ordinance shall be clearly expressed in its title Ordinances making appropriations shall be confined to the subject of appropriations

Section 310 An emergency ordinance is an ordinance to provide for the immediate preservation of the public peace property health or safety in which the emergency claimed is set forth as part of the ordinance and which is passed by not less than five affirmative votes No ordinance granting renewing or amending a franchise or other special privilege shall be passed as an emergency ordinance except that an ordinance granting renewing or amending a franchise or other special privilege for a public utility already possessing a franchise or consent to operate within the limits of the consolidated city may be passed as an emergency ordinance if the director of the department of public works shall first certify in writing to the board of commissioners that the immediate passage of said ordinance is essential to the public welfare

Section 311 All ordinances and resolutions shall be authenticated by the signature of the chairman or vice-chairman in the absence of the chairman and the secretary of the board of commissioners under the seal of the city of Metropolitan Pittsburgh The board of commissioners shall keep a journal in which shall be recorded all official actions of the board This journal shall be a public record and open to inspection between the hours of nine in the forenoon and five in the afternoon of any business day

Section 312 All acts of the board of commissioners affecting the public generally in the consolidated city or any substantial portion thereof and all authorizations of the board of commissioners to a settlement or compromise of claims of every character and description against the consolidated city exceeding five hundred dollars shall be enacted by an ordinance of the consolidated city and all other acts of the board of commissioners shall be by resolution In the case of resolutions it shall not be necessary to publish notice thereof except as otherwise provided in this charter but in the case of ordinances notice thereof shall be published as follows within three days after the introduction of said ordinance in brief abstract of the important provisions thereof shall be published once in a daily newspaper published in the consolidated city and of general circulation therein and in addition if the said ordinance relates to less than the whole consolidated city and relates to or specifically affects anyone or more of the

municipal divisions thereof in a daily newspaper if any published therein and if there is no daily newspaper published therein then as soon thereafter as possible in a weekly newspaper if any published in the said municipal division or divisions No ordinance other than an emergency ordinance shall be finally passed until such publication has been completed and affidavit of publication thereof filed with the secretary of the board of commissioners Within ten days after the final passage of any ordinance involving the imposition of fines and penalties the portion of the ordinances setting forth the offense and the amount of the fine and penalty shall be published in full once in a daily newspaper published in the consolidated city and of general circulation therein

The board of commissioners shall provide by rules and regulations that a reasonable number of copies of ordinances shall be printed as the circumstances may require and as the demand therefor may exist by the public generally or by persons specifically interested therein In case ordinances are passed at the request of and for a private interest the person firm or corporation one or more so interested in the said ordinance shall pay in advance all costs of printing and publication involved in the enactment of the said ordinance

Section 313 The board of commissioners shall have the power to fix the amounts of the bonds to be given by the elective and appointive officers and employes of the consolidated city provided that they shall be approved in the case of the controller by the board of commissioners and in the case of all other officers and employes by the controller and premiums thereon shall be paid by the consolidated city The said bonds shall be bonds of individual sureties or of a Surety Company or Companies acceptable to the board of commissioners and duly qualified and authorized to do business in this state

Section 314 The fiscal year shall begin on the first day of January and end on the thirty-first day of December next following

Section 315 On or before the first Monday of November in each year the public administrator shall submit to the board of commissioners an estimate of the revenues and expenditures of the consolidated city for the ensuing calendar year This estimate shall be compiled by said public administrator from detailed information supplied by the Directors of the several departments and other officers boards and courts of the consolidated city upon uniform blanks furnished by the director of finance and it shall be the duty of every department head officer court and board to fill out the said blanks with all the information demanded thereon and return the same to the director of finance on or before the date set by him for such return The classification of the estimate of expenditures shall be uniform for the main functional divisions of each department office court and board and whenever the system of accounts referred to in Article VII shall have been put into effect shall correspond with the classification employed therein For the purpose of this and the succeeding sections of this Article the offices of the several county officers as provided in Article IV of this charter shall be deemed to be departments of the consolidated city

Section 316 The estimate of expenditures submitted to the board of commissioners shall contain in parallel columns a detailed estimate of the expense of conducting each department and each other office court or service of the consolidated city as submitted by the head of such department or the officer court or board as the case may be and the recommendation of the public administrator as to the amounts to be appropriated with his reasons for his recommendation together with such other information as may be prescribed from time to time by the board of commissioners The estimate of expenditures shall likewise contain a statement of the total debt of the consolidated city the debt less sinking fund the debt less assets legally deductible in determining debt incurring capacity and a schedule of the maturities of all securities outstanding of the consolidated city together with an estimate of the sums to be expended in the ensuing calendar year for (1) interest on the debt (2) paying off securities maturing during the year and (3) sinking fund requirements

Section 317 The estimate of revenues which must be submitted with the estimate of expenditures shall contain in parallel columns a detailed statement of the receipts for the last fiscal year the receipts for the current fiscal year plus an estimate of the receipts for the balance of the current fiscal year and the estimated receipts for the ensuing fiscal year from each source of revenue other than from taxes and such other information as the board of commissioners may prescribe The said estimate shall contain a statement of the revenue from taxation for the last five completed fiscal years and the current fiscal year together with an estimate of the millage necessary to meet the expenditures proposed in the estimate of expenditures

Section 318 On the same day as the foregoing estimate of revenues and expenditures is presented to the commissioners of the consolidated city the said public administrator shall file in the office of the director of finance five copies thereof which shall be open to inspection of the public thereafter between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of every business day An abstract of the estimate of revenues and expenditures shall also be forthwith made available in pamphlet form to the public without charge

Section 319 With the estimate of revenues and expenditures the public administrator shall present to the board of commissioners a draft of an appropriation ordinance which shall thereupon be deemed to have been regularly introduced therein The board of commissioners shall give notice by advertisement in two successive issues of two daily newspapers published in the consolidated city and of general circulation therein of a public hearing or hearings which shall not commence sooner than five days after the last publication Following the public hearing or hearings the appropriation ordinance may be amended and shall thereafter take the same course as other ordinances

Section 320 Not later than one week after the final passage of the appropriation ordinance the director of finance shall certify to the board of commissioners the tax levy in dollars per hundred of assessed valuation necessary with other sources of revenue as estimated to produce the income necessary to provide for the total sum appropriated in the appropriation ordinances The board of commissioners shall thereupon proceed to adopt a tax levy ordinance of an amount sufficient to meet fully the estimated expenditures

Section 321 The board of commissioners may transfer any portion of the unencumbered balance of an appropriation to any other purpose upon the written recommendation of the director of finance certifying the existence of such unencumbered balance and setting forth the reason for such transfer and may at any time appropriate any moneys in the treasury not otherwise appropriated

Section 322 Together with the annual estimate of revenues and expenditures as heretofore provided the public administrator shall submit an estimate of the revenues and expenditures for the ensuing calendar year for each special tax district Said estimate shall be presented as near as may be in the same manner and form as the general estimate of revenues and expenditures and like proceedings with regard to hearing or hearings appropriation ordinance and tax levies shall be had thereon except that notice of hearing shall be published in the manner provided for the publication of notice of ordinance as provided in Section three hundred twelve of this Article

Section 323 Except as otherwise expressly provided in this charter the board of commissioners shall have the power and duty of classifying all persons in the service of the consolidated city and the bureaus board departments and divisions thereof and to fix the compensation of all such persons and likewise to fix and determine the number thereof and the minimum requirements and qualifications for each class of position The powers and duties imposed by this section shall be exercsied by ordinance but only after there has been filed by the public administrator in the office of the board of commissioners the recommendations thereto of the department of personnel made pursuant to the provisions of section 1405 (fourteen hundred five) of Article XIV together with his report thereon and the report thereon of any officer or head of department interested Changes in the classifications salaries number of employes or in the mihimum require-

ments and qualifications for each class of position as aforesaid shall be made by ordinance as aforesaid and only after the recommendations thereto from the Department of personnel have been made to the public administrator as provided in section 1405 (fourteen hundred five) of Article XIV and only after the public administrator has filed in the office of the board of commissioners the said recommendations together with his comments thereon and the reports thereon of any officer or head of department interested have been likewise filed in the office of the board of commissioners Provided however that the public administrator shall in every case within ten days after the recommendations of the department of personnel as aforesaid shall have been filed in his office transmit the same together with his report thereon to the office of the board of commissioners and providing further that the recommendations of the board of personnel shall be deemed to have been approved by any officer or head of department interested unless he shall within the period of ten days as aforesaid file his report thereon in the said office of the board of commissioners

Section 324 The board of Commissioners may create by ordinance the office of public defender in and for the court of oyer and terminer and quarter sessions of the county of Allegheny and prescribe the duties of said office and may likewise provide for appointment of such employes of said office as may be advisable subject always to the provisions of Article XIV The annual compensation of said public defender shall be provided for by said ordinance and shall not exeeed the sum of six thousand dollars

ARTICLE IV

COUNTY OFFICERS

Section 401 In the case of fees charges penalties or costs paid by the state or any department division or bureau thereof to any county officer by reason of his holding of any office the same shall hereafter be paid over by him to the treasurer of the consolidated city and be and become the property of the consolidated city as a part of the general fund

Section 402 The district attorney sheriff controller and coroner shall continue to be elected pursuant to the general laws of the state applicable to the County of Allegheny as the same may be on the effective date of this charter and shall continue to have the powers rights and duties prescribed by said general laws Any vacancy occurring in the office of district attorney sheriff controller and coroner by reason of death resignation or otherwise shall be filled forthwith by appointment by a majority of the judges of the court of common pleas for the unexpired balance of the term of a person qualified to be elected to such office and who shall be of the same known political affiliation as his predecessor

Section 403 The prothonotary of the court of common pleas the clerk of the court of quarter sessions the clerk of the court of oyer and terminer the recorder of deeds and two jury commissioners shall be appointed by a majority of the judges of the court of common pleas of Allegheny County The office of the clerk of the court of quarter sessions and of the court of oyer and terminer shall be held by the same person No person shall be eligible for appointment as prothonotary clerk of the court of oyer and terminer or of quarter sessions or recorder of deeds or for the office of jury commissioner unless he has been a citizen of the United States for a period of at least ten years and a qualified elector and resident of the consolidated city for a period of at least five years The said appointment shall be made in accordance with the provisions of section four hundred eight of this article

The said prothonotary clerk of the court of quarter sessions clerk of the court of oyer and terminer recorder of deeds and two jury commissioners shall have except as otherwise provided in this charter the right powers and duties of their respective offices as the same shall be on the effective date of this charter under the laws of the State applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 404 The offices of register of wills and clerk of the orphans' court of Allegheny County shall be held by the same person The said register of wills and clerk of orphans' court shall be appointed by a majority of the judges of the orphans' court of Allegheny County No person shall be eligible for said appointment unless he shall have been a citizen of the United States for at least ten years and a qualified elector and resident of the consolidated city for at least five years at the time of his appointment Said appointment shall be made in accordance with the provisions of section 408 of this article

The said register of wills and clerk of the orphans' court shall have except as otherwise provided in this charter the rights powers and duties of the register of wills and clerk of the orphans' court of Allegheny County as the same shall be on the effective date of this charter under the laws of the state applicable to said offices in the County of Allegheny

The term of office of each of said officers shall be the period of four years from the first Monday of January following their appointment

Section 405 The treasurers shall be appointed by the public administrator with the approval of the board of commissioners Such appointment shall be made in the manner provided in section 408 of this article The term of office of said officers shall be for a period of four years beginning on January first of the calendar year following their appointment

The recorder of deeds and treasurer shall except as otherwise provided in this charter have the rights powers and duties provided by the laws of the state for their respective offices All information which the recorder of deeds is under the duty to prepare and furnish to any board or officials charged with the assessment of real estate under present laws shall hereafter be furnished to the appropriate officers and employes of the division of assessment of the consolidated city and the failure to certify the same at reasonable intervals as requested by the said division of assessment shall be deemed to be a misdemeanor in office and on conviction thereof shall be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding one year or both at the discretion of the court

No person shall be eligible for appointment to the office of treasurer unless at the time of said appointment he shall have been a citizen of the United States for at least ten years and a resident and a qualified elector of the consolidated city for at least five years

Section 406 The board of viewers in the number now provided by law shall be appointed by the judges of the court of common pleas and shall have such powers as now are or may hereafter be provided by law

Section 407 The offices of county surveyor and county engineer are hereby combined with that of the director of the department of public works of the consolidated city as hereinafter provided in Article X

Section 408 In the event that the charter is adopted at the special election for the year one thousand nine hundred thirty-five hereinafter provided the following officers shall thereupon be appointed by the aforesaid appointive powers all of said appointments to be made as soon as practicable and in no case later than the first day of December one thousand nine hundred thirty-five as follows the prothonotary of the court of common pleas the clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer In the event that this charter is not adopted at the special election aforesaid the prothonotary clerk of court of quarter sessions and court of oyer and terminer register of wills and clerk of orphans' court recorder of deeds and treasurer in office on the effective date of the charter shall continue in office for the term for which they have been elected and thereafter these offices shall be filled by appointment as aforesaid Provided however that if the said charter is adopted at an election prior to the general election on the first Tuesday after the first Monday of November one thousand nine hundred thirty-seven then the two jury commissioners aforesaid shall be appointed by the court of common pleas as aforesaid and the office of surveyor shall be combined with that of county engineer and director of public works as aforesaid

Section 409 The annual compensation of county officers referred to in this article shall be as follows

The Sheriff	$9600.00
The Prothonotary	7200.00
The Clerk of Court of Quarter Sessions and Oyer and Terminer	7200.00
The Recorder of Deeds	7200.00
The Register of Wills and Clerk of the Orphans' Court	7200.00
The Treasurer	7200.00
The Controller	9600.00
The Coroner	7200.00
The District Attorney	9600.00
The two jury commissioners appointed pursuant to this article each	4200.00
Each member of the Board of Viewers	6000.00

Nothing in this section shall be construed to diminish the salary of any county officer in office on the effective date of this charter during the term for which he was elected or appointed

Section 410 The controller shall make and file reports with the board of commissioners from time to time relating to the efficiency and effectiveness of the service in any office department bureau or board of the consolidated city and the necessity therefor and shall include in said report such suggestions and recommendations relating to betterment thereof as he may deem best for the public service

Section 411 For the purposes of his office the controller may administer oaths summon witnesses and order the production of relevant books and papers from any office bureau department board division or employe of the consolidated city If any person refuses or neglects to obey such summons or order or neglects or refuses to answer a proper question addressed to him by the controller in the course of any hearing the controller may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books and papers demanded and to answer any proper question or questions If the said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall issue the same forthwith

Section 412 The controller shall have except as otherwise provided in this charter the powers and duties of the controller of the County of Allegheny as the same shall be on the date of adoption of this charter No money shall be drawn from the treasury of the consolidated city except by warrant countersigned by the controller and he shall countersign no warrant until he has satisfied himself that the claim to pay which the warrant is drawn represents a legal obligation of the consolidated city He shall keep in his office such records and accounts of the financial transactions of the consolidated city as will enable him promptly and accurately to perform this duty He shall have access at all times for himself or for any person designated by him to books records and cash in the offices of the director of finance treasurer and all other officers keeping accounts or handling money on behalf of the consolidated city He shall have power to inquire into all contracts including the performance thereof and all other proceedings involving the expenditure of public funds to which the consolidated city is a party and the official financial transactions of all officers and employes of the consolidated city He shall have the power to employ such expert accountants and other agents as he may deem necessary to carry out his powers of investigation and for this purpose the board of commissioners shall annually appropriate a sum of not less than fifty thousand dollars for the expenses of his office The controller may appoint a person learned in the law to act as his solicitor and as such to advise him upon all such legal matters as may be submitted to him and to conduct such litigation as may from time to time be desired by the controller He shall hold office at the pleasure of the controller and shall receive such compensation as shall be fixed by the controller provided however that the same shall not exceed the sum of six thousand dollars per annum

ARTICLE V
ELECTIONS

Section 501 The board of commissioners of the consolidated city shall have all the powers and duties relative to elections now or hereafter conferred or imposed by law upon boards of county commissioners of counties of the second class

Section 502 A regular municipal election shall be held on the first Tuesday after the first Monday in November of every odd numbered year At such election there shall be chosen such elective officers of the consolidated city as are provided in this charter and the elective officers of the cities boroughs and townships being municipal divisions thereof in accordance with the laws of the state applicable to the same respectively Nominations for all officers for the consolidated city to be elected under the provisions of this charter and the municipal divisions thereof shall be made as provided by the general laws of the state and all primary elections and other elections including special elections shall be conducted in all respects as provided in said laws unless otherwise expressly provided in this charter

Section 503 Special elections called by the board of commissioners shall be held in such cases as are provided by this charter or by the laws of the state Special elections in municipal divisions shall be held when and as provided by the laws of the state applicable to each of them respectively and as provided herein

Section 504 It is the legislative intent and the intent of the electors expressed by their approval of this charter when and if the same is hereafter adopted that the benefits of changes and improvements in the laws governing elections made from time to time by virtue of constitutional amendment or revision or otherwise shall be forthwith made available to the electors of the consolidated city and to this end it is hereby provided that in the event that a proper system of elections by proportional representation or any other substantial change or modification in the conduct of elections is hereafter provided for by constitutional amendment revision or otherwise that the board of commissioners of the consolidated city shall as soon as practicable thereafter submit to the electors of the consolidated city a practicable and equitable plan for the application of said principles to the election of elective officers of the consolidated city the question to be submitted and voted upon at a general or special election as may be determined by the board of commissioners

Section 505 The districts of which the several members of the boards of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as follows

District number one shall consist of that portion of the present city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number two shall consist of that portion of the present city of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number three shall consist of that portion of the pressnt city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River This district shall not include any municipality wholly surrounded by the city of Pittsburgh but any such municipality shall be considered a portion of district number six as hereinafter provided

District number four shall consist of all that portion of the present County of Allegheny exclusive of any portion of the city of Pittsburgh lying north and east of the Ohio River and north and west of the Allegheny River

District number five shall consist of all that portion of the County of Allegheny exclusive of any portion of the present City of Pittsburgh lying south and east of the Allegheny River and north and east of the Monongahela River

District number six shall consist of all that portion of the County of Allegheny exclusive of any portion of the present city of Pittsburgh lying south and west of the Ohio River and south and west of the Monongahela River and shall include any borough which is now or may hereafter be wholly surrounded by the present city of Pittsburgh

ARTICLE VI
PUBLIC ADMINISTRATOR AND ADMINISTRATIVE SERVICE

Section 601 The executive direction and management of the administration of the consolidated city shall be ex-

cept as otherwise provided in this charter in the sole control of the public administrator It shall be his duty to see that the laws of the United States of the state and the ordinances and resolutions of the consolidated city are faithfully executed He shall present to the board of commissioners annually as provided in Article III hereof a budget of the estimated revenues and expenditures for the ensuing year and in every way promote business efficiency and economy in the administration of the consolidated city and in the departments thereof

Section 602 As soon as practicable after the organization of any board of commissioners pursuant to the provisions of Article III hereof the said board of commissioners shall appoint a competent qualified person to the office of public administrator of the consolidated city No person shall be eligible for appointment to this office unless at the time of his appointment he shall have been a citizen of the United States for a period of not less than ten years and having had at least ten years actual business experience in the fields of engineering and/or accounting and/or finance The term of office of said public administrator shall be for the period of four years commencing on the first day of January following his appointment The annual compensation of the public administrator shall be as provided from time to time by the board of commissioners by ordinance Provided however that the rate of compensation of the public administrator shall not be diminished during the term of office for which he has been appointed

Section 603 The public administrator may be removed from office for assigned cause in the following manner the president of the board of commissioners shall notify him in writing of the proposal to remove him from office stating the specific grounds for such removal which shall include gross and wilful negligence incompetency or inefficiency in office or the wilful and corrupt demanding taking or receiving of any fee or reward for the performance of any such official duties other than the annual compensation provided for his office The proposal for removal shall be final unless the public administrator within a period of five days after notice of the proposal to remove him from office shall file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which must be granted him He shall have the right at such hearing to be represented by counsel After such hearing the board of commissioners shall vote upon the question of removal provided however that no order of removal shall be effective unless the same receives the affirmative votes of two-thirds of the board of commissioners

Section 604 The public administrator shall have the power to appoint and remove from office the employes of his own office and by and with the consent of the board of commissioners he shall appoint the heads of all departments of the administrative service of the consolidated city and such other officers employes and boards as this charter may provide Any officer or member of a board appointed by the public administrator as aforesaid may be removed for assigned cause in the following manner the public administrator shall first notify in writing the person to be removed of the proposal to remove him stating the specific grounds for such removal Notice by registered mail to his last known address of the person to be removed shall be sufficient for the purposes of this section The order of removal shall thereupon become final unless the person so notified shall within five days file with the secretary of the board of commissioners a request for a private hearing by the board of commissioners which request shall be granted He shall have the right at such hearing to be represented by counsel After such hearing the proposal of removal shall become effective and he shall be deemed to have been removed from office unless the board of commissioners by a two-thirds vote shall otherwise determine

Section 605 The public administrator shall have the power of direction and control acting through the directors of the several departments over all officers and employes of the administrative service of the consolidated city He may at any time inquire into the conduct of any department board office or service of any officer member or employe thereof

Section 606 The administrative service of the consolidated city shall include the following departments finance health safety public works welfare parks and recreation planning personnel law personal property and supplies and such other departments divisions and bureaus as the board of commissioners may by ordinance from time to time provide The Board of Commissioners may by ordinance assign and reassign among the departments divisions bureaus offices functions and services of the consolidated city except as the same are specifically assigned by this charter

Section 607 Except as otherwise specifically provided in this charter the directors of departments shall have the power to appoint the other officers and employes thereof subject to the provisions of Article XIV In all cases the appointing officer shall have power to remove from office or to discipline by fine suspension or demotion any officer or employe appointed by him upon furnishing the said officer or employe with a statement in writing of the grounds of the removal or disciplinary action Notice by regisftered mail to the last known address of the persons so to be removed or disciplined shall be sufficient for the purpose of this section The order of removal or discipline thereupon shall become final unless within five days the officer or employe requests the opportunity to be heard by the director of the department or other officer making the order of removal or disciplinary action The hearing shall be private as the person to be removed or disciplined may request He shall have the right at such hearing to be represented by counsel After such hearing the officer making the order of removal or disclipinary action shall confirm the said order or revoke or modify the same in his discretion

At any hearing held upon a proposed removal or disclipinary action a stenographic record of the proceedings shall be taken at the cost of the department involved Within five days after an order of removal or discipline as decided by the head of the department becomes final the person so removed or disciplined may file an appeal in writing in the office of the public administrator setting forth any errors complained of in the decision of the department head in connection with his removal or discipline whereupon the office of the public administrator shall notify the department head of the taking of the appeal and the department head shall forthwith cause to be transcribed and filed with the public administrator the stenographic record of the proceedings so held by him for the removal or discipline of the appealing party The public administrator shall then as soon as practicable review the record and order such further hearings thereon as he deems advisable and the order of the public administrator confirming modifying or revoking the proceedings shall be final without appeal by either party

Section 608 All persons who in accordance with the terms of this charter are appointed for fixed terms shall continue to exercise the functions of their several offices until their successors are appointed and qualified and all persons appointed to fill vacancies in such offices shall be appointed for the unexpired period or term unless otherwise expressly provided in this charter

Section 609 It is the purpose and intent of this charter that no person shall be removed from office or disciplined by fine suspension demotion or otherwise by reason of his affiliation with any political party or organization nor shall any officer department head or employe of the consolidated city hold any office in any political party organization or engage in political activity during the term of his office or employment in the consolidated city

Section 610 It shall be the duty of each department of the consolidated city to keep and maintain a continual and perpetual inventory of all property real and personal within its supervision or control The forms for such inventories shall be prescribed from time to time by the director of finance subject to approval of the controller The inventory shall be so kept and maintained that it shall at all times show the cost rate of depreciation and present depreciated value of all lands buildings equipment facilities and property within the department together with a description of the same and the location of the same

In the case of supplies and equipment the inventory forms shall show the name of the manufacturer factory serial numbers the name of the person firm or corporation from whom purchased the model type size estimated life and installation cost of the same the amount of insurance carried thereon and rate of insurance the date ordered the quantities received unit prices quantities issued requisition serial numbers and quantity on hand together with such other pertinent information regarding the same as may be prescribed from time to time by the director of finance In the case of buildings and structures the nature and composition of the same shall be set forth together with classification for heavy or light use as the case may be

In event of a difference of opinion between the director of finance and the controller as to forms the decision of the chairman of the board of commissioners shall be final

ARTICLE VII

DEPARTMENT OF FINANCE

Section 701 There shall be a director of finance who shall be head of the department of finance He shall have administrative charge of the financial affairs of the consolidated city including the keeping or supervision of all accounts except those of the controller Except as otherwise provided in this charter he shall appoint the officers and employes of the department subject to the provisions of Article XIV

Section 702 The director of finance shall have power to prescribe the nature and forms of all accounts to be kept in the department of finance and by all officers and employes of the consolidated city subject to the approval of the controller and the times when and the manner in which all officers and employes receiving money for the use of the consolidated city shall pay the same into the treasury

Section 703 In the department of finance there shall be a division of accounts under the immediate charge of the director of finance in which shall be kept the general accounts of the consolidated city These accounts shall be adequate to record in detail the value and custodianship of all property of the consolidated city and all transactions relating thereto and the financial transactions of the consolidated city in such manner as to show in addition to the receipts and disbursements the accruals of revenue and the incurring of obligations in relationship to each fund and appropriation There shall be an appropriation ledger in which each appropriation shall be set up as in the appropriation ordinance and it shall be the duty of the director of finance to encumber each such appropriation with the amount of each order contract or other obligation before the order is placed or obligation incurred Separate accounts shall be kept of all financial transactions relating to current operations including outlays from bond issues condemnation proceedings financing of works in special districts and the principal and interest on the bonded indebtedness of the consolidated city

Section 704 The director of finance shall prepare and submit to the board of commissioners not later than the twentieth day of each month a summary statement of revenues and expenses of the previous month detailed as to appropriations and funds in such manner as to show the exact financial condition of the consolidated city and of each appropriation and fund as of the last day of the previous month This statement shall be made available in pamphlet form for distribution to the public upon request without charge

Section 705 No money shall be drawn from the treasury of the consolidated city nor shall any obligation for the expenditure of money be incurred except in accordance with an appropriation by the board of commissioners At the close of the fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall forthwith be available for reappropriation by the board of commissioners

Section 706 No contract agreement or other obligation involving the expenditure of money out of appropriations made by the board of commissioners shall be entered into nor shall any order for such expenditure be valid unless the director of finance shall first certify that there is an unencumbered balance in the appropriation account to be thus charged therewith sufficient to meet the obligation thus created Nothing in this section or in the preceding sections shall be taken to prevent the consolidated city from entering into obligations for more than one year and not exceeding ten years and for the payment thereof from current revenues from year to year

Section 707 At the close of each fiscal year the public administrator shall appoint one or more certified public accountants approved by the board of commissioners to audit the accounts of the consolidated city and all officers and employes thereof Such accountant or accountants shall have access to all books records and accounts of the consolidated city Upon the completion of said audit an abstract of the same shall forthwith be made available in pamphlet form for distribution to the public upon request without charge

Section 708 No claim against the treasurer of the consolidated city shall be paid except by means of a warrant issued by the director of finance and signed by the director of finance or his authorized deputy and countersigned by the controller or his authorized deputy No such warrant shall be issued to pay a claim for goods delivered unless the receipt of the goods for which the claim is made is certified by the purchasing agent and the officer and employe accepting delivery of the same on behalf of the consolidated city No warrant shall be issued for the payment of any wages or salary other than the compensation of elective officers except upon the basis of a payroll or pay voucher certified by the department for which the service has been rendered and by the director of the department of personnel No warrant shall be issued for the payment of the whole or part of the obligation of any contract for public work or for contractual services until the performance of such part of the contract as entitled the claimant to receive the same has been certified by the head of the department under the direction of which the work or service is performed The director of finance may require such additional evidence of the validity of any claim and conduct such investigation with regard thereto as he may deem necessary For this purpose he shall have access at all reasonable times for himself or for any person designated by him to books records and cash in the offices of the treasurer and of all other offices keeping accounts or handling money on behalf of the consolidated city pertinent to said investigation In connection therewith he may summon witnesses administer oaths and order the production of relevant books records and papers If any person fails to observe such summons or order or refuses to answer a proper question addressed to him by the director of finance in the course of any hearing the said director of finance may apply to any judge of the court of common pleas for an order to compel the witness to attend to produce the books records and papers demanded and to answer any question or questions If said judge is satisfied upon such hearing of the matter as he may require that the order should issue he shall thereupon issue the same

Section 709 In the department of finance there shall be a division of the treasury at the head of which there shall be the treasurer of the consolidated city The treasurer shall appoint all officers and employes of this division subject to the provisions of Article XIV section fourteen hundred ten (1410) It shall be the duty of the treasurer to collect all assessments and taxes due the consolidated city including delinquent taxes and the office of the delinquent tax collector for Allegheny County is hereby abolished as of the effective date of this Charter Annually and prior to the date when taxes are payable in advance the treasurer shall mail to each taxpayer a tax bill setting forth in detail such data relating thereto as may be prescribed from time to time by the board of commissioners This provision is directory only and not mandatory and the failure to mail any such bill shall not invalidate the levy of any tax or any proceedings based upon such levy The treasurer shall for the convenience of the public arrange with banking or other institutions located throughout the consolidated city for the receiving and turning over to the said treasurer of tax payments No such arrangement shall be valid or effective until the same has been approved by the board of commissioners and an ordinance adopted authorizing the treasurer to make such arrangements

Section 710 Upon the effective date of this Charter all taxes of the consolidated city shall be payable in advance during the months of April May and June of each year Each taxpayer shall have the option to elect to pay said taxes quarterly or monthly A taxpayer electing to pay his taxes quarterly or monthly shall so advise the treasurer in writing on or before the thirtieth day of April of any year at the same time paying the first quarterly or monthly payment as the case may be With respect to quarterly payments the second payment shall be made during the month of July the third during the month of October and the fourth during the month of January and each of said quarterly payments shall become delinquent on the first day of each succeeding month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes With the exception of the first monthly payment for the month of April above mentioned all monthly payments of taxes shall be made on or before the tenth day of each month and each of the same shall become delinquent on the eleventh day of each respective month and shall thereafter bear the same penalties and interest charges as hereinafter provided for delinquent taxes

A discount of five precent shall be allowed on all yearly taxes paid in full during the months of April May and June and during the month of July all taxes shall be payable at face No discount shall be allowed on taxes paid under the quarterly or monthly option Taxes and installments thereof not paid at the times fixed for the payment of the same shall be deemed delinquent and two percent of the total amount of said taxes or installment shall forthwith be added thereto as a penalty for the non-payment thereof at the times prescribed and in addition to said penalty said delinquent taxes shall bear interest at the rate of one-half of one percent per month on the face amount of said delinquent taxes or installments thereof for each and every month that the same shall remain delinquent or unpaid

Section 711 It shall be the duty of the treasurer to keep safely the moneys of the consolidated city and to pay out the same only on warrants issued and countersigned as hereinbefore provided The treasurer shall keep the public funds in such banks or banking institutions as the board of commissioners may from time to time by resolution prescribe and approve and under such terms conditions restrictions and safeguards as the said board of commissioners shall from time to time provide No treasurer complying with the provisions of this section and of any ordinance of the consolidated city pursuant thereto nor his surety or sureties shall be chargeable with losses of funds of the consolidated city caused by the insolvency or negligence of any such depositary The deposit of funds in an approved bank or banking institution shall be at the best rate of interest obtainable by seeking competitive bids therefor and all interest earned thereon from time to time shall accrue to the benefit of the consolidated city No security for the deposit of such moneys shall be approved by the board of commissioners unless it shall be to the full extent of the moneys deposited or to be deposited and unless the surety be a corporation authorized to transact business in the state of Pennsylvania provided however that securities of the United States of the state of Pennsylvania and/or municipal divisions thereof in kind and amount approved by the board of commissioners may be deposited with the treasurer in lieu of a corporate surety bond

Section 712 There shall be a division of assessment the head of which shall be the assessor of the consolidated city He shall be appointed by the public administration subject to the approval of the board of commissioners as provided in Article VI and shall assess as hereinafter provided all property offices professions and persons within the consolidated city for taxation by the consolidated city and all the municipal divisions and school districts thereof The division of assessment of the consolidated city shall have all the powers and duties of the board for the assessment and the revision of taxes of Allegheny County and of subordinate assessors as the same shall be at the time of the adoption of this charter and except as the same are inconsistent with the terms of this charter and/or any ordinance of the board of commissioners adopted in accordance therewith The assessor shall appoint all assistant assessors and employes of this division subject to the provisions of Article XIV and in addition to the assessment of property offices professions and persons for taxation shall perform such duties as are provided by this charter or by any ordinance not inconsistent therewith

Section 713 The said assessor shall be assisted in the performance of his duties by the said assistant assessors who shall be assigned to assess property offices professions and persons for taxation within the several municipal divisions of the consolidated city In municipal divisions in which on the effective date of this charter there shall be assessors or boards of assessment whose terms of office shall not have expired then the duties of the said assistant assessors shall be performed within the limits of said municipal divisions by the said assessors or boards of assessment of each respective municipal division until the expiration of their respective terms of office and upon the expiration of the term of office of any assessor or board of assessment in any of said municipal divisions the office of said assessors and of the said boards of assessment shall be abolished and be no longer in effect and from and after such date the assessment of property offices professions and persons for taxation therein shall be performed by the assessor of the consolidated city and the assistant assessors thereof as aforesaid

It shall be the duty of the assistant assessors to value all property offices professions and persons for such taxation therein by the respective municipal divisions and by the consolidated city as is in accordance with the general laws of the state in the manner and within the time prescribed by the assessor of the consolidated city The instructions of the assessor of the consolidated city to the assistant assessors shall provide amoung other things for (a) the valuation of land buildings and machinery each item being stated separately (b) the recognition of each separate factor of value and unit of quantity (c) uniform rules for the calculation of the value of lots of irregular shape or corner lots and of lots of abnormal depth or shallowness (d) the use of current statistics of sales and the prices of labor and commodities (e) rules for estimating the effect of appreciation depreciation and obsolescence (f) rules in aid of sound judgment in estimating the effect of irregularity of topography lack of economic utility and other unusual influences including use access and availability (g) rules for estimating the value of various types and sizes of buildings

Upon the basis of the valuations furnished by the assistant assessors the assessor of the consolidated city shall in the exercise of his sound judgment and in accordance with the principles of valuation hereinabove set forth triennially assess for appropriate taxation all property offices professions and persons within the consolidated city and record the same upon the assessment roll and upon the tax maps and land value maps hereinafter referred to which roll and maps shall be open to public inspection at the office of said assessor between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any business day provided that between triennial assessments the assessor may revise any assessments or revaluation in the manner now provided by law applicable to the present board of assessment and revision of taxes of the County of Allegheny The assessment roll for each year shall be compiled and turned over to the board of assessment appeal on or before the first Monday of October of each respective year

Section 714 The assessor shall maintain a system of tax maps and land value maps and shall record separately each parcel of land the value of any building or other improvement thereon The tax maps shall show the dimensions of each separately assessed parcel of land and the land value maps shall show the value per front foot according to a standard unit of depth of all land abutting on any street public way or place within the consolidated city but as to farm land and other lands not sub-divided into lots less than one acre in size the land value maps shall show the value per acre All such maps and other records of the assessor shall be open to public inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon

Section 715 There is hereby established a board of

assessment appeal consisting of three members Said board shall be appointed by a majority of the judges of the court of common pleas for a term of six years commencing the first Monday of January following the year in which this charter shall be adopted No person shall be eligible to such appointment who at the time thereof shall not have been a citizen of the United States for a period of ten years a resident of the consolidated city for a period of five years and a person experienced in the valuation of land and buildings and the cost of construction in the consolidated city The said board of assessment appeals shall hear in accordance with such reasonable rules as it may prescribe from time to time all persons aggrieved by any assessment and shall have full power to confirm and correct adjust and equalize assessments as between individual parcels of property and as between municipal divisions Appeals may be taken from the board of assessment appeal to the court of common pleas of Allegheny County in the manner and form now provided by law for appeals from tax assessments of the board of assessment and revision of taxes of the County of Allegheny

Section 716 On the first Monday of January of each year or at any other time as may be necessary for the purpose of levying taxes the board of assessment appeal shall certify to the appropriate officer of each municipal division and school district a copy of the assessment roll for that municipal division or district as corrected adjusted and equalized Such assessment roll shall furnish the valuation of all properties subject to taxation in such municipal division and school district in appropriate form and detail Nothing in this charter shall in any way be taken to repeal affect or modify any law of the state now in force providing for a separate and different rate of taxation in any municipal division or district upon land improvements or machinery or any exemption or reduction pertaining thereto

Section 717 Except as otherwise provided in this charter the laws of the state relative to the assessment and collection of taxes shall remain in full force and effect in the consolidated city and each municipal division thereof

Section 718 Whenever the electors of the consolidated city shall have consented to an increase of indebtedness exceeding two percent upon the last preceding assessed valuation of the taxable property therein the board of commissioners may for the purpose of financing any work or improvement for which such increase of indebtedness has been authorized issue short-term notes which shall be chargeable to the said increase of indebtedness and paid for from the sale of securities issued in pursuance of such authorization provided however that the said short-term notes shall not be issued for a term longer than three years shall be sold to the highest bidder at not less than par and accrued interest and the terms of maturity of said notes and securities shall not in the aggregate exceed thirty years

Section 719 It shall be the duty of all persons copartnerships and corporations furnishing materials supplies or services to the consolidated city or any department division or office thereof to keep and preserve all records pertaining thereto for a period of not less than six years from the date of the furnishing thereof except records of services rendered by public service companies where they are permitted by any state or federal law or by any proper state or federal commission or similar body to destroy such records within a shorter period Any person copartnership or corporation violating the provisions of this section shall be guilty of misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one thousand dollars or imprisonment for not exceeding one year or both in the discretion of the court

Section 720 Any officer department head or employe of the consolidated city having in his possession custody or control any books documents or records of the consolidated city or having the responsibility therefor who shall neglect or fail to keep or cause to be kept the same in good condition and available for public inspection at all reasonable times during any business day shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine not exceeding one thousand dollars or imprisonment for a period not exceeding one year or both in the discretion of the court

ARTICLE VIII

DEPARTMENT OF HEALTH

Section 801 There shall be a department of health which shall have all the rights and perform all the duties and obligations imposed by this charter and by the laws of the state upon health officers and boards of health and as may be conferred upon it from time to time by ordinance

Section 802 There shall be a director of health who shall be a doctor of medicine licensed to practice in the state of Pennsylvania and having not less than fifteen years of active practice or a person having a degree of doctor of medicine and also the degree of doctor of public health and having had not less than five years experience in the active practice of his said profession He shall be the executive head of the department and shall have power to appoint all other officers and employes of the department subject to the provisions of Article XIV

Section 803 The said department of health shall have power to make and enforce all necessary orders and regulations in addition to and not in conflict with the laws of the state or the ordinances of the consolidated city which it may deem necessary from time to time to protect the public health which orders and regulations may apply to the whole or any part of the consolidated city It shall have the power and duty to make and enforce all necessary orders and regulations for the proper enforcement of the laws of the commonwealth and the regulations of the state department of health relating to the conservation of health including the control of communicable diseases It shall have the power and duty to remove prevent and abate nuisances which it shall deem to be prejudicial to the public health It shall have the power and duty to regulate infected places by the separation of infected persons and persons who shall have been exposed to any communicable disease to mark infected houses or places to prescribe such orders and regulations as it shall deem necessary from time to time for the conservation of public health It shall have the power subject to the approval of the board of commissioners in case of the prevalence or apprehending prevalence of any communicable disease in the consolidated city to establish one or more emergency hospitals and to make provision for the maintenance and management of the same

Section 804 There shall be a health advisory board in the department of health consisting of the director of health and twelve other members The said twelve members shall serve without compensation and no other person shall be appointed to said board unless he is a doctor of medicine licensed to practice in the State of Pennsylvania having had not less than five years of active practice or a person having a degree of doctor of public health or a person experienced in municipal health activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in article six and each member shall be appointed for a term of six years Provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years beginning the first day of January following the appointment In making appointments to said board the appointments shall be so made that at all times there are as members thereof excluding the director of health six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents in each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman a vice chairman and secretary The director of health with the approval of the

health advisory board shall from time to time recommend to the board of commissioners the adoption of ordinances to insure the effective carrying out of the orders and regulations of the department of health and the board of commissioners may enact ordinances pertaining thereto and may provide penalties for the violations of the provisions thereof not inconsistent with the provisions of this article It shall be the duty of the health advisory board to keep itself informed of all the activities of the health department and to inspect quarterly health conditions and institutions which may be under the supervision of the department of health and to report its findings with regard thereto from time to time to the board of commissioners The director of health shall attend all meetings of the health advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 805 The department of health shall have the power to enforce its orders and regulations directly upon individuals corporations and properties in any municipal division It shall be the duty of all health authorities in the municipal divisions to conform to and enforce all valid ordinances of the commissioners of the consolidated city and all valid orders and regulations of the department of health of the consolidated city Whenever in the opinion of the director of the department of health there exist in any municipal division conditions which constitute a menace to the health of the residents beyond the limits of said municipal division or whenever it be known to the director of health that any municipal division having authority under law to have a health officer or board of health is without the services of the same or the same it not conducting his or its duties efficiently the said department shall have the power to enter and take full charge and administer the health laws regulations and ordinances affecting such municipal division and to continue in charge thereof until a competent and efficient health officer or board of health is qualified and ready to assume the direction of health therein and all expenses incurred by the department of health of the consolidated city in performing such duties under this section shall be the obligation of the municipal division and when certified by the director of health to the governing body of the municipal division the said governing body shall appropriate a sum sufficient to pay the same Provided however that no charge shall be made for any services made in a municipal division not authorized by law to have a local health department or officer All sums received from any municipal division for administration of health therein under the provisions of this section shall be credited to the department of health and used exclusively for the promotion of health in the consolidated city

Section 806 Any municipal division may surrender to the consolidated city its powers and duties in relation to public health upon such terms and conditions as may be agreed upon and thereafter the department of health of the consolidated city shall assume exclusive direction and control of the direction of public health in said municipal division

Section 807 The department of health shall provide means for the conduct of such laboratory and statistical service as may be necessary for the protection of public health in the consolidated city Laboratories may be either maintained by the department of health or laboratory service may be contracted for by the said department with established laboratories approved by the director of health

Section 808 All examining centers clinics and hospitals established or maintained by the consolidated city shall be administered by the department of health except where the same are under the jurisdiction and supervision of the department of welfare as hereinafter provided

Section 809 Any person copartnership or corporation who shall fail neglect or refuse to comply with or who shall violate any of the provisions of this article or any order or regulation of the department of health or who shall obstruct or interfere with any person in the execution of the same shall be guilty of a misdemeanor and for every such offense shall upon conviction thereof be sentenced to pay a fine of not exceeding five hundred dollars to be paid to the consolidated city and costs of prosecution or to be imprisoned for a period of not more than six months or both in the discretion of the court

ARTICLE IX

DEPARTMENT OF SAFETY

Section 901 There shall be a department of safety at the head of which shall be the director of safety He shall have all the powers of a sheriff as defined in the laws of the state insofar as the same relate to the preservation of public peace and order He shall have the power to appoint all officers and employes of this department subject to the provisions of Article XIV

Section 902 There shall be a division of police at the head of which shall be a superintendent in which shall be organized the police force of the consolidated city This force shall comprise the consolidated city police The qualifications for admission shall be at least equivalent to those for admission to the Pennsylvania state police In addition no person shall be appointed an active member of the consolidated city police who shall not have been trained for a period of six months in the laws and ordinances relative to his duties and in methods of policing and shall not have completed an additional probationary period of fourth months During the training and probationary periods candidates for appointment to the consolidated city police may receive such compensation as may be determined by the board of commissioners The rules governing compensation promotion and discipline shall not be less strict than those of the Pennsylvania state police The consolidated city police shall have jurisdiction throughout the consolidated city but shall not except in case of emergency be assigned to regular duty in any municipal division which maintains a police department other than the duty of patrolling through-traffic streets Members of this force or organized units thereof may be assigned in the discretion of the superintendent for duty in any municipal division at the request of the governing body thereof to serve under the direction of the mayor burgess or chairman of the board of township commissioners or supervisors upon its agreement to pay during the period of said assignment the full compensation including pension fund contribution if any of the portion of the force assigned to it and to assume all liabilities incident to the same extent as if the said assigned portion of the force were regular employes of the municipal division concerned Any such assignment may be terminated at any time by the superintendent If any municipal division pursuant to Article XVIII section eighteen hundred three shall surrender to the consolidated city its powers relating to police the personnel of the police force of such municipal division at the time of such surrender shall be transferred to the consolidated city police subject to Article XIV and the superintendent of the consolidated city police shall thereupon assume control and direction of police in such division Such surrender shall not be complete nor accepted by the board of commissioners of the consolidated city unless the municipal division shall agree with the said board of Commissioners upon the amount and method of payment to the consolidated city of a contribution by the municipal division sufficient to pay the actual cost of policing such municipal division It shall be the duty of the police authorities of every municipal division to report forthwith to the division of police of the consolidated city all crimes and misdemeanors committed within the said jurisdiction in such form as may be prescribed from time to time by the director of safety and together wth such information thereon as may be obtained from time to time by the said police authorities of the municipal divisions

Section 903 There shall be a division of crime detection at the head of which shall be a superintendent This division shall include the consolidated city detective bureau to which bureau is hereby transferred the personnel of what is now known as the county detective bureau subject to Article XIV Any municipal division which pursuant to Article XVIII Section eighteen hundred three shall surrender to the consolidated city its powers in relation to the detection of crime shall likewise have the personnel of its detective bureau transferred to

the consolidated city detective bureau subject to Article XIV No person shall be appointed to the consolidated city detective bureau who shall not have been trained for a period of six months in the laws and ordinances relating to his duties and in methods of detection apprehension and identification of criminals and shall not have completed an additional probationary period of four months In the case of persons appointed to the detective bureau from the consolidated city police the period of training and probation may be dispensed with in the discretion of the superintendent During the training and probationary periods candidates for the consolidated city detective bureau may receive such compensation as the board of commissioners may determine The jurisdiction of the consolidated city detective bureau shall be co-extensive with the consolidated city and as further provided by law There shall be maintained in this bureau all the necessary facilities and records for the apprehension and identification of criminals and the detection of crime includng laboratories and scientific apparatus appropriate for said purposes This bureau shall also keep complete records of all offenses reported to it or to the consolidated city police or to any organized unit thereof assigned for service in any municipal division and it shall be the duty of the superintendent to see that these records are maintained The services of the consolidated city detective bureau shall be available to the police department of any municipal division upon request

The district attorney may from time to time in writing request the services of a stated number of said detectives for the purposes of investigating and endeavoring to obtain such evidence as may be required by him in any criminal case and to perform such other duties as the district attorney may direct pertinent to the work of the district attorney's office and upon the termination of the work for which any detective has been so requisitioned the said detective shall return to the general service under the superintendent of the division of crime detection

Section 904 There shall be established in the department of safety a division of traffic control with such technical staff as may be determined by the board of commissioners The board of commissioners may vest in the said division the execution of any or all of the powers of the consolidated city with regard to the control of traffic

Section 905 There shall be a consolidated city traffic commission consisting of twelve persons appointed by the public administrator and approved by the board of commissioners as provided in Article VI and of the following persons ex officio the president of the board of commissioners the directors of the departments of safety public works law and planning and the heads of the several bureaus of traffic division The members of the traffic commission shall serve without compensation The appointed members shall be appointed for a term of four years beginning the first Monday of January of the year following the adoption of this charter The duties of the traffic commission shall be to advise the board of commissioners the administrative departments of the consolidated city and the governing bodies of the several municipal divisons always subject to the powers of the planning commission with regard to street rearrangement and use of the best methods for the administration of street traffic regulations and of the improvements and changes both legislative and administrative requisite for the reduction of street traffic accidents the relief of traffic congestion and the improvement of traffic conditions

Section 906 It shall be the duty of the director of safety to report quarterly to the board of commissioners a statistical summary of all complaints received by his department the arrests informations summonses and notices of violations made or issued by or through the initiative of his department with respect to all offenses including traffic offenses together with the disposition of the same All cases not finally disposed of in the quarter in which they originated shall be accounted for in a separate section of each succeeding report until finally disposed of These reports shall be open to public inspection

Section 907 There shall be a division of inspection at the head of which shall be a superintendent to have charge of enforcing regulations with regard to the production or emission of smoke and the construction of chimneys stacks flues smoke-pipes and ventilators and all other duties of an inspectional nature devolving upon the consolidated city or any officer or employe thereof which are not conferred upon other administrative departments or divisions by the terms of this charter The board of commissioners may authorize this division to inspect building construction and to cooperate with the authorities of the municipal divisions in securing the enforcement of laws and ordinances relating to building construction and make recommendations with regard thereto

Section 908 There shall be a division of fire prevention at the head of which shall be a superintendent to be charged with the duty concurrently with the fire departments of the municipal divisions of inspecting premises within the consolidated city for the purpose of securing the enforcement of laws and ordinances relating to the prevention of fire including all the powers and duties now possessed by the fire marshal of Allegheny County which office is hereby abolished

ARTICLE X

DEPARTMENT OF PUBLIC WORKS

Section 1001 There shall be a department of public works which shall exercise such powers and duties relating to public works of every kind of the consolidated city as may be determined by ordinance from time to time by the board of commissioners The term "works" wherever used in this article shall be taken to mean buildings improvements roads and structures constructed erected maintained or operated by the consolidated city of whatsoever kind or nature except works under the jurisdiction of the Department of Parks and Recreation and shall include all public buildings and improvements of every kind and purpose which the county of Allegheny may be authorized to construct erect operate or maintain at the date of the adoption of this charter

Section 1002 There shall be a director of public works who shall be the head of the department of public works No person shall be eligible for appointment to the office of director of the department of public works who at the time of his appointment is not a registered civil engineer with at least ten years professional experience He shall have the power to appoint all the other officers and employes of the department subject to the provisions of Article XIV After the expiration of the terms of office of the County Surveyor and county engineer of the County of Allegheny respectively in office on the date when this charter shall take effect the director of said department shall thereafter have all the rights and powers and perform all the duties at present vested by law in the present surveyor and engineer and from and after that date the offices of county surveyor and county engineer insofar as the same pertain to the county of Allegheny are hereby abolished and the rights powers and duties thereof shall thereafter be exercised by the director of the department of public works

Section 1003 The organization of the said department of public works shall be determined by the board of commissioners from time to time by ordinance as provided in section three hundred twenty-three (323) of Article III Provided however that the organization of the department of highways bridges and tunnels of the county of Allegheny and the organization of any other department board or bureau insofar as any of its powers or duties are vested by this charter in the department of public works as the same shall exist on the effective date of this charter shall continue to be a temporary part of the organization of the department of public works until changed by proper action under the provisions of this charter

ARTICLE XI

DEPARTMENT OF WELFARE

Section 1101 There shall be a department of welfare which shall have full charge and direction of public welfare activities of the consolidated city It shall have among other things all the rights powers and duties at present vested in the directors of the poor of the County of Allegheny and in the department of welfare of the present

city of Pittsburgh except as otherwise provided in this charter

Section 1102 There shall be a director of welfare who shall be the head of the department of welfare and except as otherwise provided in this article shall appoint all officers and employes of the department subject however to the provisions of Article XIV No person shall be appointed director of welfare who has not had training and experience in social work and in the administration of a social welfare agency or of a public welfare board or bureau

Section 1103 There shall be a welfare advisory board in the department of welfare consisting of the director of welfare and twelve other members The said twelve members shall serve without compensation No person shall be appointed to said board who holds any public office and who is not a person experienced in business civic and social welfare activities The members of said board shall be appointed by the public administrator said appointments to be approved by the board of commissioners as provided in Article VI and each member shall be appointed for a term of six years provided however that the first appointments of members to said board which shall be for terms beginning the first day of January following the adoption of this charter shall be as follows four members for a term of two years four for a term of four years and four for a term of six years and thereafter all appointments shall be for a term of six years In making appointments to said board the appointments shall so be made that at all times there are as members thereon excluding the director of welfare six persons residing within the limits of the present city of Pittsburgh and six persons residing within the consolidated city but outside the limits of the present city of Pittsburgh So far as practicable the administrator in making said appointments shall give due consideration to the geographical distribution of the residents of each of the urban and suburban territories Vacancies on the board shall be filled for the unexpired term in the same manner as the original appointment The said board shall choose from its own members a chairman vice-chairman and a secretary The director of welfare with the approval of the welfare advisory board shall recommend to the department of personnel the minimum qualifications of all officers and employes of the department provided however that in all cases the heads of all divisions boards or bureaus of said department shall be persons experienced and trained in social welfare work The board shall be charged with the organization and development of the physical facilities for welfare work It shall be its duty to recommend to the board of commissioners the acquisition of lands and buildings and the erection remodeling and equipment of buildings by the consolidated city for welfare purposes It shall further be the duty of the board to keep itself informed of all the activities of the welfare department and to inspect quarterly the several institutions and services of the said department and to report its findings with regard thereto at least twice in each year to the board of commissioners The director of welfare shall attend all meetings of the welfare advisory board and lay before it recommendations for development and improvement in the activities of the department and he shall supply said board with such information as it may from time to time require

Section 1104 The organization of the department of welfare shall be determined from time to time by the board of commissioners by ordinance No ordinance relating to the organization or changing the organization of said department shall be adopted except in the form proposed by the director of welfare and bearing the approval of the welfare advisory board and the public administrator In organizing and changing the organization of said department from time to time there shall be created such divisions departments and bureaus within the department as shall be deemed advisable for the proper discharge of the duties of said department

Section 1105 The department of welfare shall have in addition to the powers and duties heretofore imposed upon it by this charter the following specific powers and duties

(a) To provide relief or services needed by poor dependent or indigent individuals or families in their own homes whatever the cause of their dependency securing or providing specialized service in the nature of medical care mental hygiene treatment occupational adjustment and similar services when in the opinion of the director the same is a necessary part of the protection and relief of the said individuals or families

(b) To provide adults and children with needed maintenance and service whether medical social occupational or otherwise including placement and supervision whether in foster homes or in institutions where such placement is voluntary on the part of the individual or of the families or of such person or persons who may have legal custody or guardianship of such individuals

(c) To investigate complaints of neglect abuse or cruelty to children and conditions in any municipal division promoting child neglect and to institute appropriate action in the proper court or courts for the protection of any child or children the subject of any negligence abuse or cruelty and in cooperation with the juvenile court of Allegheny County to take such action as may be deemed necessary to abate any conditions in any municipal division which tend to cause child neglect or child delinquency

(d) To provide such care in institutions or foster homes as may be necessary for such persons as may by an order of a proper court of the County of Allegheny be committed to the care of the department of welfare

(e) To erect construct maintain and operate subject to the approval of the board of commissioners such institutions as may be necessary from time to time for the care of any persons coming within the jurisdiction of the department and to provide such care in institutions maintained by any public municipal or private corporation or by any person or association

(f) To administer the expenditure of moneys received by the consolidated city from the United States the state or any municipal division or bureau thereof and to administer any moneys received by virtue of any order of court or by gift devise or bequest provided however that said moneys are so received for purposes within the scope of the powers and duties of the department This power shall include the administration within the consolidated city of the mothers' assistance fund the old age assistance fund and the pension fund for the blind

(g) To conduct research on social needs problems conditions and resources within the consolidated city and from time to time to recommend to the board of commissioners such rules regulations and ordinances as are designed to abate or ameliorate conditions promoting dependency delinquency or neglect

(h) To provide such other and additional service for the welfare of the citizens of the consolidated city as may be necessary or advisable from time to time or such as may be conferred upon it by ordinance or by this charter and generally to cooperate so far as possible with the administration of similar service by federal state or municipal officers and agencies

Section 1106 The organization of the office of the directors of the poor of the County of Allegheny and of the department of welfare of the present City of Pittsburgh as the same may be on the effective date of this charter shall continue for a period of not more than six months to be a temporary part of the organization of the department of welfare of the consolidated city It is the intent and purpose of this article that the organization of the department of welfare as provided in section eleven hundred four hereof shall be completed within not more than six months after the effective date of this charter and that until so organized the said offices of the directors of the poor and of the department of welfare of present city of Pittsburgh shall continue to function It is further the intent and purpose of this article that in the organization of the department of welfare of the consolidated city pursuant to the terms hereof that in all cases persons in the employ of the said offices of the directors of the poor of the County of Allegheny or of the department of welfare of the present city of Pittsburgh shall if qualified and subject to the provisions of Article XIV hereof be given preference in appoint-

ment to employment in the department of welfare of the consolidated city

Section 1107 The directors of the poor of the County of Allegheny in office on the effective date of this charter shall continue in the service of the consolidated city until the expiration of the terms for which they were elected and shall perform such duties in connection with the department of welfare as may be assigned to them by the director of welfare and during the remainder of their terms of office they shall continue to receive the same compensation as if this charter had not been adopted

ARTICLE XII

DEPARTMENT OF PARKS AND RECREATION

Section 1201 There shall be a department of parks and recreation which shall have supervision and control of all parks and recreation facilities of the consolidated city The term "parks and recreation facilities" shall be construed to include all parks playgrounds athletic fields community centers swimming pools and other recreational athletic or cultural facilities owned controlled or operated by the consolidated city

Section 1202 There shall be a director of parks and recreation who shall be the head of the department of parks and recreation and except as otherwise provided in this article shall be in charge of the activities of the department He shall have the power to appoint subject to the provisions of section twelve hundred five of this article and of Article XIV all of the officers and employes of the department and such landscape architects registered architects and registered engineers as may be advisable He shall be appointed by the public administrator and approved by the board of commissioners as provided in Article VI hereof

Section 1203 There shall be a park and recreation advisory board consisting of the director of parks and twelve other members Said twelve members shall serve without compensation for a term of six years from the first day of January following their appointment provided however that the first appointments to said board shall be made in the following manner four members for a term of two years four for a term of four years and four for a term of six years and thereafter appointments shall be made for the term of six years Appointments shall be made in such manner that at all times there shall be on said board exclusive of the director of parks and recreation six members resident within the limits of the present city of Pittsburgh and six members residing in the consolidated city but outside the limits of the present city of Pittsburgh In making said appointments the public administrator shall also give due consideration to the geographical distribution of said members as to residence within the aforesaid limitations

Section 1204 The park and recreation board shall have the power and duty to supervise control and maintain the park and recreational facilities of the consolidated city It shall be its duty to recommend to the board of commissioners the acquisition of park and recreational facilities and the erection improvement and development of parks and recreational facilities of the consolidated city from time to time The said board shall likewise recommend from time to time to the board of commissioners that the consolidated city join with any state or federal agency municipal division or divisions school district or districts in the acquisition improvement maintenance and/or management of park and recreational facilities and in the employment of any person firm or corporation to this end provided however that nothing in this article shall be construed to diminish the powers of municipal divisions over their respective park and recreational facilities

Section 1205 The park and recreation advisory board shall have the power and duty to prescribe the qualifications of the officers and employes of the department and transmit the same to the department of personnel for adoption by the department of personnel and by the board of commissioners as provided in Article III section three twenty-three It shall organize by selecting from its members a chairman and vice-chairman and shall select and employ a secretary and establish rules and regulations for the governing of its proceedings and the performance of its duties It shall have the power subject to the approval of the public administrator to recommend to the board of commissioners the organization within said department of such bureaus and divisions as it shall deem advisable for the proper conduct of the powers and duties of the department and the board of commissioners may thereupon create said bureaus or divisions as so recommended

Section 1206 The director of parks and recreation subject to the approval of the park and recreation advisory board shall make and enforce all rules and regulations necessary for the same and proper use and enjoyment of the park and recreation facilities of the consolidated city and shall recommend from time to time to the board of commissioners the adoption of such ordinances as may be deemed necessary for the carrying out more fully of the aforesaid rules and regulations The director of parks and recreation may from time to time request of the department of safety and said department of safety shall thereupon assign to the department of parks such number of consolidated city police as shall be necessary for the proper protection of persons and property in and about park and recreation facilities of the said consolidated city While so assigned to the department of parks and recreation the said consolidated city police shall in addition to the powers and duties heretofore conferred upon them by this charter perform such other duties as may be required by the director of parks and recreation

Section 1207 In exercising its powers and duties the department of parks shall cooperate so far as practicable with the park and recreation officials of the municipal divisions of the consolidated city

Section 1208 The department of parks and recreation shall develop formulate and administer a program for the conduct of all park and recreational activities of the consolidated city with the view to providing the persons using said facilities with an adequate program of social cultural physical and educational activities therein

ARTICLE XIII

DEPARTMENT OF PLANNING

Section 1301 There shall be a department of planning which shall exercise the planning powers of the consolidated city The department of planning shall exercise all the rights powers and duties heretofore vested in the County of Allegheny with respect to planning and such other rights powers and duties with respect to planning as the board of commissioners may from time to time determine by ordinance

Section 1302 There shall be a director of planning who shall be the head of the department of planning No person shall be appointed director of planning who is not a person with training and experience in city or regional planning and qualified by training or experience in the professions of architecture engineering or landscape architecture and competent to prepare and interpret surveys of a physical social and financial character as the basis for the arrangement rearrangement and coordinated development of the consolidated city

Section 1303 There shall be an advisory planning board consisting of the director of planning and twelve members The members of said board shall be appointed by the public administrator and approved by the board of commissioners The members of the board shall serve without compensation and no member of the board shall hold any other public office or receive compensation from any other municipality or public agency Six members of said board shall be residents of the present city of Pittsburgh and the remaining six shall be residents of the consolidated city outside of the limits of the present City of Pittsburgh The administrator in making said appointments shall give due consideration to the geographical distribution of the residence of each of the urban or suburban territories Appointments to said board shall be for a term of six years provided however that the board as first constituted shall consist of the following members The members of the County Planning Commission of the County of Allegheny in office on the effective date of this charter shall continue as members of the planning board until the expiration of the terms for which they shall have been appointed The

remaining three members of the board shall be appointed one for a term of two years one for four years and one for six years from the first day of January following the adoption of this charter provided however that the public administrator in appointing said three members shall choose them from such part or parts of the consolidated city as shall most nearly effect the intent of this section in dividing the membership of said board equally between the present city of Pittsburgh and the remainder of the consolidated city Thereafter all appointments to said board shall be for the term of six years and in making said appointments the public administrator shall choose the members thereof in such manner that the present City of Pittsburgh and the remainder of the consolidated city shall be equally represented as above provided

The said advisory planning board shall also include as non-voting members thereof from time to time the director of any department of the consolidated city which is interested in or concerned with any project or plan under consideration from time to time and so long as any such project or plan is so considered he shall have adequate notice of all meetings of the board at which such project or plan is to be considered

Section 1304 The advisory planning board in submitting any report to the board of commissioners in the exercise of any of the powers or duties imposed by this article shall include therein and interpret the physical social and financial aspects of the matters covered by such report together with such suggestions as the board may desire covering the coordination of planning for the same and shall make such other studies and investigations with respect to any planning study as the board of commissioners may request from time to time

Section 1305 The director of planning shall have the power to appoint the employees of the department subject to the provisions of Article XIV It is the intent and purpose of this section that in the organization of the department of planning pursuant to the terms hereof that in all cases persons in the employ of the county planning commission aforesaid shall if qualified and subject to the provisions of Article XIV hereof be given preference in appointment to employment in the department of planning of the consolidated city

Section 1306 The department of planning in the exercise of its functions shall coordinate its activities with the planning bodies of any municipalities within the consolidated city having planning powers in connection with any plan or map affecting said municipal divisions It being the intent and meaning hereof that the said department in the exercise of its functions shall not make or adopt any plan rule or regulation inconsistent with any existing ordinance of any said municipalities or official plans prepared by the legally constituted planning bodies in any municipality within the limits of the consolidated city In the event that the department of planning in the exercise of its functions desires to adopt any plan map rule or regulation affecting a municipal division having planning powers but which has not exercised the same or adopted an official plan for said municipal division in accordance with its local planning powers then the department of planning shall advise the authorities of said municipal division of its intention to make or adopt a plan map rule or regulation affecting said municipal division Whereupon it shall be the duty of the municipal division to exercise its planning powers with regard to the subject matter of the notice herein provided for and in the event that said municipal division does not so exercise its powers as to cover the subject matter of said notice within a period of one year after receipt of said notice then any map plan rule or regulation thereafter adopted by the department of planning shall be in full force and effect within said municipal division to the same extent as if it had been adopted by the municipal division itself Nothing in this article shall be construed to affect the exclusive powers of the department of planning with respect to plans of lots in the townships within the consolidated city

Section 1307 Upon request of the board of commissioners and upon appropriation thereby of adequate funds to meet the expense of the same the department of planning shall prepare an official map or plan of the consolidated city and all municipal divisions thereof and in connection with the same shall so far as practicable indicate thereon the results of existing surveys and investigations as to physical social and financial aspects of the subject matter of the plan The department of planning may make and adopt such official plan as a whole or may make and adopt successive parts of the plan said parts corresponding with major geographical divisions of the consolidated city Before the adoption of said official plan or any such part thereof the department of planning shall hold at least one public hearing thereon notice of the time and place of which shall be given in the same manner as notice of ordinances as provided in Article III of this charter

Section 1308 Whenever the department of planning shall have made and adopted an official plan of the consolidated city or of one or more portions thereof as aforesaid it shall be competent for the board of commissioners by ordinance to provide that thereafter no municipal division shall make adopt or enforce any local plan inconsistent with the said official plan and provide suitable penalties therefor together with the power to provide that any building or structure erected in violation of the provisions thereof may be abated as a nuisance No such ordinance shall be adopted unless and until the board of commissioners shall hold a public hearing thereon after notice provided in Article III of this charter Thereafter any municipal division so affected shall revise or amend its existing plans if any so as to conform with the requirements of this section

ARTICLE XIV

DEPARTMENT OF PERSONNEL

Section 1401 There shall be a department of personnel which shall have the powers and duties conferred upon it by this charter including the power and duty to inquire into the qualifications of persons proposed for appointment as officers or employes of the consolidated city except as otherwise expressly provided in this charter and such other powers and duties as may from time to time be conferred upon it by ordinance of the board of commissioners

Section 1402 There shall be a director of personnel who shall be the head of the department of personnel and shall have the power to appoint all the employes of this department No person shall be appointed director of personnel unless he is a person having had at least ten years experience in personnel work

Section 1403 Except in case of public emergency and except in the case of the county officers named in Article IV the heads of departments the secretary of the boards of commissioners and the members of boards and of commissions serving without compensation no person shall be appointed to any office or employment of the consolidated city unless and until such person has been examined by the department of personnel with respect to his qualifications for any proposed appointment and a report on his mental ability education experience character reputation physical fitness and other pertinent information has been filed by the said department in complete and detailed form with the appointing authority

No public emergency shall be deemed to exist within the meaning of this section unless and until the same shall be determined to exist by ordinance of the board of commissioners of the consolidated city which ordinance among other things shall state the nature of the emergency and the duration for which said declaration of emergency shall be deemed to be in existence

Section 1404 Whenever the board of commissioners or any officer or board so authorized by this charter shall adopt minimum requirements to be possessed by appointees to certain offices or employment or when such requirements are specified in this charter than no person shall be appointed to such office or employment unless the director of personnel shall certify to the appointing authority that such person proposed for appointment or employment as aforesaid fulfills said minimum requirements and in the opinion of the director of personnel is qualified for such office or employment

Section 1405 It shall be the duty of the Department

of Personnel to classify all persons in the service of the consolidated city and within the offices of the various bureaus boards departments and divisions thereof and to recommend to the board of commissioners from time to time plans of salary standardization therein and shall likewise from time to time fix and determine the number of employees in the service of the consolidated city and within the bureaus boards departments and divisions thereof together with the minimum requirements and qualifications for each class of position therein The foregoing recommendations of the department of personnel shall be filed with the board of commissioners from time to time and a copy thereof shall be filed promptly in the office of the public administrator and also in the office of any officer or head of department interested Thereafter the action of the board of commissioners thereon shall be as provided in section three hundred twenty-three (323) of Article III Provided however that no compensation or salary shall at any time be increased or diminished or the number of employees or the minimum requirements and qualifications for any class of position in the service of the consolidated city and in the bureaus boards departments and divisions thereof shall be changed until the recommendation of the said department of personnel with respect thereto is on file with the board of commissioners the public administrator and any officer or head of department affected nor until such action thereon is taken as provided in section three hundred twenty-three (323) of Article III

Section 1406 The department of personnel shall keep a permanent employment record Whenever the department of personnel or any officer or employe thereof makes any report recommendation certification or communication to any officer or board of the consolidated city as provided herein a copy of such report certification recommendation or communication as the case may be shall at the same time be placed on file in the office of the director of personnel and the same shall be available for inspection by the public on every business day between the hours of nine o'clock in the forenoon and five o'clock in the afternoon At the same time a copy of every such report certification recommendation or communication as the case may be shall be filed in the office of the secretary of the board of commissioners of the consolidated city

Section 1407 No officer or employee of the consolidated city excepting the officers enumerated in section fourteen hundred three hereof shall be appointed suspended reinstated promoted or removed without immediate notification to the said department of personnel by the officer making the said appointment reinstatement suspension promotion or removal With the exception of the persons enumerated in section fourteen hundred two of this article no officer or employee of the consolidated city other than elective officers shall be paid any salary or wages unless and until there be in the office of the director of finance a payroll or pay voucher covering the same and certified by the director of personnel

Section 1408 All salaries wages or compensation paid to any officer or employee of the consolidated city excepting the compensation of the members of the board of commissioners shall be so paid only in return for full time service and it shall be the duty of the board of commissioners from time to time to establish by ordinance the hours of employment in all offices divisions and departments in the consolidated city

Section 1409 The department of personnel shall have power to make subject to the approval of the board of commissioners uniform regulations with regard to absence sickness and vacations and to determine their effect on compensation

Section 1410 The department of personnel shall keep records relating to the reliability and efficiency of all officers and employes of the consolidated city and no transfer reinstatement or promotion shall be made until the report of the department of personnel relative to such transfer reinstatement or promotion is on file with the appropriate officer or board

Section 1411 Whenever the board of commissioners shall adopt a system of retirement allowances the same shall be administered by the department of personnel unless otherwise provided by law provided however that no officer or employee of the consolidated city shall receive retirement allowance pension or annuity at any time from more than one governmental source other than for military service

Section 1412 The board of commissioners by resolution shall have the power to provide for part time or irregular employment in any department or division of the consolidated city Such part time or irregular employment shall only be authorized when the same has been established by resolution of the board of commissioners said resolution advising the nature of employment the qualifications required therefor and the salary or compensation to be paid therefor

Section 1413 All fees commissions moneys and perquisites received pursuant to the laws of the state or otherwise by each and every officer and employe of the consolidated city other than the salary fixed herein or pursuant to the terms hereof for such office or employment or which they shall be legally authorized required or entitled to charge or receive by virtue of such office or employment shall belong to the consolidated city and it shall be the duty of each of said officers and employes to exact collect and receive all such fees commissions moneys and perquisites as are levied for the state which shall be to and for the use of the state and none of the said officers and employes shall receive for his own use or for any use or purpose whatever except for the use of the consolidated city or of the state as the case may be any fees for any official services whatsoever

ARTICLE XV

DEPARTMENT OF LAW

Section 1501 There shall be a department of law the head of which shall be the solicitor of the consolidated city who shall have been a resident of the consolidated city for not less than ten years and who shall be an attorney at law having had five years professional experience and admitted and qualified to practice before the Supreme Court of the state The solicitor shall before entering upon the duties of his office file with the commissioners of the consolidated city an agreement to pay to the treasurer of the consolidated city all fees attorneys' fees and commissions received from every source by virtue of his office The term of office of the solicitor shall be for a period of four years beginning the first Monday of January following the adoption of this charter

Section 1502 The solicitor of the consolidated city shall have the power to appoint subject to the provisions of article fourteen all the deputies assistants and other employes of the department provided however that no assistant solicitor shall be appointed who is not an attorney at law admitted and qualified to practice before the Supreme Court of the state and having had three years professional experience and provided that nothing herein contained shall prohibit the employment of Special Counsel with the approval of the Board of Commissioners

Section 1503 It shall be the duty of the solicitor to commence and prosecute all suits brought or to be brought by the consolidated city wherein or whereby any rights privileges properties claims or demands of the consolidated city are involved as well as to defend all actions or suits brought against the consolidated city and he shall perform all duties now imposed by law upon county solicitors and shall do all and every professional act incident to the office which may be required of him by the board of Commissioners In addition the solicitor shall have the powers and duties at present conferred by law upon solicitors or attorneys for constitutional or other officers of Allegheny County

Section 1504 It shall further be the duty of the solicitor to prepare all contracts to which the consolidated city shall be a party and no such contract shall be executed on behalf of the consolidated city unless and until there has been endorsed thereon a certificate of the department of law that the same is a valid obligation and correct as to form It shall further be the duty of the solicitor to prepare ordinances and resolutions as directed by the board of commissioners or the director of any department and to advise the board of commissioners and all officers and departments of the consolidated city upon

request as to any matter of law requested by any of them except in the case of the controller

Section 1505 Whenever the solicitor deems the same desirable or upon the request of any officer or head of department of the consolidated city stating the necessity therefor the solicitor shall assign an assistant solicitor to advise such officer or head of department upon all legal matters as may be submitted to him from time to time provided that the same person may act as legal advisor to one or more officers or heads of departments in the discretion of the solicitor

Section 1506 There shall be a bureau of public utility relations in the department of law It shall be the duty of the department to keep a record of franchises consent ordinances and all agreements in which the consolidated city has or may have an interest to see to the enforcement of the rights of the consolidated city thereunder to procure wherever possible the adoption of uniform agreements with each public utility with which the consolidated city or the municipal divisions shall be parties to represent the consolidated city in making and revising such agreements to receive complaints of citizens relative to the service of any public utility to represent the consolidated city and on request of any municipal division and approval thereof of the solicitor and board of commissioners to represent the said municipal division in proceedings before the public service commission of the state or the courts in any matter relating to service franchises rates or valuations The board of commissioners shall not approve the representation by the department of law of any municipal division in such matters unless the governing body of said municipal division enters into a proper agreement with the board of commissioners of the consolidated city for the payment of its fair share of the expense of such proceedings

ARTICLE XVI
DEPARTMENT OF PERSONAL PROPERTY AND SUPPLIES

Section 1601 There shall be a department of personal property and supplies at the head of which shall be the director of personal property and supplies No person shall be eligible for appointment to the office of director of personal property and supplies who is not at the time of his appointment a person having had at least ten years business experience and at least five years experience in purchasing supplies and materials for large municipalities or large business corporations The director shall appoint the other officers and employes of this department subject to the provisions of Article XIV

Section 1602 The department of personal property and supplies shall have the management direction and administration of the purchase and supply of all articles of personal property for the use of the various departments divisions bureaus and boards of the consolidated city All such departments divisions bureaus and boards shall obtain such articles by requisition on the department of personal property and supplies and not by direct purchase and the manner and form of such requisition may be prescribed from time to time by ordinance of the board of commissioners All appropriations for the purchase and supply of such articles shall be made to and shall be expended by the department of personal property and supplies and all contracts for the purchase of such articles shall be made and entered into by said department The department of personal property and supplies shall have charge supervision and control of the inspection of articles goods materials and commodities to be so purchased by it and shall have control and management of such warehouses and storerooms as may be provided from time to time for the receipt and storage thereof

Section 1603 There shall be in the department of personal property and supplies such divisions as the board of commissioners may from time to time prescribe by ordinance which divisions shall include the purchasing division warehouse and storage division motor vehicle division and other apropriate divisions

Section 1604 The director of personal property and supplies shall sell lease or otherwise dispose of such property within the supervision of said department as is not necessary or convenient for use by the consolidated city Such disposal shall be under such regulations as may from time to time be provided by ordinance

ARTICLE XVII
MUNICIPAL COURT

Section 1701 There shall be and hereby is created a court of record in the consolidated city to be known as "The Municipal Court" to be composed of one judge for every hundred thousand of population or fraction thereof of the consolidated city such population to be determined by the last preceding decennial census The exact number of judges shall be determined and fixed from time to time by the board of commissioners of the consolidated city by ordinance The said judges shall be appointed by the governor and the governor shall have the right and duty on the recommendation of the board of judges of the municipal court to appoint additional judges from time to time never exceeding five in addition to the number permitted by the census requirements The recommendation of the board of judges of the municipal court to this end shall only be made whenever in their opinion the business of the municipal court requires such additional appointments and the increase in number is approved and authorized by the board of commissioners of the consolidated city

The judges of said municipal court shall be known as "magistrates" and whenever the term "magistrate" appears hereinafter in this article unless the context clearly indicates otherwise the same shall be taken to mean the judges of the municipal court In making appointments the governor shall designate the president and vice president magistrates

Section 1702 No person shall be eligible for appointment to the office of magistrate of said court unless he shall possess known judicial temperament intelligence honesty and integrity and in addition shall be (a) an attorney admitted to practice before the Supreme Court of the state and having had actual professional experience of at least five years or (b) a person who has had at least ten years business or professional experience and has manifested a genuine interest in civic affairs or (c) satisfactory service for ten years as a magistrate alderman or justice of the peace provided however that the president and vice-president magistrates shall be attorneys at law admitted and qualified to practice before the Supreme Court of the state and shall have had actual professional experience of not less than ten years All magistrates shall hold office for a term of ten years from the date of the beginning of the term for which they shall have been appointed

The president magistrate shall receive a salary of $7500 per annum the two vice-president magistrates shall receive a salary of $6500 per annum and the other magistrates shall receive a salary of $6000 per annum

A commission shall issue from the governor to each magistrate under the great seal of the commonwealth and the said magistrate before entering upon his duties shall take the oath of office prescribed by the constitution before one or more judges of the court of common pleas of Allegheny County Each magistrate shall devote his whole time and capacity to the duties of his office so long as he shall continue to be a magistrate of the municipal court. The magistrates of the municipal court shall be appointed on or before January first of the year following the year in which this charter shall have been adopted and as so appointed shall constitute such municipal court with full power to act with respect to all matters including the adoption of rules the locating and furnishing of courtrooms appointments of employes and all other matters of arrangement and assignment which shall be completed prior to July first of the same year upon which date the said municipal court shall begin to exercise its powers and duties

Section 1703 The said municipal court shall have jurisdiction as follows

(a) The existing jurisdiction of all magistrates aldermen and justices of the peace in Allegheny County and in the cities of the second and third class constituting municipal divisions thereof whch shall include all existing powers of every kind and character whatsoever civil criminal and summary as are provided under the laws of this state at the time of the adoption of this charter

(b) In all civil actions where only a money judgment is sought to be recovered and in all actions of replevin in which the sum demanded or the value of the property replevied exclusive of damages for the taking or detention thereof does not exceed five hundred dollars exclusive of interest and costs except in cases where the title to lands or tenements may come in question This shall also include the right of the defendant to present a claim of set-off or counterclaim in a like amount except in cases of replevin

(c) In cases of violations of ordinances of the consolidate city and the municipal divisions thereof including the right to impose the fines and penalties provided for therein

(d) Such other and additional jurisdiction as may from time to time be conferred upon said court by appropriate legislation amending this charter in this respect

Section 1704 The said municipal court shall have the following powers

(a) To adopt prescribe and amend rules for the procedure in said court in all matters within the jurisdiction of the court

(b) To fix the hours during which the court shall be open which shall make adequate provision for evening sessions

(c) To prescribe the duties of the secretary of the court who shall be the clerk of court in charge of the dockets and records of the court and the duties of such clerks bailiffs and other employees of said court the manner of keeping records and papers the collection and disposition of moneys and accounts thereof

(d) To prescribe the duties of such public prosecutors and public defenders in and for said court as may be from time to time authorized by ordinance of the board of commissioners

(e) To prescribe the forms and practice of the court including forms of writs of summons and other appropriate writs as well as forms of pleading when pleadings may be required and all matters of procedure and to provide for the keeping of the proper dockets and the entries to be made therein providing that all proceedure and hearing or trial of cases shall be so simplified as to make employment of counsel unnecessary

(f) To fix the calendar practice and designations of divisions of the court where special classes of cases such as criminal cases small claims traffic complaints matters of moral conduct or any other classes of cases may be heard

(g) To establish a system of conciliation whereby civil controversies may be submitted by consent of the parties to a magistrate of the court for informal hearing and decision without entry of judgment

(h) To establish a system of arbitration and the procedure thereof

(i) To provide for a board of review consisting of the President and Vice-President magistrates to which appeals may be taken on condition that the decision of the said board of review shall be final

(j) To prescribe the rules and regulations with reference to the keeping and preservation of the records documents and papers pertaining to the business of the court and by resolution to direct the clerk of the court to destroy any records deposited or filed in his office which may be considered no longer necessary provided however that records and papers less than six years old shall not be destroyed

(k) To establish rules authorizing the taking of testimony by deposition of witnesses residing out of the county or state or who by reason of age sickness or other infirmity are unable to attend the trial or hearing or whose presence cannot be reasonably had and to authorize the taking of such testimony in such manner not inconsistent with the laws of this state as the court shall deem proper

It is the spirit and intent of this article to require the said municipal court to dispose of the business of the said court with dispatch having due regard for the convenience and interests of all parties in litigation in said court in the matter of place and time of hearing and to secure this result adequate provision shall be made for evening sessions and for such other times of hearing as will not unduly interfere with the normal times and periods of occupation of litigants and witnesses For this purpose provision shall be made and appropriate classification of cases and divisions of the court Among other divisions there shall be small claims courts where litigation in civil matters not exceeding fifty dollars shall be promptly heard and disposed of without unnecessary formality and where rules of procedure and evidence may be reduced to the simplest and most direct methods possible and cases shall be heard and disposed of at the least possible cost Where the right of appeal may be limited and restricted so far as the same may be done within constitutional limitations so that justice may be promptly and expeditiously accomplished and litigation may not be unduly protracted

Section 1705 To insure the accomplishment of the purposes of its creation the following requirements are mandatory upon the magistrates of the municipal court and it shall be the duty of each magistrate of the court to see that the same are fully carried out not only in the letter but in the spirit of the following provisions

(a) The court shall be open at all reasonable times for the transaction of business and provision shall be made so that the remedies which may be afforded by this court shall be available to all persons at all times and for this purpose shall have a central office and be furnished telephone facilities by the consolidated city The said office shall be open at all times of the day and night with which communication may be established by any person and appropriate relief and messenger service may be afforded without delay Upon the arrest of any person by any police officer or peace officer of the consolidated city for any criminal offense whatsoever or for the violation of any ordinance of the consolidated city or of any municipal division thereof the said defendant upon request if a bailable offense shall be admitted to bail forthwith and in the meantime it shall be the duty of the central office of the municipal court upon request of said defendant to communicate by telephone messenger service or in any practicable manner with any reasonable number of persons within the consolidated city as may be requested by the defendant

(b) A system of rotation of judges shall be provided by which provision shall be made that no judge shall hold court continuously in the same place for more than three months except that judges specially assigned to hear traffic complaints and matters of moral conduct may hold court continuously in the same place for not more than two years

(c) A geographical distribution of the places of holding court shall be made throughout the consolidated city which shall give consideration to the amount of business to transact and the convenience of litigants Cases shall be heard at the location most convenient to the litigants and in the event that this works a hardship on the defendant then at the location most convenient to the defendant These matters shall be covered by appropriate and definite rules which rules shall provide among other things that when in the opinion of the magistrate before whom a proceeding has been instituted that the spirit and purpose of this subparagraph would be most properly met by the removal of a case to another municipal court within the consolidated city then said magistrate in his discretion shall forthwith make an appropriate order removing the record to such other court

(d) The cases shall be heard and disposed of as promptly as the circumstances will permit and wherever possible the magistrate hearing the case shall make a decision at the conclusion of the hearing and in all other cases within one week thereafter

Section 1706 The president magistrate in addition to all other powers as presiding judge of the said municipal court shall exercise general supervision over the business of the court and have such other powers as may be from time to time conferred upon him by resolution of the board of magistrates He shall preside at the central court and he shall have the power and duty of assigning the magistrates to the different sections or districts of the consolidated city where places may be provided for the holding of court and shall have power to reassign the said magistrates It shall be his power and duty to divide the consolidated city into districts comprising not more than fifty thousand inhabitants and shall make adequate

provision for the holding of court in each of said districts in accordance with the purpose and intent of this article and to rearrange said districts and to change the boundaries thereof from time to time in his discretion as will facilitate the prompt and expeditious handling of the business of the court He may transfer cases for hearing from one court to another court for the convenience of the parties or for other proper cause

Section 1707 The two vice-president magistrates of the said municipal court shall hold their commissions in the order of their appointment and shall in said order exercise the duties and powers of the president magistrate in case of his absence or inability to serve

Section 1708 The magistrates of this court shall constitute a board of magistrates and shall discharge the functions thereof A majority of all the members of said board shall constitute a quorum The board shall have the power to appoint and remove the secretary of the board who shall be the clerk of the municipal court and all bailiffs and other employes of the court subject to the provisions of Article XIV

Section 1709 The salaries of all employes of said municipal court shall be fixed from time to time by the board of commissioners of the consolidated city who shall provide for a secretary of the board and for at least one clerk and one bailiff for each magistrate thereof and for such other additional employes as may be recommended by the board of magistrates from time to time subject to the approval of the board of commissioners It shall be the duty of the board of commissioners to provide the necessary quarters for the holding of court and shall provide not less than one courtroom for each district together with the necessary furnishings and facilities at such locations as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall pay all the necessary costs of furnishing maintenance and use of the said quarters as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners The said board of commissioners shall also make the necessary provisions for a central office and telephone service of said court the said central office to be within the City of Pittsburgh together with such necessary furnishings and facilities for the same as may be recommended from time to time by the said board of magistrates or the president magistrate thereof and approved by the board of commissioners and shall make provision for the employment of such messengers clerks and other persons as may be so recommended from time to time

Section 1710 The municipal court shall have a seal for the use of said court which shall contain the words "Municipal Court City of Metropolitan Pittsburgh Seal" which seal shall be affixed to all writs of summons transcripts and other official papers certificates or documents issued by or under the direction of the said court The seal of the court shall be in the custody of the court or deputy clerks specifically so authorized by the board of magistrates of the said court. The court may provide for the keeping of a seal at each place designated by it for the holding of court

Section 1711 The municipal court is empowered to issue writs of subpoena and writs of subpoena duces tecum under its official seal and under such rules as may be prescribed by the board of magistrates into any part of the consolidated city and into any county of this state to summon and bring before the court any person to give testimony or to produce any paper document or writing in any cause or matter pending before it under such penalties as may be provided by law from time to time in similar cases but no subpoena shall issue to summon a witness from any other county of the state except after an order made by a magistrate of said court upon cause shown

Section 1712 Service of a writ and copies of plaintiff's statement or defendant's answer statement of set-off or counterclaim when such answers or statements are required under the rules of the said court shall be made in the same manner as is now provided by law for the service of writs statements of claims answers or statements of set-off or counterclaim as the case may be and may be made by a bailiff for the said court or by the sheriff or by such other persons as may be authorized thereto by the rules of said court provided however that in proper cases as may be prescribed from time to time by rules of court service of the writ and copies of the plaintiff's statement of claim in such cases may be made by registered mail to the last known place of residence of the defendant

Section 1713 Bailiffs shall be appointed and removed by the board of magistrates of the municipal court No person shall be appointed bailiff who is not of good moral character or who has been convicted of any crime The said board of magistrates shall from time to time recommend to the board of commissioners the number of bailiffs required to properly carry on the business of the said court The bailiffs in addition to the salary hitherto required to be fixed and paid by the board of commissioners shall receive such expenses rendered in connection with the specific services as may be recommended from time to time by the board of magistrates of said court and approved by the board of commissioners The bailiff shall have and exercise all the powers now conferred by law upon constables and in addition such duties as may be imposed upon them from time to time by the board of magistrates Traveling expenses properly incurred by the bailiffs in connection with their duties shall be paid to them by the clerk of the said court upon receipt thereof from the litigant properly required to pay the same

Section 1714 The expenses fees and costs to be charged by and paid to the court in connection with the issuance and service of writs the making of entries in the court records and other services properly charged for by law shall be fixed by the board of magistrates of said court provided however that the same shall be substantially less than the charge for the corresponding expense fee writ entry or service in the courts of common pleas and quarter sessions of Allegheny County and the same with all witness fees which shall also be fixed by the said board of magistrates shall follow the judgment in civil cases but the court may in any case make such order as to the payment of costs fees and expenses either by the plaintiff or by the defendant or by both as may in the judgment of the court be fair and equitable No costs shall be required to be deposited or secured in advance except in the case of nonresident plaintiffs in such manner as may be provided from time to time by the rules of said court All fees and costs in civil matters where the amount in controversy does not exceed fifty dollars shall be fixed at a minimum and shall not exceed one dollar exclusive of witness fees

Section 1715 The magistrates of said court shall have the power to administer oaths or affirmations or to commit persons for contempt of court Any clerk of said court shall be empowered to administer oaths or affirmations and shall under the rules of court have the right and duty to do all things helpful to the conduct of the business of the court other than the actual hearing of cases

Section 1716 A record shall be kept of all moneys and fees paid into the said court and the same shall be promptly paid over to the Treasurer of the consolidated city at such times as may be required and prescribed by the director of finance of the consolidated city At the time of paying over money to the consolidated city the clerk of courts shall also transmit a proper report thereon to the treasurer of the consolidated city and file a duplicate thereof with the controller The board of commissioners is hereby authorized and empowered to fix the amount of bond to be given by the bailiffs officers and employes of the court All salaries expenses and costs incurred in the conduct of business of said municipal court or provided for herein shall be paid out of the treasury of the consolidated city as in this charter provided for other expenses of the consolidated city provided however that the salaries of the magistrates of the said court shall be paid by the state

Section 1717 The municipal court may issue the following writs of execution writs of fieri facias capias ad satisfaciendum or attachment execution upon its money judgments and writs de retorno habendo in replevin as pro-

vided by laws relating to the enforcement of judgments of the court of common pleas These writs shall be executed by the bailiffs of the said municipal court or by the sheriff and the practice in the execution of writs of fieri facias capias ad satisfaciendum and de retorno habendo shall be the same as is provided by law in similar cases in the court of common pleas except that such writs shall be returnable as the municipal court may by rule prescribe In writs of attachment execution the practice shall be the same as in cases of corresponding civil suits in the municipal court subject to such special rules as the court may from time to time prescribe No writ of fieri facias or attachment execution issuing out of the municipal court shall in any manner operate as a lien on or be used for the sale of real estate provided however that all writs as aforesaid shall be stayed when an appeal has been taken to the county court or perfected as hereinafter provided

Section 1718 At any time after twenty days from the date of the final judgment of the municipal court and in the event that no appeal has been taken to the county court the party to whom such judgment is awarded shall be entitled to file in the office of the prothonotary of the court of common pleas a transcript of the docket of the municipal court showing the judgment so entered which judgment shall be entered on the judgment index of the said court and from the date of such entry shall be a lien upon the real estate of the party against whom judgment has been rendered as aforesaid and thereupon the judgment creditor shall be entitled to preserve and continue the lien of or enforce said judgment by execution or other process in the same manner and to the same extent as though it had originally been entered in the office of the prothonotary

Section 1719 Judgments may be confessed against any person firm or corporation so authorizing the same in cases permitted under the laws of this State for the confession of judgments in the court of common pleas thereof and the municipal court shall from time to time prescribe such rules not inconsistent with this charter or with the laws of the state governing proceedings for the confession of judgment as aforesaid

Section 1720 Appeals may be taken from the municipal court to the county court of Allegheny County within twenty days after final judgment or order in all cases in which said county court may now or hereafter be given jurisdiction In all other cases appeals may be taken to the courts of quarter sessions and oyer and terminer of the county and in all cases in which the magistrates aldermen and justices of the peace shall act as committing magistrates the practice shall be as heretofore or hereafter provided by the laws of the state in connection with proceedings involving actions of persons sitting as committing magistrates

Section 1721 The county court of Allegheny County shall have the right to adopt and amend rules relating to appeals to it from the said municipal court which shall include the right to fix and prescribe all of the conditions relating to the taking and the effecting of said appeals including the manner of the giving of or dispensing with bond either for debt interests and costs or for costs only and the said county court shall have the right subject only to constitutional limitations to impose such restrictions and limitations upon the right of appeal in cases involving claims not exceeding fifty dollars as it may by its rules fix and prescribe to the end that the matters in controversy may be promptly and finally disposed of without undue or protracted litigation

Section 1722 The courts of quarter sessions and oyer and terminer of the county shall have the right to adopt and amend rules relating to the appeals to such courts from the municipal court which shall include the acts of the said magistrates of the said municipal court sitting as committing magistrates and the said court of quarter sessions and oyer and terminer may fix and prescribe such conditions relating thereto and to the taking and perfecting of the said appeals including the matter of giving or dispensing of bond payment of costs or the securing thereof as it may deem advisable

Section 1723 Nothing herein contained shall be taken to reduce diminish or alter the existing jurisdiction powers and duties of the mayors or chief executive officers of cities or of the burgesses of the boroughs within the limits of the consolidated city

Section 1724 From and after the adoption of this charter as herein provided no justice of the peace alderman or constable shall be elected to office but the justices of the peace aldermen and constables in office at the date of the adoption of this charter shall continue in office until the expiration of their respective terms of office and the justices of the peace aldermen and constables whose terms of office expire prior to the effective date of this charter shall continue in office until the municipal court begins to exercise its powers and duties as provided in section sixteen hundred two hereof

Section 1725 In case of any change in the laws of the state relating to courts of record generally the same shall if appropriate be taken and construed to be applicable to the municipal court as constituted in this article provided however that no such change in the laws shall be taken to affect the said municipal court insofar as the same may be construed to reduce the jurisdiction or powers thereof Any law reducing the jurisdiction or powers of the municipal court shall be effective only if passed as an amendment to this charter pursuant to the provisions of section four of Article XV of the constitution and approved by the electors of the consolidated city in the manner and form provided in said constitution for amendments to this charter which affect the government of the consolidated city as a whole It being the purpose and intent of this article that the jurisdiction powers and functioning of the municipal court as herein constituted shall be deemed and considered to be an essential part of the government of the consolidated city and that no change diminishing the jurisdiction or powers of the same may be effected without the approval thereof by the electors of the consolidated city

Section 1726 If at any hearing before a magistrate not learned in the law any question of law vitally affecting the case shall arise said magistrate may continue the hearing and certify the said question of law to the president magistrate who shall promptly decide the same and certify to said magistrate the decision thereon

Section 1727 Any person who shall attempt to influence the rulings decisions or judgments of any magistrate by any means except the strength of evidence produced at a hearing or the arguments of himself or his counsel during any hearing in open court shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than One Thousand Dollars or imprisonment for not more than one year or both in the discretion of the Court

ARTICLE XVIII

MUNICIPAL DIVISIONS

Section 1801 Whenever two or more municipal divisions shall be adjacent contiguous and of compact territory they may be consolidated into one municipal division in the following manner the governing body of each municipal division concerned may of its own initiative or within sixty days after petition in writing signed by at least twenty percent of the qualified electors of any such municipal division shall enter into a joint agreement under the corporate seal of each municipal division respectively for the consolidation thereof into one municipal division The joint agreement shall set forth the name of the new municipal division the class of municipality which it shall henceforth be and the territorial boundaries thereof It may also set forth such terms as may have been agreed upon for the disposition of the assets of each of the municipal divisions and for the liquidation of the indebtedness of the same either jointly or separately or in certain defined proportions and the adjusting and paying of the same by an equitable method of taxation

The question of the consolidation of such municipal divisions shall be submitted to the vote of the qualified electors of each of said municipal divisions at a special election to be held on the day designated in the joint agreement provided however that no special election shall

be held less than ninety days after the execution of said agreement provided however that if a general or municipal election shall be held within the period of six months after the execution of such agreement then the election upon the question of consolidation shall be held on the day fixed for the holding of such general or municipal election The election shall be held by the regular election officers and in accordance with the provisions of the laws governing general or special elections as the case may be

The election shall be by ballot upon which shall be marked "proposed consolidation of the municipal divisions of .... and ..... to form a single municipal division under the name of ....." and below shall be printed the words "for consolidation" and "against consolidation" and the elector shall designate with an X his desire to vote for or against such consolidation If the majority of votes cast at such election in each of said municipal divisions each voting separately is in favor of the consolidation the result of such election shall be certified by the respective board or return judges to the board of commissioners of the consolidated city and the said board of commissioners shall forthwith cause certification of the result to be made to the governing bodies of the municipal divisions concerned and to the secretary of the commonwealth

The said joint agreement for consolidation into one municipal division or a certified copy thereof with all its endorsements shall forthwith be filed in the office of the secretary of the commonwealth Upon the filing thereof and receipt of the said certification by the secretary of the commonwealth the governor shall cause letters patent to be issued under the great seal of the commonwealth consolidating the municipal divisions into a single municipal division under the name set forth in the joint agreement A copy of such agreement duly certified by the secretary of the commonwealth under the seal of his office shall be the evidence of the existence of the new municipal division with all the rights conferred by the laws of the state and by this charter and a copy of those shall be recorded into recorder's office of the consolidated city The proper officers of the new municipality upon their election or appointment as the case shall be shall forthwith cause to be recorded in the office of the recorder of deeds the said letters patent together with the original agreement for consolidation or a certified copy thereof

All costs and expenses incurred in such consolidation or proposed consolidation except those incurred in any general or municipal election in which the question of consolidation is submitted shall be paid by the consolidated municipal division if such consolidation takes place and if not such costs and expenses shall be paid in equitable shares by each of the municipal divisions proposing such consolidation so may be determined by the board of commissioners of the consolidated city

Section 1802 Upon the issuance of letters patent the several municipal divisions shall be a municipal division under the name provided in the agreement The ordinances in force in each of such municipal divisions at the time of such consolidation shall continue in force throughout the territory through which they were originally enacted until altered or repealed by the governing body of the consolidated municipal division All rights privileges and franchises of each of the municipal divisions and all the property real personal and mixed and all debts due on whatever account and other things in action belonging to each of such municipal divisions shall be vested in the new municipal division The title to real estate vested in any of such municipal divisions shall not revert or be in any way impaired by reason of such consolidation All rights of creditors and liens shall be preserved and all debts liabilities and duties of any of such municipal divisions shall attach to the new municipal division and be in force against it All rights privileges and immunities conferred upon any or all of said municipal divisions prior to consolidation by virtue of this charter or by the laws of the state shall continue in force for the benefit of the new municipal division and be vested therein

In the event that a portion of a municipal division desires to be consolidated with one or more municipal divisions the same may be affected upon the same terms and conditions as are herein set forth for the consolidation of two or more municipal divisions provided however that the provisions relating to the petition of qualified electors referred to in section one thousand eight hundred one shall be deemed to be complied with in the case of a portion of a municipal division if said petition is in writing signed by at least twenty percent of the qualified electors of said portion of a municipal division It is the intent and meaning hereof that no portion of a municipal division shall become consolidated with another municipal division unless the electors of the entire muncipal division of which said portion is a part shall vote in the affirmative at the election referred to in this article This article shall not be construed to effect or apply to any consolidation proceeding duly commenced prior to the effective date of this charter

Section 1803 The governing body of any municipal division may propose to the board of commissioners of the consolidated city to surrender one or more of the powers of said municipal division to the consolidated city The board of commissioners of the consolidated city may accept or reject such a proposal In accepting any such proposal the board of commissioners must attach to its acceptance such conditions as may be prescribed in this charter and may attach other conditions in its discretion If the proposal be accepted the board of commissioners shall submit to the electors of the municipal division affected at the next general or municipal election the question of their approval of the surrender of such municipal power upon the conditions if any prescribed by the board of commissioners If a majority of the qualified electors of such municipal division voting thereon shall vote on such question in the affirmative the said power or powers shall be deemed to be surrendered to the consolidated city upon the conditions embodied in such question

In the event that the governing body of any municipal division as aforesaid may propose to the board of commissioners of the consolidated city to surrender the power and duties of the said municipal division with respect to the collection of taxes within the limits of the same and for the collection of said taxes by the treasurer of the consolidated city it shall be the duty of the board of commissioners to accept such proposal provided however that in accepting such proposal the board of commissioners of the consolidated city may attach to its acceptance such provisions for said service including a reasonable charge for the same not to exceed two percent of the gross amount of moneys collected as the board of commissioners may in its discretion deem advisable provided further that said provisions may include compensation for said collection at the cost of same plus not exceeding ten percent of said cost the said cost of collection to be determined by the director of finance yearly The board of commissioners shall submit to the electors of the municipal division concerned at the next municipal election the question of the approval of the surrender of such power upon the conditions which the board of commissioners has attached thereto If a majority of the qualified electors of the municipal division concerned voting thereon shall vote in favor of such question of a centralized tax collection the said power shall be deemed surrendered to the consolidated city upon the conditions embodied in such question provided however that unless the tax collector of said municipal division in office at the time of the adoption by the electors of such method of centralized tax collection shall assent thereto the surrender of said power to the consolidated city shall not be effective until the expiration of the term for which said tax collector has been elected

Section 1804 There are hereby reserved to each of the municipal divisions of the consolidated city all the properties powers rights capacities and duties of cities boroughs and townships of their respective forms and classes which have not by this charter been granted to the consolidated city together with the substantial powers expressly reserved to the cities boroughs and townships situated in Allegheny County as provided in section four of Article XV of the constitution of the state

ARTICLE XIX

ADOPTION AND AMENDMENT

Section 1901 This charter shall become effective upon adoption by the electors of Allegheny County in the manner and form provided by Article XV section four of the constitution of the state that is to say if a majority of the electors voting thereon in the county of Allegheny as a whole and at least a majority of the electors voting thereon in each of a majority of the then existing municipal divisions comprising the cities boroughs and townships of the County of Allegheny vote in the affirmative on the submission of this charter as hereinafter provided

Section 1902 The question hereinafter set forth shall be submitted to the electors of Allegheny County at a special election on the sixth day of August one thousand nine hundred thirty-five and it shall be the duty of the county commissioners of Allegheny County and all other officers having to do with elections in said county to hold and conduct such election and to count the ballots and declare the results thereof in accordance with the laws of the state

Section 1903 At the election herein provided there shall be printed on the ballot together with such other matter as may be required by law the following question "Are you in favor of the charter for the consolidated city of Metropolitan Pittsburgh submitted to the electors of the County of Allegheny pursuant to the act of the General Assembly of the Commonwealth of Pennsylvania known as the Metropolitan Charter for the County of Allegheny Yes No"

Section 1904 If rejected the said charter may be resubmitted by the county commissioners to the electors from time to time but not oftener than once in two years until adopted Until a charter shall have been adopted as aforesaid the general assembly shall have the power to amend or modify said charter in which event the charter as amended or modified shall be submitted and resubmitted as aforesaid

Section 1905 After a charter has been adopted as aforesaid it may be amended as follows

In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the general assembly provided however that any amendment which changes or modifies the form of government of the consolidated city or the number of or the manner of election of the commissioners thereof shall not be effective until such amendment shall have been adopted by a majority of the electors of the consolidated city voting thereon at a general or special election thereof to be provided for in said amendment

Provided further that in the event that any amendment changes or modifies the manner of election of the commissioners of the consolidated city by changing the manner of election from districts to election from the consolidated city at large then such amendment shall not be effective until the same shall have been ratified by a majority of the electors of the consolidated city as a whole and at least a majority of the electors voting thereon in each of the six districts as specified in Article V section six of this charter

In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city such amendment enacted by the general assembly shall not be effective until it shall have been ratified at a general or special election to be provided for in said amendment by a majority of the electors voting thereon in all of the municipal divisions affected thereby and by a majority of the electors voting thereon in each of a majority of the said municipal divisions so affected

ARTICLE XX

MISCELLANEOUS PROVISIONS AND SCHEDULE

Section 2001 The districts of which the several members of the board of commissioners must be respectively residents as provided in Article III of this charter shall be constituted as specified in Article V section five hundred six of this charter

Section 2002 The articles of this charter the sections thereof and the parts thereof are severable and in the event of any provision hereof being declared unconstitutional it is hereby declared as the legislative intent that such unconstitutional provision shall not affect the validity of the other provisions of this charter

Section 2003 In order to carry the foregoing charter into complete operation the following schedule is adopted

(a) The first board of commissioners as provided for in Article III and the sections thereof shall take office on the first day of January following the adoption of this charter

(b) All constitutional and other elected officers of the County of Allegheny including justices of the peace aldermen and constables in office on the effective date of this charter shall continue in office until the end of their respective terms

(c) Magistrates including morals court and traffic court magistrates in the city of the second class of the County of Allegheny in office on the thirty-first day of December of any year in which this charter shall have been adopted shall continue in office until the date the Municipal Court begins to exercise its powers and duties as provided in Article XVII Section 1702

(d) The offices of justices of the peace aldermen and constables as heretofore provided in the County of Allegheny are abolished to take effect upon the expiration of their terms of office except as otherwise provided in Article XVII Section 1725 of this charter

Section 2004 From and after the adoption of this charter no election shall be held in the county of Allegheny for the offices of prothonotary of the court of common pleas clerk of the court of quarter sessions clerk of court of oyer and terminer the two elected jury commissioners of said county register of wills clerk of orphans' court recorder of deeds or treasurer and the election of the first board of commissioners shall be in the manner provided in article three hereof

Section 2005 The sinking fund commission of the consolidated city shall consist of the board of commissioners the controller the public administrator and the director of finance The said sinking fund commission shall have all the rights and exercise all the powers and duties heretofore vested in the sinking fund commission of the county of Allegheny

Section 2006 From and after the effective date of this charter the salary board of the county of Allegheny is hereby abolished

Section 2007 From and after the effective date of this charter the offices of inspector of weights and measures of the cities within the county of Allegheny are hereby abolished and the inspector of weights and measures of the consolidated city shall assume and exercise the powers and duties of said inspectors

Section 2008 All acts and parts of acts whether general special or local relating to the subject matter of this charter are hereby repealed insofar as the same are inconsistent therewith

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Aron,	Harvey,	Miller,	Roberts,
Batchelor,	Homsher,	Norton,	Rodgers,
Baumer,	Howell,	Owlett,	Rupp,
Bean,	Huffman,	Pierson,	Shapiro,
Buckman,	Hunsicker,	Pytko,	Sones,
Chapman,	Kahle,	Rankin,	Sordoni,
Clark,	Lanius,	Reed,	Staudenmeier,
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Gelder,	McClure,	(Washington)	Trainer,
Graff,	McCreesh,	Rice,	Woodward,
Harris,			

NAYS—5

Cavalcante,	McGinnis,	Prince,	Thompson,
Frey,			(Centre)

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1089 (House Bill No. 2054), as follows:

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (Pamphlet Laws twenty-seven) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase of condemnation the necessary land therefor" be and the same are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever in the construction widening or relocation of any State or county road highway bridge or tunnel or of any part thereof it becomes necessary in the opinion of the Secretary of Highways or of the county commissioners to occupy the whole or any part of the right of way of any public service company the State Department of Highways or the county commissioners as the case may be may enter upon and occupy the whole or any part of such right of way for the purpose of such road highway bridge or tunnel or part thereof Provided That before such right of way or any part thereof is so occupied in the case of State highways either the Department of Highways or the county [commissioners as the case may be] accordingly as the one or the other may be responsible for property damages under the provisions of present or future laws governing the payment of damages for property condemned for highway purposes or in the case of county highways the county commissioners shall at the expense of the State or county provide a substitute right of way on another and favorable location and shall provide for the transfer to or reconstruction upon in under or above said substitute right of way of any structures and facilities of said public service company located upon in under or above said original right of way at the time the same is so occupied The Department of Highways or the county commissioners of any county are hereby authorized to acquire [the] by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes any necessary land or right of way for the relocation of any such public service right of way and facilities [by purchase or by the exercise of the right of eminent domain in the same manner that property is now taken and condemned for highway and road purposes] Provided however That the right of way of a railroad company shall not be acquired or occupied under this act without the consent of the company owning or operating or in possession of said railroad

Section 2 That section two of the said act is hereby amended to read as follows

Section 2 [All acts and parts of acts inconsistent herewith are hereby repealed] The authority given by this act to the Secretary of Highways and the county commissioners shall be in addition to and not in derogation of any powers possessed by them under the provisions of other laws

Section 3 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 659, entitled:

An Act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 434), entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendant and attachment execution or in the nature of attachment execution against trusts, including those commonly known as spendthrift trusts, no matter when such trusts were created in cases where an order, award or decree has been made against a husband for the support of his wife or children or both, making such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order, judgment or decree is paid in full with costs, and abolishing the benefit of the exemption law in such cases," by making such support orders, decrees and judgments liens against the real property of the husband

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McGinnis,	Rice,	Woodward,
Graff,	McCreesh,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 1309, entitled:

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction reconstruction or maintenance of such bridges and approaches thereto and making an appropriation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. NORTON. Mr. President, I ask unanimous consent that Senate Bill No. 1315, on third reading, entitled:

An Act to amend sections three hundred and forty-one three hundred and forty-two, and three hundred and forty-three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by defining and amplifying the rights of foreign insurance companies over real property within this Commonwealth, and by validating certain titles thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1354, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking game fish and changing the season and creel limits.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1416, entitled:

An Act to amend section two hundred and six of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson
Ealy,	Mallery,	Reed	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1511, entitled:

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh Pennsylvania.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 550 (House Bill No. 337), entitled:

An Act to amend section one hundred and forty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (Pamphlet Laws three hundred eighty-two) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions of said act to fixtures hunting lodges cabins cottages and barns

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 685 (House Bill No. 1247), entitled:

An Act to amend section eighteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" changing the method of service of writs on persons who are without the Commonwealth and providing for the effect of a return nihil habet on persons named in such writs or added thereto when such persons cannot be located

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. REED (Dauphin). Mr. President, I move that the question together with the further consideration of Senate Bill No. 685 (House Bill No. 1247), be postponed for the present.

Mf. GRAFF. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 921 (House Bill No. 1724), entitled:

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (P. L. 224) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1061 (House Bill No. 1090), entitled:

An Act relating to search warrants regulating their issuance execution and return prescribing the powers and duties of pustices of the peace aldermen and magistrates issuing them and of officers executing them inflicting penalties for procuring unlawfully executing and unlawfully resisting the execution of a search warrant

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution:

VERIFICATION OF THE ROLL

Mr. McGINNIS. Mr. President, I ask for a verification of the roll.

Whereupon the roll was verified and was as follows:

YEAS—14

Aron,	Howell,	McGinnis,	Reed,
Baumer,	Hunsicker,	Owlett,	(Dauphin)
Coyne,	Mallery,	Pierson,	Staudenmeier,
Gelder,	McClure,		Trainer,

NAYS—30

Batchelor,	Graff,	McCreesh,	Rice,
Bean,	Harris,	Miller,	Roberts,
Buckman,	Harvey,	Norton,	Rodgers,
Cavalcante,	Homsher,	Prince,	Rupp,
Chapman,	Huffman,	Pytko,	Shapiro,
Clark,	Kahle,	Rankin,	Sones,
Ealy,	Lanius,	Reed,	Thompson,
Frey,	Law,	(Washington)	(Westmoreland)

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 1110 (House Bill No. 2236), on third reading, entitled:

An Act for the protection of the public and the prevention of fraud by prohibiting any person individually or in association or partnership with another person or persons to practice as an accountant auditor certified public accountant or public accountant under a false assumed fictitious or trade name prohibiting any corporation organized or registered after the effective date of this act from engaging in the practice as such and fixing the time when such practice by existing corporations shall entirely cease in this Commonwealth and providing penalties

be recommitted to the Committee on Corporations for a hearing.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, I object to this bill being recommitted. It is on the floor now, and I think it ought to be voted down or passed.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, twenty-two Senators voted in the affirmative and fifteen in the negative, whereupon the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1149 (House Bill No. 1683), as follows:

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred ninety-seven) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" is hereby amended to read as follows

Section 6 The provisions of the preceding section shall not apply to constables sheriffs prison or jail wardens or their deputies policemen of the Commonwealth or its political subdivisions or other law-enforcement officers or

to members of the army navy or marine corps of the United States or of the national guard or organized reserves when on duty or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this Commonwealth or any organization incorporated under the laws of this Commonwealth engaged in target shooting with rifle pistol or revolver provided such members are at or are going to or from their places of assembly or target practice or to officers or employes of the United States duly authorized to carry a concealed firearm or to agents messenger and other employes of common carriers banks or business firms whose duties require them to protect moneys valuables and other property in the discharge of such duties from carrying any such firearm while actually engaged in such duties or to any person engaged in the business of manufacturing repairing or dealing in firearms or the agent or representative of any such person having in his possession using or carrying a firearm in the usual or ordinary course of such business or to any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another or to persons licensed to hunt or fish in this Commonwealth provided that such persons are actually hunting or fishing or are going to the places where they desire to hunt or fish or returning from such places or to persons training dogs Provided That such persons are actually training dogs during the regular training season or are going to or from their training grounds during the regular training season Provided however That before any such exemption shall be granted to any person licensed to hunt or fish or who desires to train dogs such person shall at the time of securing his hunting or fishing license or any time after any such license has issued register with the county treasurer the make of the firearm he desires to carry and the calibre and number thereof on a blank to be furnished by the Secretary of the Commonwealth The original registration shall be delivered to the person registering such firearm and a copy thereof shall be forwarded by the county treasurer to the Secretary of the Commonwealth The county treasurer shall be entitled to collect a fee of fifteen cents for each such registration of a firearm The registration of a firearm as herein provided shall be good only for the year for which the hunting or fishing in connection with which it is granted is issued

Any such registration of a firearm may be revoked by the county treasurer issuing the same upon written notice to the holder thereof and any person aggrieved by the action of a county treasurer in revoking such registration may appeal from such action in the manner provided by section twelve of this act

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Aron,	Harris,	Miller,	Roberts,
Batchelor,	Harvey,	Norton,	Rodgers,
Baumer,	Homsher,	Owlett,	Rupp,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Kunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1249 (House Bill No. 473), as follows:

An Act to amend paragraphs one two and three of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common please of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect to investments of trust funds by fiduciaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows' and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the

audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred seventeen) is hereby further amended to read as follows

Section 41 (a) Legal Investments for Fiduciaries [When a fiduciary shall have in his hands any moneys the principal or capital whereof is to remain for a time in his possession or under his control and the interest profits or income whereof are to be paid away or to accumulate or when the income of real estate shall be more than sufficient for the purpose of the trust such fiduciary may invest such moneys in the stock or public debt of the United States or in the public debt of this Commonwealth or in bonds or certificates of debt constituting the direct and general obligation of any of the counties cities boroughs townships school districts or poor districts of this Commonwealth or in first mortagages on real estate in this Commonwealth securing bonds or other obligations not exceeding in amount two-thirds of the fair value of such real estate or in ground rents in this Commonwealth or in bonds payable not more than twenty years after date of one or more individuals secured by a deed or deeds of unencumbered real estate in this Commonwealth conveyed to a corporation organized under the laws of this Commonwealth and authorized to act as trustee in trust for the benefit of all such bondholders but the total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing it and the trustee shall not be exempted by contract or otherwise from responsibility for performing the ordinary duties of trustees or in trust certificates issued by a trust company organized under the laws of this Commonwealth certifying that the holders thereof are respectively the owners of undivided interests in deposits with such trust company of securities in which trust funds may be invested under the preceding provisions of this clause Provided That nothing herein contained shall authorize any fiduciary to make any investment contrary to the directions contained in the will of the decedent in regard to the investment of such moneys

[It shall be the duty of any trustee of any property securing any investment which may be made hereunder at any time upon demand to disclose to any bondholder or certificate holder and to the representative of any public agency authorized by law to examine the affairs of the trustee any information which may be requested regarding any of the trust property in its possession

[Within the meaning of this clause the "fair value" of real estate shall be the value placed thereon in writing by a reputable person who shall be especially familiar with real estate values shall have actually inspected the real estate before making his valuation and shall certify that his valuation was made after inspection of the premises]

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Sub-section (1) UNITED STATES OBLIGATIONS Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Sub-Section (2) PENNSYLVANIA OBLIGATIONS Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Sub-Section (3) LOCAL GOVERNMENT OBLIGATIONS Bonds or other interest-bearing obligations of any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision is pledged provided that at the date of the investment in such bonds or other interest-bearing obligations such political subdivision is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Sub-Section (4) MORTGAGES Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or it shall be amortized in installments totaling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assessed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The face amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Sub-Section (5) GROUND RENTS Ground rents secured upon unencumbered improved real estate situated within this Commonwealth provided that the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Sub-Section (6) REAL ESTATE BONDS Bonds of one or more individuals or corporations secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estate so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the date of any renewal or extension thereof such in-

vestment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment if such mortgage bonds by such fiduciary provided that such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two-thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (7) FRACTIONAL INTERESTS Fractional undivided interests in any investment in which a fiduciary is authorized by this section to invest trust funds or in a pool or fund of such investments established and being maintained by any trust company or bank and trust company in its trust department as may be provided by law such fractional interests being apportioned among estates of which the person or corporation creating such fractional undivided interests is the fiduciary

In the case of an investment in a fractional interest in a mortgage or in a pool or fund containing mortgages if the date of such investment is subsequent to the original date of such mortgage or of any mortgage contained in any such pool or fund or to the date of any renewal or extension of such mortgage or of any mortgage contained in any such pool or fund such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value at the date of such investment of the real estate subject to such mortgage or to any moregage contained in any such pool or fund provided that such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the bonds or other obligations secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary

Sub-Section (8) RAILROAD OBLIGATIONS Railroad obligations subject to the following provisions

(a) As used in this sub-section the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-guage railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for any of such fiscal years ending during the period from December thirty-first one thousand nine hundred and thirty to December thirty-first one thousand nine hundred and thirty-five inclusive and shall have been not less than one and one-half times its fixed charges for any such fiscal year ending after December thirty-first one thousand nine hundred and thirty-five

(b) As used in this sub-section the words "railroad obligations" shall include and mean obligations which meet the following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on the total length of the railroad lines a part of which shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding United States Census The railroad lines covered by the mortgage shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien then the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual

or semiannual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this sub-section The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged bonds and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this sub-section

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges Fixed charges shall be rent for leased roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Sub-Section (9) OBLIGATIONS OF GAS WATER AND ELECTRICAL COMPANIES The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from any individual partnership unincorporated association or other corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporation shall be derived from such business or businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any State or Commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included provided that all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mort-

gage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (10) OBLIGATIONS OF TELEPHONE COMPANIES The following obligations of any corporation incorporated under the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any State or Commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period provided such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay the interest thereon

(3) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the average annual interest charges on its outstanding obligations containing an unconditional promise to pay the interest thereon applicable to that period and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year provided that if there has been a public offering of securities since the close of the last fiscal year then the net earnings for such last fiscal year shall have been twice such interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them provided that a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this sub-section where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this sub-section have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this sub-section shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter.

(7) The net earnings of any corporation for the purpose of this sub-section shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals and miscellaneous charges and by adding to such balance its income from

securities and miscellaneous sources but not however to exceed fifteen per centum of such balance provided that if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Sub-Section (11) Mortgages Insured by Federal Housing Administrator Mortgages of one or more individuals or corporations securing bonds or other obligations insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and thirty-seven pursuant to the provisions of Title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four

Sub-Section (12) Debentures Issued by the Federal Housing Administrator and Guaranteed by the United States Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States pursuant to the provisions of Title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four and either purchased by the fiduciary as an investment or accepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator in which the fiduciary may theretofore have invested monies in its hands to be invested

Sub-Section (13) General Provisions

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement by two reputable persons familiar with real estate value in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

Section 2 That paragraphs two and three of clause (a) of section forty-seven of said act are hereby amended to read as follows

(2) [When a fiduciary shall have in his hands any monies as aforesaid he] Investments Under Authority of Court A fiduciary holding monies to be invested as aforesaid may present a petition to the Orphans' Court having jurisdiction of his accounts stating the circumstances of the case and the amount or sum of money which he is desirous of investing whereupon it shall be lawful for the court upon due proof aided if necessary by the report of a master to make an order directing the investment of such moneys in real estate in this Commonwealth other than ground rents or in the bonds or certificates of debt now created or hereafter to be created and issued according to law by any other State of the United States or by any of the counties or cities of such other State at such prices or on such rates of interest and terms of payment respectively as the court shall think fit Provided That no such investment shall be directed unless it shall be the opinion of the court that it will be for the advantage of the estate and no change be made in the course of succession by such investment as regards the heirs or next of kin of the cestui que trust And provided further That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any will in regard to the investment of such moneys

(3) Fiduciaries Exempted from Liability for Loss In case the said moneys shall be invested as set forth in paragraph one of clause (a) of this [clause] section or conformably to the directions of the court under paragraph two of clause (a) of this [clause] section the said fiduciary shall be exempted from all liability for loss on the same in like manner as if such investments had been made in pursuance of directions in the will creating the trust it being hereby declared that the investments mentioned in this section are legal investments of moneys by fiduciaries Provided however That if any such investment shall cease to be a legal investment it shall be the duty of such fiduciary to exercise due care and prudence in the ascertainment of such fact and in the disposition or retention of any such investment thereafter

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Aron,	Harris,	Norton	Rodgers,
Batchelor,	Harvey,	Owlett,	Rupp,
Baumer,	Homsher,	Pierson,	Shapiro,
Bean,	Huffman,	Prince,	Sones,
Buckman,	Hunsicker,	Pytko,	Sordoni,
Cavalcante,	Kahle,	Rankin,	Staudenmeier,
Chapman,	Lanius,	Reed,	Thompson,
Clark,	Mallery,	(Dauphin)	(Centre)
Coyne,	McClure,	Reed,	Thompson,
Ealy,	McCreesh,	(Washington)	(Westmoreland)
Frey,	McGinnis,	Rice,	Trainer,
Gelder,	Miller,	Roberts,	Woodward,
Graff,			

NAYS—2

Howell,	Law,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1446 (House Bill No. 2488), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of

banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorder of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons and by removing the exemption in the case of certain private banks and by further defining the rights powers duties liabilities and immunities of private banks

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McCREESH. Mr. President, I ask unanimous consent to amend section 1, page 6, line 23 by striking out after the word "trust" and before the word "or" the word "company"; amend section 1, page 6, line 23 by inserting after the word "trust" and before the word "or" the word "company"; amend section 1, page 7, line 24 by striking out after the word "hundred" and before the word "thirty-three" the word "and"; amend section 1, page 7, line 28 by striking out after the word "hundred" and before the word "thirty-five" the word "and"; amend section 1, page 9, line 17 by striking out after the word "one" and before the word "nine" the following "thousand"; amend section 1, page 9, line 17 by inserting after the word "one" and before the word "nine" the following "thousand"; amend section 1, page 9, line 17 by striking out after the word "thirty-six" and before the word "sixty" the following "Within"; amend section 1, page 9, line 17 by inserting after the word "thirty-six" and before the word "sixty" the word "Within"; amend section 1, page 12, line 20 by striking out after the word "this" and the bracket the word "article"; amend section 1, page 12, line 20 by inserting after the word "this" and before the bracket the word "act".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1493 (House Bill No. 2173), entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows. viz:

YEAS—47

Aron,	Harris,	Miller,	Rodgers,
Batchelor,	Harvey,	Norton,	Rupp,
Baumer,	Homsher,	Owlett,	Shapiro,
Bean,	Howell,	Pierson,	Sones,
Buckman,	Huffman,	Prince,	Sordoni,
Cavalcante,	Hunsicker,	Pytko,	Staudenmeier,
Chapman,	Kahle,	Rankin,	Thompson,
Clark,	Lanius,	Reed,	(Centre)
Coyne,	Law,	(Dauphin)	Thompson,
Ealy,	Mallery,	Reed,	(Westmoreland)
Frey,	McClure,	(Washington)	Trainer,
Gelder,	McCreesh,	Rice,	Woodward,
Graff,	McGinnis,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 90, as follows:

An Act to amend section two hundred and sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing for the fixing of the salary of the stenographer to the district attorney in counties of the sixth class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred and sixty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" which was amended by the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred one) is hereby further amended to read as follows

Section 262 Stenographers in Fourth Fifth Sixth Seventh and Eighth Class Counties In counties of the fourth and fifth classes the district attorney may employ a stenographer or stenographers whose combined annual salaries in any one of said counties shall not exceed two thousand five hundred dollars ($2,500) Such salaries shall be fixed by the district attorney

In counties of the sixth class the district attorney may employ a stenographer as an assistant in his office at a salary of not more than one thousand five hundred dollars ($1,500) a year Said salary to be fixed by the salary board of the county

In counties of the [sixth] seventh and eighth classes the district attorney may with the consent of the county commissioners employ a stenographer as an assistant in his office at a salary not to exceed seven hundred and fifty dollars ($750.00) per year

The salaries of said stenographers shall be paid by the respective counties in the same manner as other county employes are paid

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 116, as follows:

An Act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" by changing such compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of May (Pamphlet Laws nine hundred ten) entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties other than counties of the first and second class the assessors and assistant or registry assessor performing duties pertaining to the assessment and registration of voters shall receive as full compensation for such duties the sum of [ten cents for each person assessed by them and entered on the registry list but the amount of such compensation to be paid to any assessor or assistant or registry assessor for any assessment period hall not exceed the amount he would receive if he were paid three dollars and fifty cents ($3.50)] five dollars ($5.00) per day for each day actually employed in the performance of such duties In addition to the compensation above provided they shall receive the sum of [three dollars and fifty cents ($3.50)] five dollars ($5.00) per day for the special sittings at the polling places before elections and primaries as provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 117, as follows:

An Act to reenact section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" fixing the compensation of elected county tax assessors in cities of the third class boroughs towns and townships of the second class and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and five of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to any exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" is hereby reenacted as follows

Section 305 Compensation of Assessors Except in First-Class Townships In counties of the fourth fifth sixth seventh and eighth classes each elected assessor for county purposes in cities of the third class boroughs towns and townships of the second class shall keep an account of the several days by him actually employed in the performance of his duties and shall make return of the same to the commissioners of the county verified by his oath or affirmation and for each day necessarily so employed he shall receive In cities of the third class such compensation as shall be fixed by the county commissioners in boroughs and townships of the second class the sum of five dollars and in towns the same compensation as is now received by assessors in towns

Section 2 Section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-one) entitled "An act fixing the compensation of property assessors elected for county purposes in boroughs townships of the second class and wards and repealing existing acts relating thereto" is hereby repealed

Section 3. All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bils to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 255, as follows:

An Act to amend Rule Thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" by prohibiting the use and possession of matches pipes and smokers' articles in certain mines

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Rule Thirty-two of article twenty-five of the act approved the ninth day of June one thousand nine hundred and eleven (Pamphlet Laws seven hundred fifty-six) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal-mines of Pennsylvania and for the protection and preservation of property connected therewith" is hereby amended to read as follows

Rule Thirty-two No person shall carry any matches pipes or other smokers' articles into a gaseous mine or portion of a gaseous mine worked exclusively with locked flame safety lamps or approved electric cap lamps or both nor shall he have any of said articles in his possession while in such a mine Provided however That it shall not be assumed or be inferred that a coal mine is gaseous because of the partial or exclusive use of electric cap lamps

Section 2 All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 264 (House Bill No. 329), entitled:

An Act to amend section seven hundred four and seven hundred twenty-five of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidting and changing the law relating thereto" as amended making it unlawful to throw or cast the rays of any headlight spotlight or other artificial light upon a deer bear or elk

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 456, entitled:

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyance of such property" extending provisions of said act to devisees and grantees

The first section of the bill was read as follows and agreed to:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyance of such property is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the county commissioners of any county have heretofore or shall hereafter purchase any real property at any county treasurers' sale for nonpayment of taxes under any act of Assembly authorizing such sale and such property has not been redeemed or sold by the county as authorized by law the county commissioners subject to the approval of the court of common pleas may whether or not the period of redemption has expired agree with the former owner of such property or his heirs devisees or anyone or more of them to accept in compromsie of the amount of the taxes penalties interest and costs due any sum less than the whole of such amount so due whereupon either the county commissioners or the person with whom such agreement is made may petition the court of common pleas for confirmation of such agreement

The title of the bill was read as follows:

An Act to amend section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand eighteen) entitled "An act authorizing the compromise of tax claims on real property purchased by the county on county treasurers' sales for nonpayment of taxes and the reconveyance of such property" extending provisions of said act to devisees and grantees

On the question,

Will the Senate agree to the title?

Mr. THOMPSON (Centre). Mr. President, I move to amend title, page 1, by striking out in the last line of title after the word "devisees" the following: "and grantees"

Mr. FRY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 514 (House Bill No. 540), entitled:

An Act to repeal part of section one of the act approved the twenty-second day of July one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred fifty-nine) entitled "An act to provide for the election of prothonotaries clerks recorders and registers" so far as the same relates to Cumberland County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 562, on second reading, entitled:

An Act to amend the title and the act, approved the seventh day of April, one thousand nine hundred and thirty-three (P. L. 26), entitled "An act empowering counties, cities, boroughs, towns and townships to borrow money from the Reconstruction Finance Corporation to finance certain projects, and prescribing the manner of such borrowing," extending the provisions of said act to include borrowings from the Public Works Administration and other Federal agencies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECESS

Mr. ROBERTS. Mr. President, I move that the Senate do now recess for twenty minutes.

Mr. RICE. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I do not see any need for recessing; we are late in starting here today; and some of us would like to get to our homes and our businesses as soon as possible. I hope the Senate will vote down this motion.

Mr. ROBERTS. Mr. President, the need for a recess is an occasion that has happened time and time again in this Chamber. I do not mind telling the Senator from Bucks, Mr. Buckman, that I have presented this motion with the request that we may have a Democratic caucus for twenty minutes. I remember very well we had a recess some time ago when I wanted an hour and a half, and I do not

think it will take that long, but I do want to have a caucus for twenty minutes.

And the question recurring,

Will the Senate agree to the motion?

A division being called for, twenty-four Senators voted in the affirmative and twenty-three in the negative; whereupon the question was decided in the affirmative.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 712

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 5, 1935.

Resolved (if the House of Representatives concur), That Senate Bill No. 712, entitled:

An Act to amend section thirteen of the act approved the eleventh day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties," by prohibiting the issuance of licenses to the registration of and the conducting of business by corporations not previously licensed and registered.

be recalled from the Governor for the purpose of amendment.

AMENDMENT TO HOUSE BILL NO. 775 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 775, entitled:

An Act relating to the sale, delivery, weighing and importation of manure for mushroom growing; making certain practices in connection therewith misdemeanors, and fixing fines and penalties for the violation thereof; providing for the payment of such fines into the State Treasury; and requiring the Department of Agriculture to enforce the provisions of this act.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 586 (House Bill No. 252), entitled:

An Act to amend sections two hundred and two and four hundred and four of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws eight hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" abolishing the county poll tax in counties of the second and third class and eliminating provisions for the assessment and consolidation of poll taxes for voting purposes

And said bill having ben read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 829 (House Bill No. 1621), entitled:

An Act to amend sections two and five of the act approved the second day of May, one thousand eight hundred eighty-nine (P. L. 66), entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceedings relative to the same," as amended by extending the same to funds and money, estates or effects in the custody, or under the control, of certain United States courts; fixing jurisdiction; and providing proceedings relative thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 838 (House Bill No. 1821), as follows:

An Act to amend sections four hundred and twenty-one four hundred and twenty-two and four hundred and twenty-three as amended section four hundred and twenty-four section four hundred and twenty-six as amended section four hundred and twenty-eight section four hundred and thirty-two as amended and section four hundred and thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by clarifying the term "deceased service men" specifying the form and contents of applications for county contributions stipulating the material for markers permitting contributions for lettering alone permitting the removal of worn flags requiring the appointment of grave registrars and providing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and twenty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended by the act approved the eighteenth day of March one thousand nine hundred and thirty-three (P. L. 15) is hereby further amended to read as follows

Section 421 "Deceased Service Men" Defined The term "deceased service men" as used in this act shall be defined and construed to mean and include any soldier sailor marine yeoman (f) of either service or member of the enlisted nurse corps having a legal residence within any county within this Commonwealth who has died or shall hereafter die anywhere within or without the United States while in the service of the United States in the military naval or other branch of the combative forces of said United States during any war or campaign in which the United States has been or shall hereafter be engaged or where a state or condition of war has existed or shall hereafter exist in which the United States [or any foreign country or territory or upon the high seas] was or shall be a participant according to the records of the War or Naval Departments of the Federal government or of any soldier sailor marine yeoman (f) of either service or member of the enlisted nurse corps who served or who shall hereafter serve in any such combative force of the United States during any war or campaign in which the United States has been or shall hereafter be engaged or who has served or shall hereafter serve in any such combative force of the United States where a state or condition of war existed or shall hereafter exist in which the United States [or any foreign country or territory or upon the high seas] was or shall be a participant according to the records of the War or Naval Departments of the Federal government whose separation from such active service was honorable whether by discharge or otherwise [or any soldier sailor marine or member of the enlisted nurse corps whose separation from active service with the military or naval forces of the United States was honorable whether by discharge or otherwise] who has died or may hereafter die in any county of this Commonwealth [although he or she may not have a legal residence in any county of this Commonwealth whenever the body of said soldier sailor marine or member of the enlisted nurse corps is unclaimed by any relatives or friends and the county commissioners are notified of this condition in writing giving the facts by any organization of veterans and upon investigation the county commissioners shall find such condition to exist] or who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War and not duly mustered into the service of the United States and has been [or hereafter shall be] honorably discharged or relieved from such service and who shall have a legal residence in any county of this Commonwealth and shall hereafter die either within or without the county of his legal residence

Section 2 That section four hundred and twenty-two of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 955) is hereby further amended to read as follows

Section 422 Sum to Be Spent The county commissioners of the counties of this State within which a deceased service man as hereinabove defined had a legal residence as the date of his death or the county commissioners of the county where a deceased service man died in case he or she had no legal residence in any county of this Commonwealth upon notice in writing by any organization of veterans that the body is unclaimed by relatives or friends and who upon investigation shall find such condition to exist are hereby authorized and directed to [expend] contribute the sum of seventy-five dollars ($75.00) toward the funeral expenses of such deceased service man When a deceased service man has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie Pennsylvania and such home incurs all funeral expenses and buries the soldier in a cemetery in the city of Erie Pennsylvania or the home furnishes clothing casket and shipping case and ships the body to the county from which he was admitted to the home the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars ($75.00) or so much thereof as was actually expended by such home Provided however That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service man where the total expenses of his or her funeral [including said allowance of seventy-five dollars ($75.00)] shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the date of the [burial] death of such deceased service man

Section 3 That section four hundred and twenty-three of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 956) is hereby further amended to read as follows

Section 423 Burial of Widows of Deceased Service Men The county commissioners of each county are hereby directed to [expend] contribute the sum of seventy-five dollars ($75.00) from the county funds towards the funeral expenses of any widow of any [person who served in the Army or Navy of the United States during any war in which the United States was engaged or served in the Army or Navy of the United States where a state or condition of war existed in the United States or any foreign country or territory or upon the high seas or who was in active service of the militia of the State of Pennsylvania under and in pursuance of any proclamations issued by the Governor during the Civil War and not duly mustered into the service of the United States and who was honorably discharged or relieved from such service] male deceased service man upon due application and proof [being made of such facts] Provided however That the county commissioners shall not contribute any moneys toward the funeral expenses of any such widow of a [soldier sailor or marine] deceased service man where the total expense of any such funeral [including said allowance of seventy-five dollars ($75.00)] shall exceed four hundred dollars ($400.00) nor unless application for the payment of such moneys shall be made within one year after the date of the [burial] death of such widow of a [soldier sailor or marine] deceased service man

Section 4 That section four hundred and twenty-four of said act is hereby amended to read as follows

Section 424 Payments It shall be the duty of the county commissioners of each county in this State to draw a warrant upon the treasurer of their county in the sum of seventy-five dollars ($75.00) for each body buried in accordance with the provisions of this act to be paid out of the funds of the county and such warrants shall be made payable [only to the person or persons who shall have paid or obligated himself to pay the cost of burial of the bodies for which the warrants are to be so drawn] to the applicant or applicants if the application shows that the funeral expenses have been paid otherwise to the undertaker performing the services with notice to the applicant

Application for such contribution shall be made by the personal representative of such deceased service man or deceased service man's widow if there be such personal representative if no such personal representative has qualified then by any next of kin individual or veterans' organization who or which assumes responsibility for the cost of burial of the body and shall be sustained by affidavit as to the facts

Such application shall be on forms prescribed by the Department of Military Affairs and shall set forth whether or not the funeral expenses have been paid The application shall have attached thereto a certified copy of the death certificate and an affidavit by the undertaker who had charge of the burial of the body to the effect that the undertaker did render such service and that the cost of burial did not exceed the sum of four hundred dollars ($400.00)

Section 5 That section four hundred and twenty-six of said act as last amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 957) is hereby further amended to read as follows

Section 426 Markers for Graves Headstones The county commissioners of the several counties of this State shall from time to time as is considered expedient by the commissioners procure appropriate markers [made of suitable material] for the grave of each and every deceased service man [or woman] buried within the limits of any city borough township or district Such markers shall be of cast bronze which term shall mean a proper composition of the following metals in the following proportions Cop-

per eighty-five per centum tin five per centum zinc five per centum and lead five per centum Provided however That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed but no new markers shall in the future be purchased of metal other than cast bronze as herein defined Upon the petition of any five reputable freeholders of the city borough township or district where any such deceased service man [or woman] is buried a marker shall be placed upon the grave of such deceased service man [or woman] for the purpose of permanently marking and designating such grave for memorial purposes When such deceased service man [or woman] shall have been a veteran of any war for which the Government of the United States issued discharge buttons the markers designated for their graves shall include a facsimile of said discharge button The county commissioners may upon the petition of any five reputable freeholders of the city borough township or district within the county of which any deceased service man [or woman] may have been a resident place such marker upon his or her grave when he or she is buried without the limits of said county

It shall also be the duty of the county commissioners of each county in this State upon or at any time subsequent to the death of any deceased service man who shall be buried within their counties on the application which application in all cases shall be on forms prescribed by the Department of Military Affairs of any relative or on the application of any friends of such deceased service man if such application by friends has been approved by any organization of veterans of any war in which the United States was engaged and provided that there be no objection by the nearest relative to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each deceased service man containing his name and [if possible] the rank and organization to which he belonged or in which he served in letters raised or cut in at least three-sixteenths of an inch deep on such headstone to be of either marble or granite and to be placed or set in a concrete base at least three feet deep or if a headstone has been provided for such grave by the United States Government the county commissioners shall provide [the foundation] such concrete base therefor and the expense for the same shall be paid out of the funds of the county in which such deceased service man died or shall have had his legal residence or if lettering only on an existing memorial is desired by the family the county commissioners shall provide such lettering Provided however That the expense shall not exceed the sum of fifty dollars for each headstone or concrete base or lettering or bronze marker and the county commissioners of each county acting under this section shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze marker No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners Such application shall be accompanied by a death certificate if procurable

Any person who shall wilfully maliciously carelessly or indifferently destroy mutilate remove or deface any grave marker or headstone placed or erected under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars or suffer imprisonment for not more than two years or both in the discretion of the court

Section 6 That section four hundred and twenty-eight of said act as added by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby amended to read as follows

Section 428 Care of Graves and Markers The county commissioners of each county in this State shall at all times see that the graves and tombstones of all [soldiers sailors and marines who served in the military or naval or other branch of the combative forces of the United States during any war in which the United States was engaged and] deceased service men who are buried in such county receive proper and fitting care and may employ all necessary assistance to carry out the provisions of this section The expense of the care of such graves and tombstones shall be borne by the respective counties where said graves are located except where suitable care is otherwise provided Money so appropriated may be expended directly by the county commissioners or paid over to the person firm association or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated but the sum so paid over in any year shall not exceed for each grave the charge for the annual care and maintenance of like graves in the same cemetery or if no such fixed charge is established in that cemetery it shall not exceed the sum charged in other cemeteries in the same county for like service

Section 7 That section four hundred and thirty-two of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (P. L. 955) is hereby further amended to read as follows

Section 432 Flags to Decorate Graves It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all [honorably discharged soldiers sailors marines female field clerks yeomanettes and members of the enlisted nurse corps] deceased service men buried within the county The flags to be used for said purposes shall be of one standard size and shall be purchased at the expense of the county from moneys in the county treasury

Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities

The moneys expended by any county under the provisions of this section shall be in addition to moneys appropriated by counties for Memorial Day purposes

The authorities in charge of any cemetery are authorized to remove such flags when the same become unsightly or weather-worn at any time not less than ninety days after the flags have been placed on graves

Section 8 That section four hundred and thirty-nine of said act as added by the act approved the ninth day of June one thousand nine hundred and thirty-one (P. L. 401) is hereby amended to read as follows

Section 439 Compilation of War Records The county commissioners of each county in the State are hereby authorized and directed at the expense of the county to compile a record of the burial places within such county of [soldiers sailors marines and members of the enlisted nurse corps who served in the military or naval or other branch of the combative forces of the United States during any war in which the United States has been engaged] deceased service men Such record so far as practicable shall indicate the name of each such person the service in which he or she was engaged the number of the regiment or company or command the rank and period of service the name and location of the cemetery or other place in which his or her body is interred the location of the grave in such cemetery or other place and the character of headstone or other marker if any at such grave Such record shall be known as the Veterans' Grave Registration Record of .....County and shall be a public record open to inspection during business hours

The county commissioners of each county in this State shall cause record blanks to be prepared according to forms furnished by the Department of Military Affairs whereby the information required for such record may be transmitted to them Every person firm association or corporation including a municipal corporation owning or controlling any cemetery or burial place within the State in which are interred the bodies of [persons who served as set forth in this section hereof] deceased service men shall file with the county commissioners of the county in which such cemetery is located a certificate on the record blanks provided by said county commissioners of the facts required for such record as far as the same are within the knowledge of such person firm association corporation or the agents thereof The county commissioners shall cause record blanks to be distributed to such persons firms associations and corporations as they deem advisable with the request that such information be transmitted to them Any such person firm association or corporation except municipal corporations upon receipt of such blanks or forms who

shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same shall be subject to a fine upon conviction in summary proceedings of one hundred dollars

For the purpose of locating the burial places if persons who have served in the military or naval service or other branches of the combative forces of the United States during any war in which the United States was engaged the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War through their local camps posts and branches in this State are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificate embodying the information provided for in this section For the purpose of carrying into effect the provisions of this section the county commissioners [of counties of the second third and fourth classes may] shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix in counties where such boards exist otherwise by the county commissioners

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 889, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1101 Section 1102 Section 1106 and Section 1108 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows

Section 1101 Power of Bank to Become Bank and Trust Company Acquisition of Fiduciary Powers A bank which has an aggregate unimpaired capital and [an] unimpaired surplus at least equal to the aggregate capital and surplus required by this act for the incorporation of banks and trust company provided that its unimpaired capital is at least equal to the capital required by this act for the incorporation of a bank and trust company may by amending its articles of incorporation in the manner provided by this act acquire the additional power of and thereby become a bank and trust company Such bank upon becoming a bank and trust company shall include in or add to its corporate name the words "and trust company" in accordance with the provisions of this act but the amendment to the articles of incorporation of a bank by virtue of which such bank is to become a bank and trust company shall be approved by two-thirds of all the shareholders of such bank

Section 1102 Powers of Bank and Trust Companies or trust companies In addition to the general corporate powers granted by this act and in addition to any power specifically granted to a bank and trust company or a trust company elsewhere in this act a bank and trust company or a trust company shall have the following powers subject to the limitations and restrictions imposed by this act

(1) To act as fiduciary and pursuant thereto to receive and dispose of real or personal property

(2) To act as agent or attorney in fact

(3) To act as transfer or fiscal agent and registrar of shares bonds or other obligations

(4) To [poll] pool mortgages or securities for the investment of funds held by it as fiduciary

(5) In the case ETAOI ETAOI ETAOI ETA ETAOIIO

(5) In case of certain existent bank and trust companies or trust companies to insure owners mortgages and others interested in real property from loss by reason of defective titles liens and encumbrances

Section 1106 Capital of Bank and Trust Company or Trust Company in Lieu of Bond A Bank and trust company or a trust company acting as a fiduciary shall not be required to execute the bond or put up the security required by law of fiduciaries but its capital shall be considered as the security required by law for the faithful performance of its duties The capital of such bank and trust company or such trust company shall be absolutely liable in case of any default whatsoever

Section 1108 Segregation and Designation of Trust Funds Deposit of Uninvested Funds A bank and trust company or a trust company shall keep all funds property or investments held by it in a fiduciary capacity separate and apart from the assets of such bank and trust company or trust company All investments made by a bank and trust company or a trust company as fiduciary including fractional interests in investments may be held in the name of such bank and trust company or trust company or in the name of a nominee of such bank and trust company or trust company but all such investments shall be so designated upon the records of such bank and trust company or trust company that the estate to which such investments belong shall be [apparent] clearly shown upon such records at all times [but such] Such bank and trust company or such trust company may however clear receipts and payments of such funds in the regular course of business in the same manner as other funds held by it Funds held by a bank and trust company or a trust company as fiduciary awaiting investment or distribution may be deposited in any other institution in any national banking association or with any corporation or person in any other state which is authorized to receive deposits and is subject to the full supervision of the banking authorities of such other state or in the

case of a bank and trust company may be used by it in the conduct of its business If such funds held by a bank and trust company as fiduciary are used by such bank and trust company in the conduct of its business there shall be pledged or hypothecated by such bank and trust company with the trust department of the bank and trust company acting as fiduciary interest bearing bonds or other obligations of the United States or those for the payment of the principal and interest on which the faith and credit of the United States is pledged or of the Commonwealth of Pennsylvania or such other securities as may be approved by the department The par value of the bonds other obligations or securities so pledged or hypothecated to secure such funds or the market value if such market value is less than the par value shall at all times be equal to an amount not less than the funds so used or deposited provided that security for such funds shall not be required to the extent that such funds are insured under the provisions of Section 128 of the Federal Reserve Act approved the twenty-third day of December one thousand nine hundred and thirteen its amendments and supplements If the bank and trust company which has put up such collateral should fail or be taken in possession by the department the estate from which the funds were taken shall have a lien for the amount of such funds on the bonds other obligations or securities so pledged or hypothecated in addition to their claim against the estate of such bank and trust company

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend section 1, page 3, line 10 by striking out after the word "a" and before the word "and" the word "banks"; amend section 1, page 3, line 10 by inserting after the word "a" and before the word "and" the word "bank"; amend section 1, page 3, line 23 by striking out at the end of the line the word "trust"; amend section 1, page 3, line 23 by inserting at the end of the line the word "Trust"; amend section 1, page 3, line 24 by striking out at the beginning of the line the word "companies"; amend section one, page 3, line 23, by inserting at the beginning of the line the word "Companies"; amend section 1, page 4, line 9 by striking out at the end of the line the word "mortgages"; amend section 1, page 4, line 9 by inserting at the end of the line the word "mortgagees"; amend section 1, page 5, line 24, by inserting between the words "interest" and "bearing" a hyphen; amend section 1, page 6, line 9, by striking out after the word "Section" the following: "128"; amend section 1, page 6, line 9, by inserting after the word "Section" and before the word "of" the following: "12B"; amend page 6 by adding after line 18 the following: "Section 2. Effective Date. This act shall become effective immediately upon final enactment"

Mr. GRAFF. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 899, as follows:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 203 Section 501 Section 502 Section 513 Section 517 Section 520 Section 1004 Section 1401 Section 1412 Section 1416 Section 1417 and Section 1418 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of exstent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" are hereby amended to read as follows and that Section nine hundred eight of that act as last amended by

the act approved the second day of January one thousand nine hundred thirty-four (Pamphlet Laws one hundred twenty-eight is hereby further amended to read as follows

Section 203 Place of Business Change of Place of Business A [An] Except as herein otherwise provided an institution shall not transact any banking or trust business except in the case of an incorporated institution at the place of places designated in its articles and in the case of a private bank at the place or places the address or addresses of which are filed with the Department of Banking

B An incorporated institution may change its place of business within the limitations imposed by this act in the regular manner provided by this act for an amendment to its articles Any private bank may likewise remove its place of business within the limitations of this act if it shall first obtain the written approval of the Department Such removal by an institution shall not in any case be to a place where such institution would not be entitled under the provisions of this act to establish a branch at the time it applies for authority to make such change and shall not violate the provisions of this act relating to the establishment of branches agencies sub-offices or sub-agencies

C A private bank which upon the effective date of this act lawfully maintains one or more offices or places of business in any other state or foreign country may continue to maintain and operate any such offices or places of business and do and perform all such acts and make all such loans discounts and investments at such offices or places of business as are permitted or required under the laws of such other state or foreign country subject to such restrictions or limitations as may be imposed by the laws of such other state or foreign country

D However an institution may with the prior written approval of and for the period fixed by the department change its place of business to permit of the alteration or improvement of the premises at the time occupied by it

Section 501 Number and Election of Directors and Trustees Executive Committee Subject to the provisions of this act the number qualifications terms of office manner of election time and place of meeting compensation and powers and duties of the directors of a bank or a bank and trust company or a trust company may be prescribed from time to time by the by-laws

Subject to the provisions of this act the number qualification manner of election time and place of meeting compensation and powers and duties of the trustees of a savings bank may be prescribed from time to time by the by-laws

Except as otherwise provided in the articles or by-laws or in the case of a savings bank in the special act creating such savings bank its amendments and supplements

(1) A director shall be elected for a term of one year a trustee until he becomes disqualified or resigns

(2) The number of directors or trustees shall be the same as that stated in the articles but not less than the minimum prescribed by this act [.] and in the case of directors not more than the maximum prescribed by this act

(3) Vacancies in the board of directors or in the board of trustees caused by death resignation disqualification or otherwise [shall] may but in the case of a vacancy which reduces the number of directors or trustees below the minimum required by this act shall be filled by the remaining members of the board though less than a quorum and each person so elected shall in the case of a bank a bank and trust company or a trust company be a director until his successor is elected by the shareholders who may make such election at the next annual meeting of the shareholders or at any special meeting duly called for that purpose and held prior thereto and in the case of a savings bank created by special act by the persons specified in such act In the case of any other savings bank he shall serve until he shall become disqualified or shall resign

(4) The meetings of the board of directors or of the board of trustees shall be held at such place within this Commonwealth as a majority of the directors or of the trustees may from time to time designate or as may be designated in the notice calling the meeting

(5) A majority of all the directors or trustees in office shall be necessary to constitute a quorum for the transaction of business and except as otherwise provided in this act or in the articles or by-laws of a particular incorporated institution the acts of a majority of the directors or trustees who are present at a meeting at which a quorum is present shall be the acts of the board of directors or the board of trustees but if all the directors or trustees shall severally or collectively consent in writing to any action to be taken by the incorporated institution such action shall be as valid corporate action as though it had been authorized at a meeting of the board of directors or the board of trustees

(6) The board of directors or the board of trustees may by resolution adopted by a majority of the whole board delegate three or more of its number in the case of a bank a bank and trust company or a trust company and five or more of its number in the case of a savings bank to constitute an executive committee which to the extent provided in such resolution shall have and exercise the authority of the board over the ordinary operations of the business of the incorporated institution between the dates of the regular meetings of the board Every such committee shall keep full minutes of all business transacted by it and shall present detailed reports of all such minutes to the board at each regular meeting

Section 502 Term of Office and Qualification of Directors and Trustees A The business and affairs of every incorporated institution shall be managed in the case of a bank a bank and trust company or a trust company by a board of [at least] not less than five nor more than twenty-five directors and in the case of a savings bank by a board of at least fifteen trustees Except as otherwise provided by this act or by the articles or by-laws of the incorporated institution such board of directors or board of trustees shall exercise all the powers and fulfill all the duties granted to or imposed upon the incorporated institution by this act

B Each director shall hold office for the term for which he is elected and until his successor shall have been duly elected and qualified The names and terms of office of the first directors shall be stated in the articles Except as otherwise provided in this act for the filling of vacancies directors other than those constituting the first board of directors shall be elected by the shareholders

C Except as otherwise specifically provided in any special act of the General Assembly creating a savings bank or in any amendment or supplement thereto each trustee shall hold office until he resigns or becomes disqualified The names of the first trustees shall be stated in the articles

D Every director or trustee shall during his term of office be a citizen of the United States and at least two-thirds of the directors or trustees shall during their terms of service be bona fide residents in this Commonwealth

E Every director shall own in his own right and free of any lien or encumbrance common shares of the bank the bank and trust company or the trust company to the aggregate par value of at least three hundred dollars but the number of par value of the common shares required to be owned by any person who is a director of a bank a bank and trust company or a trust company upon the effective date of this act shall not be greater than was required prior to the effective date of this act so long as such director shall serve continuously The share certificates for the minimum number or par value of common shares which each director must own shall be filed unendorsed unpledged and unassigned by him with the cashier or treasurer of the bank the bank and trust company or the trust company Such shares shall remain in the custody of the cashier or treasurer during the term of service of such director

Any director who during his term of service pledges assigns or in any other manner ceases to be the owner in his own right of the shares required by this section shall forthwith cease to be a director of the bank the bank and trust company or the trust company and his office shall be vacant He shall not be eligible for reelection as a director of such bank such bank and trust company or such trust company for the remainder of the term for which he was elected and for a further period of one

year from the expiration of his term Any vacancy thus occurring shall be filled in the regular manner for filling vacancies in the board

F The following shall not be eligible to be directors or trustees in any incorporated instituton

(1) A judge of any court of record in this Commonwealth but this provision shall not operate to disqualify any judge who shall be a director or trustee of an institution upon the effective date of this act as long as such judge continuously remains a director or trustee of such institution

(2) Any person holding office under this Commonwealth in the Department of Banking the Treasury Department the Auditor General's Department or the Department of Revenue

(3) Any person authorized to receive and account for the public moneys of this Commonwealth

G A trustee of a savings bank shall not at the same time be a trustee officer or employe of any other savings bank

Section 513 Bonds of Officers and Employes A The officers and employes of every institution as well as any director or trustee of an incorporated institution who is authorized to receive payments of moneys or to handle negotiable securities on behalf of such incorporated institution shall be bonded in such form of bond and in such amount as is specified with such surety as is approved in the case of an incorporated institution by the board of directors or trustees and in the case of a private bank by the private banker or bankers [Such bond shall be conditioned upon the faithful performance of the duties of such officers directors trustees or employes] The cost of such bonds may be paid by the institution

B The department shall have the power to require any such officer director trustee or employe at any time during his term of office or employment to be bonded in an amount greater than that required by the board of directors or trustees of the incorporated institution or by the private banker or bankers as the case may be or it may require new or additional surety

Section 517 Acceptance of Fee or Commission by Director Trustee Officer Attorney or Employe A Neither [an] a director trustee officer attorney or employe of an institution nor [an] a director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act shall stipulate for or agree or assent to receive or receive any fee commission gift or other property of value from any corporation or person for procuring or for endeavoring to procure for such corporation or person or for any other corporation or person any loan from or any investment by or any purchase or discount of any paper note draft check bill of exchange or other commercial paper by such institution

B Any director trustee officer attorney or employe of an institution or any director trustee officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act who [knowingly] violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment for a period not exceeding one year or a fine not exceeding one thousand dollars or both he shall also be subject to a further fine of a sum equal to the amount or the value of the property which he receives as such fee commission or gift

Section 520 Purchases from and Sales to Directors Trustees Officers Attorneys or Employes A An institution shall not contract for or purchase from any of its officers attorneys or employes and in the case of an incorporated institution from any of its directors or trustees nor from any of the officers attorneys or employes of an affiliated institution or affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act from any of the directors or trustees any securities or other property unless such purchase is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and in the case of an incorporated institution unless such purchase is authorized by the vote of a majority of all the members of the board of directors or of the board of trustees of such incorporated institution who are not interested in such transaction except in their capacity as directors or trustees of the incorporated institution

B An institution shall not sell securities or other property owned or held by it to any of its officers attorneys or employes and in the case of incorporated institutions to any of its directors or trustees nor to any of the officers attorneys or employes of an affiliated institution or affilaited national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act to any of the directors or trustees unless such sale is made in the regular course of business upon terms not less favorable to the institution than those offered to any other corporation or person [or] and unless in the case of an incorporated institution such sale is authorized by the vote of a majority of all the members of the board of directors or the board of trustees of such incorporated institution who are not interested in such transaction except in their capacities as directors or trustees of the incorporated institution

C Any officer attorney or employe of an institution any director or trustee thereof or any officer attorney or employe of an affiliated institution or an affiliated national banking association as defined in this act and in the case of an affiliated incorporated institution or an affiliated national banking association as defined in this act any director or trustee thereof who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be subject to an imprisonment not exceeding one year or a fine not exceeding on thousand dollars or both he shall also be subject to a further fine equal to any profit which he shall have made upon the transaction

Section 908 Reserve Fund against Deposits and Demand Liabilities A Every bank bank and trust company or private bank shall establish and maintain a reserve fund in an amount equal to at least fifteen per centum of the total of its [net] demand deposits and [net] demand liabilities plus seven and one-half per centum of its total [net] time deposits as herein defined

B Except in the case of a savings bank the term "demand deposits" shall be construed to refer to all deposits payment of which can legally be required on demand or within any period less than thirty days after demand

The term "demand liabilities" shall be construed to refer to all obligations of the institution other than deposits payment of which can legally be required on demand

Except in the case of a savings bank the term "time deposits" shall be construed to refer to all deposits payment of which cannot legally be required within thirty days

C Except in the case of a savings bank the total of such reserve fund may and at least one-third of the reserve fund against demand deposits and demand liabilities shall unless the Department gives its written approval of a lesser amount consist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated

One-third of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Any part of such reserve fund not required to consist of gold bullion gold coin or any form of currency kept on hand at the place of business of the institution may consist of an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

D Every savings bank shall establish and maintain a reserve fund in an amount equal to at least seven and one-half per centum of the total of its [net] deposits

E In the case of savings banks the total of such reserve fund may and at least two-thirds thereof shall con-

sist of gold bullion gold coin silver coin United States gold or silver certificates notes or bills issued by any national banking association or Federal reserve bank or any other form of currency of the United States kept on hand at the place of business of the institution unpledged unassigned and unhypothecated or an actual net balance of moneys on deposit subject to call without notice in any reserve agent as hereinbefore defined

The balance of such reserve fund may consist of bonds or other interest-bearing obligations of the United States the Commonwealth of Pennsylvania or any political subdivision thereof Such bonds while being carried in the reserve fund shall be computed at their current market value They shall be the absolute property of the institution and shall not be pledged assigned or hypothecated in any manner whatsoever

Section 1004 Pledge of Assets for Deposits A bank or a bank and trust company shall not have the power to pledge or hypothecate any of its assets as security for deposits made with it except for the following

(1) Federal State municipal school district or other public funds

(2) Funds deposited by the Secretary of Banking as receiver of [an institution] a corporation or person of which he has pursuant to the provisions of law taken possession

(3) Funds deposited by a bank and trust company in its own commercial department which funds are being held by such bank and trust company in a fiduciary capacity and are being deposited by its pending investment or distribution

(4) Funds deposited by a corporation or person which are required to be secured by law or an order of a court having jurisdiction

Section 1401 Merger or Consolidation Incorporated Institutions National Banking Association A Any two or more incorporated institutions other than savings banks and trust companies may in the manner hereinafter provided in this act be merged into one of such incorporated institutions hereinafter designated as the surviving incorporated institution or consolidated into a new incorporated institution to be formed under this act

B Any two or more savings banks the places of business of which are located in the same city borough or township may in the manner hereinafter provided in this act be merged into one of such savings banks hereinafter designated as the surviving savings bank or consolidated into a new savings bank to be formed under this act

C One or more banks or bank and trust companies and one or more national banking associations incorporated under the laws of the United States may in the manner hereinafter provided in this act be merged into one of such banks or bank and trust companies or consolidated into a new bank or bank and trust company to be formed under this act Such merger or consolidation shall not become effective until the national banking association shall have complied with the laws of the United States relating to such merger or consolidation of national banking associations with banks or bank and trust companies

D Two or more trust companies may in the manner hereinafter provided in this act be merged into one of such trust companies or consolidated into a new trust company to be formed under this act

E Any merger or consolidation authorized by this section shall not be effective if the effect thereof is to establish any branch bank branch office agency sub-office sub-agency or branch place of business in violation of the provisions of this act

Section 1412 Merger Consolidation or Conversion of Banks or Bank and Trust Companies into National Banks One or more banks or bank and trust companies and one or more national banking associations operating under the laws of the United States may pursuant to the laws of the United States be merged into one of such national banking associations or consolidated into a new national banking association operating under the laws of the United States and a bank or bank and trust company may pursuant to the laws of the United States be converted into a national banking association provided that the banks or bank and trust companies participating in such a merger or consolidation and the bank or bank and trust company being converted into a national banking association shall comply with the following requirements established by this section

(1) The plan of merger or consolidation or of conversion has been approved in the manner and after the advertising and notice required by this act in the case of mergers or consolidations of incorporated institutions by at least a majority of all the directors of any bank or bank and trust company participating in such plan and by the holders of two-thirds of its outstanding shares entitled to vote thereon

(2) In the case of any bank and trust company participating in such plan of merger or plan of consolidation or plan of conversion all corporations or persons who appear upon the available books or other records as or who are otherwise known to be parties interested in any funds property or investments held by such bank and trust company as trustee guardian executor administrator or other fiduciary under the provisions of this act shall be entitled to the same notice and shall thereupon have the same rights and duties as are provided by this act for corporations or persons in a similar position in the case of a merger or consolidation of incorporated institutions

(3) Whenever a bank and trust company authorized to act as fiduciary in this Comr. onwealth has heretofore been or shall hereafter be named or appointed trustee guardian executor administrator or other fiduciary such nomination or appointment shall not be deemed to have lapsed by reason of the merger or consolidation of such bank and trust company with a national banking association or the conversion of such bank and trust company into a national banking association pursuant to the provisions of this act providing that such surviving or new national banking association is authorized to act as fiduciary in this Commonwealth but such surviving or new national banking association shall be entitled to act in the same fiduciary capacity under such nomination or appointment as the original bank and trust company could have acted if such merger consolidation or conversion had not been effected

[(3)] (4) All taxes or fees due this Commonwealth or any of the departments or officials of the State government of this Commonwealth shall be paid in full For the purposes of this clause the taxes imposed by the laws of this Commonwealth on such bank or bank and trust company which have not yet become due that is the amount properly apportionable to the part of the tax period which has already elapsed shall be construed to become due upon the date of such merger consolidation or conversion

[(4)] (5) The articles of merger or articles of consolidation or articles of conversion corresponding to the articles of merger or articles of consolidation required by this act in the case of the merger or consolidation of incorporated institutions shall be prepared by any bank or bank and trust company participating in the plan of merger consolidation or conversion and filed with the Department of State which shall transmit a copy to the Department of Banking The bank or bank and trust company shall also file with the Department of State the certificate of approval of the merger consolidation or conversion as the case may be by such officer of the United States as may be empowered by law to approve the same The Department of State shall send a copy of such certificate to the Department of Banking

Section 1416 Filing of Articles of Conversion of National Bank into Bank or Bank and Trust Company Payment of Fees Approval by Department of State A The articles of conversion of the national banking association into a bank or a bank and trust company and the proof of publication of the advertisement required by this act shall be delivered to the Department of State

B In addition to any bonus fees taxes and charges provided by law in the case of any corporation the national banking association shall pay to the Department of State such reasonable fees as shall be established by rule or regulation by the Department of Banking for the investigation made by the Department of Banking pursuant to

the provisions of this act to determine whether the articles of conversion should be approved Such fee for the investigation by the Department of Banking shall be paid to the Department of State at the time of the filing with it of the articles of conversion and shall be paid by the Department of State through the Department of Revenue to the Banking Department Fund

C The Department of State shall examine such articles of conversion and such proof of publication to determine whether they contain all the information and are in the form required by this act and also whether the name of the proposed bank or bank and trust company as the case may be conforms with the requirements of law for the name of such an incorporated institution or whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public

After all the bonus fees taxes and other charges have been paid as required by law if the articles of conversion and the proof of publication contain the information and are in the form required by this act the Department of State shall forthwith but not prior to the day specified in the advertisement of the articles of conversion required by this act endorse its approval upon the articles of conversion and shall forthwith transmit them to the Department of Banking

D If the Department of State shall disapprove the articles of conversion pursuant to this act it shall forthwith give notice thereof to the national banking association stating in detail its reasons for doing so and stating how such national banking association can remedy the non-conformance with the provisions of this act Upon remedying the defect such national banking association may in the same manner file the same or amended articles whichever the particular case may require

Section 1417 Approval by Department of Banking of Articles of Conversion of National Bank into Bank or Bank and Trust Company A The Department of Banking shall immediately upon the receipt from the Department of State of the articles of conversion of a national banking association into a bank or a bank and trust company conduct such examination as it may deem necessary to ascertain from the best sources of information at its command

(1) Whether the name of the proposed bank or bank and trust company is likely to mislead the public as to its character or purpose

(2) Whether the conversion is made for legitimate purposes

(3) Whether the interests of the depositors other creditors and shareholders are adequately protected

(4) Whether the proposed bank or bank and trust company meets all the requirements of this act and violates none of its prohibitions applicable to a bank or a bank and trust company as the case may be incorporated under this act

(5) Whether the national banking association has complied with the requirements of the laws of the United States and has been approved by such officer of the United States as may be empowered by law to approve the same

B Within thirty days after the receipt of the articles of conversion from the Department of State the Departmen of Banking shall upon the basis of the facts disclosed by the investigation provided for by this section either approve or disapprove such articles It shall immediately notify the Department of State in writing of its action If it shall approve the articles of conversion it shall sign its approval upon the triplicate originals It shall then retain one and send the remaining two of1 thereon and shall return them to the Department of State

C If the Department of Banking disapproves the articles of conversion it shall return them to the Department of State stating in detail its reasons for doing so The Department of State shall immediately give notice to the national banking association desiring to become converted into a bank or a bank and trust company of the action of the Department of Banking and of the reasons therefor as stated to it by that department The decision of the Department of Banking shall be conclusive and not subject to review

Section 1418 Issuance of Certificate of Conversion of National Bank into Bank or Bank and Trust Company Immediately upon receipt of the signed articles of conversion of a national banking association into a bank or bank and trust company from the Department of Banking the Department of State shall file the articles and shall issue to the incorporated institution or its representative a cerificate of conversion A copy of the approved articles of conversion shall be sent by the Department of State to the Department of Banking

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 952, as follows:

An Act to amend section three hundred and ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" providing an alternative method of computing unearned premium liability

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and ten of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" is hereby amended to read as follows

Section 310 COMPUTATION OF UNEARNED PREMIUM LIABILITY In determining the liabilities upon its contracts of insurance of any insurance company other than life insurance companies and the amount such company should hold as an unearned premium liability the Insurance Commissioner shall for casualty insurance charge one-half of the premium on all annual policies written within one year and on policies written for more than one year he shall charge one-half of the current year's premiums plus the whole of the premiums for subsequent years For fire insurance he shall charge fifty per centum of the premiums written in their policies upon all unexpired risks that have one year or less than one year to run and a pro rata of all premiums on risks having more than one year to run on perpetual insurance he shall charge the cash deposit received less a surrender charge of not exceeding ten per centum thereof For marine and inland insurance he shall charge fifty per centum of the premium written in the policy upon yearly risks covering more than one passage not terminated and the full amount of the premium written in the policy upon all other marine and inland risks not terminated Provided That the Insurance Commissioner may in his discretion charge a premium reserve equal to the unearned portions of the

gross premiums charged computed on each respective risk from the date of the issuance of the policy

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1024, as follows:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" are hereby amended to read as follows

Section 172 Waters Usable No dams ponds or other devices which will prevent the free migration of fish shall be erected or placed by a person licensed under this article in any stream flowing over his property [No person shall use the ponds so licensed for any purpose other than for commercial fish purposes]

Section 173 Authority Under License The license issued by this article authorizes the licensee to carry on the business of propagation and sale of the species of fish authorized by the license or the eggs thereof during the year for which the license is issued The license authorizes the licensee to catch and kill the fish authorized by the license from the licensed ponds in any manner whatsoever except with explosives or poisonous substances The license further authorizes the licensee to sell or dispose of in any manner whatsoever the fish authorized by the license or the eggs thereof at any time of the year and it authorizes express and railroad companies to receive and transport the same The license further authorizes the licensee to grant permits to others to take fish from a licensed pond at any time and in any manner upon the payment of a permit fee of fifty cents to be paid by the permittee and collected by the licensee and by him paid over to the Commonwealth through the Department of Revenue for the use of the Fish Fund Any such permit shall be good only for the day for which it is issued Such permits shall be in such form as the Department of Revenue shall prescribe and may be placed in the possession of licensees for issue to permittees under such system of accounting as the Department of Revenue may prescribe

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1029, as follows:

An Act to amend Section four hundred ten of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that in policies hereafter issued and delivered the provision relating to incontestability of the policy will further except at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident and further to amend the provisions relating to participation in surplus [so that deferred dividends will no longer be permitted]

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and ten of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 410 Uniform Policy Provisions No policy of life or endowment insurance except policies of industrial insurance where the premiums are payable monthly or oftener shall hereafter be issued or delivered by any stock or mutual life insurance company in this Commonwealth unless it contains in substance the following provisions

(a) A provision that all premiums shall be payable in advance either at the home office of the company or to an agent of the company upon delivery of a receipt signed by one or more of the officers of the company who shall be named in the policy

(b) A provision that the insured is entitled to a grace either of thirty days or one month within which the payment of any premium after the first year may be made subject at the option of the company to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium during which period of grace the policy shall continue in full force but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy-year if any are paid the amount of such premiums with interest on any overdue premiums may be deducted in any settlement under the policy

(c) A provision that the policy shall be incontestable after it has been in force during the lifetime of the insured two years from its date of issue except for nonpayment of premiums and for engaging in military or naval service in time of war without the consent in writing of an executive officer of the company and that at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which accident may also be excepted

(d) A provision that the policy shall constitute the grant additional insurance specifically against death by entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and in such case the policy shall contain a provision that

the policy and the application therefor shall constitute the entire contract between the parties

(e) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(f) A provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the third policy-year the company will annually determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the dividend arising from such participation paid in cash or applied to the payment of premium or the purchase of paid up additions to the policy as the policyholder may elect

In lieu of the foregoing provisions the policy may contain a provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the fifth policy-year the company will determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the current dividend arising from such participation paid in cash and that at periods of not more than five years thereafter such apportionment and payment at the option of the policy-holder shall be had

Renewable term policies of ten years or less may provide that the surplus accruing to such policies shall be determined and apportioned each year after the second policy-year and accumulated during each renewal period and that at the end of any renewal period or renewable of the policy by the insured the company shall apply the accumulated surplus as an annuity for the next succeeding renewal term in the reducation of premiums

(g) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid

(h) A provision that after three full years' premiums have been paid the company at any time while the policy is in force will advance on proper assignment or pledge of the policy and on the sole security thereof at a specified rate of interest a sum equal to or at the option of the owner of the policy less than the reserve at the end of the current policy year on the policy and on any dividend additions thereto less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy-year and may collect interest in advance on the loan to the end of the current policy-year which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made A company may in lieu of the provisions hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy or may provide therein that the deduction may be the said two and one-half per centum or the one-fifth of the said entire reserve at the option of the company

(i) A provision which in event of default in premium payments after premiums shall have been paid for three years shall secure to the owner of the policy a stipulated form of insurance the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto specifying the mortality table and rate of interest adopted for computing such reserves less a sum not more than two and one-half per centum of the amount insured by the policy and of any existing dividend additions thereto and less any existing indebtedness to the company on the policy Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and may stipulate that the company may defer payment for not more than six (6) months after the application therefor is made This provision shall not be required in term insurance of twenty years or less

(j) A table showing in figures the loan value if any and the options available under the policy each year upon default in premium payments during at least the first twenty years of the policy and if the proceeds of the policy are payable in installments or as an annuity a table showing the amount of the instalment or annuity payment

(k) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from the date of default in premium payments unless the policy has been duly surrendered or the extension period expired upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per centum per annum

(l) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death

Any of the foregoing provisions or parts thereof not applicable to single premium or non-participating or term policies shall to that extent not be incorporated therein and paragraph (h) shall not apply to companies of other States and foreign governments Provided however That the policies of an insurance company organized under the laws of any other State or foreign government may contain when issued in this Commonwealth any provisions which may be prescribed by laws of the State or government under which the company is organized and the policies of a life insurance company organized under the laws of this Commonwealth may when issued in any other State Territory or foreign country contain any provision required by the laws of such State Territory or foreign country to be contained in policies issued therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1032, on second reading, entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by including title insurance companies fraternal benefit societies or beneficial societies

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1033, as follows:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign in-

surance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article Six of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulatioon supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

ARTICLE VI

CASUALTY INSURANCE

(a) General Provisions Relating to Stock Companies

Section 601 Financial Requirements of Foreign Companies Stock casualty insurance companies of other States and foreign governments organized to transact any of the classes of insurance mentioned in subdivision (c) section two hundred and two (202) of this act in order to be licensed to do business in this Commonwealth must have a paid up and safely invested capital if a company of another State or a deposit in the United States if a company of a foreign government of at least the amount required in this act for Pennsylvania companies Nothing contained in this act shall prevent any foreign stock life insurance company now engaged in the business of accident and sickness or liability insurance or both from continuing the same if the amount of its paid up capital shall be equal to the amount required of a domestic company to transact the business of life insurance and at least fifty thousand dollars for each of the other classes of insurance undertaken

Section 602 Investment of Capital Every domestic stock casualty insurance company shall invest and keep invested in sound income-bearing securities all its capital and funds of every description excepting such cash as may be required in the transaction of its business and such as it may invest in real estate as hereinafter authorized The capital of every such company shall be invested as follows

(a) In such real estate as it is authorized by this act to hold

(b) In bonds of the United States or District of Columbia or of any State or Territory of the United States or Canada and in farm loan bonds issued by Federal Land Banks

(c) In the legally authorized bonds or notes of any city county township municipality school or water district of this Commonwealth or of any other State or Territory of the United States or Canada

(d) In the bonds or notes of any solvent railroad or street railway corporation upon which no default in interest has been made

(e) In ground-rents and loans upon improved and unencumbered real estate Provided That no loan on such real estate shall exceed sixty-six and two-thirds per centum (66 2/3%) of the fair market value thereof at the time of making such loan

(f) Any such company which has one million dollars of capital and one million dollars of surplus may invest in the capital of any like company organized under the laws of this Commonwealth or of the laws of any of the United States solely to transact the same class of business in countries outside of the United States Such investment shall be limited to an amount not exceeding thirty per centum of the par value of the capital stock of the investing company

Section 603 (As last amended by act of March tenth one thousand nine hundred and twenty-five Pamphlet Laws thirty) Investment of Surplus Restrictions Any money over and above the capital of any such stock casualty insurance company may be invested in the securities above enumerated or loaned upon the security of the same or in the stcok or other evidence of indebtedness of any solvent dividend paying corporation created under the laws of this Commonwealth or of any other State of the United States or loaned upon the pledge of the same except its own stock or the stock of any other insurance company transacting like classes of business The current market value of such securities at the time of any loan thereon shall be at least fifteen per centum (15%) more than the sum loaned thereon No such insurance company shall invest any of its funds in any unincorporated business or enterprise nor in the stock or evidence of indebtedness of any corporation the owners or holders of which stock or evidence of indebtedness may in any event be or become liable on account thereof to any assessment except for taxes nor shall any of its funds be loaned on personal security Not more than one-fifth (1/5) of its capital shall be invested in a single mortgage No such company shall enter into any agreement to withhold from sale any of its property but the disposition of its property shall be at all times within the control of its board of directors or trustees If any investment or loan is made in a manner not authorized by this act the officers and directors making or authorizing the same shall be personally liable for any loss occasioned thereby

Any such stock casualty insurance company may invest in the capital stock and obligations of a corporation or corporations formed for the purpose of taking and holding title to real estate and erecting or maintaining thereon a building or buildings to be used in whole or in part for the accommodation and transaction of the business of such insurance company without being subject to the limitation hereinbefore prescribed as to investment in the stock of a dividend paying corporation but no such insurance company shall invest more than fifty per centum (50%) of its capital and surplus in the stock and other obligations of any such corporation or corporations nor acquire and hold any of the stock or other obligations of any such corporation or corporations if the total amount of the capital and other obligations of such corporation or corporations exceeds in the aggregate fifty per centum (50%) of the capital and surplus of such insurance company without the written approval of the Insurance Commissioner

Section 604 Real Estate Which Companies May Purchase old and Convey No domestic stock casualty insurance company shall purchase hold or convey real estate except for the purpose and in the manner herein set forth to wit

(a) Such as shall be requisite for the transaction of its business

(b) Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings

(c) Such as shall have been purchased at sales upon judgments decrees or mortgages obtained or made for debts due the company or for debts due other persons where said company may have liens or encumbrances on the same and the purchase is deemed necessary to save the company from loss It shall not be lawful for any such company to purchase or hold real estate in any other case or for any other purpose Any real estate purchased received or acquired under paragraphs (b) and (c) of this section which has been held for a period of more than five (5) years from the date of its purchase receipt or acquisition must be sold and disposed of within a period of six (6) months after due notice to the company from the Insurance Commissioner to sell and convey the same The commissioner may extend the time for such disposi-

tion if he believes the interest of the company will suffer materially by a forced sale

Section 605 Dividends No such stock casualty insurance company heretofore or hereafter organized shall make any dividend on its capital except from the profits arising from its business In estimating such profits there shall first be charged as a liability (a) The capital of the company (b) all unpaid losses or other loss claims (c) all liabilities for reserve or unearned premiums on undetermined risks as required by law (d) all sums due the company on bonds book accounts and judgments on which the interest has not been paid during the last calendar year or on the principal of which no payment has been made during said period (e) all other debts or obligations of the company and (f) all shares of stock on which no dividend has been paid during the last calendar year

Section 606 Reduction and Withdrawal of Capital Stock Any existing stock casualty insurance company and any stock casualty insurance company formed under this act having a paid up capital in excess of the minimum herein required may reduce the excess in whole or in part in the manner hereinbefore provided for the reduction of capital stock by insurance companies Any such company which has undertaken two or more kinds of insurance and wishes to discontinue a particular kind may withdraw the entire additional capital paid in on account thereof

Section 607 Procedure When Capital Impaired Any stock casualty insurance company receiving notice from the Insurance Commissioner that its capital is impaired shall immediately call upon its stockholders for such amounts as will restore its capital to the amount fixed by its charter In case any stockholder neglects or refuses to pay the amount called for after notice personally given or by advertisement at such time and in such manner as the commissioner shall approve the company shall require the return of the original certificate of stock held by such stockholder and in lieu thereof issue new certificates in the proportion that the ascertained value of the assets of the company may as determined by the commissioner bear to the original capital the company paying for any fractional parts of shares The directors may create new stock and issue certificates therefor and dispose of the same at not less than par for an amount sufficient to make up the original capital or the commissioner may in his discretion permit the company to reduce its capital and the par value of its shares in proportion to the extent of the impairment but the capital shall at no time be reduced to an amount less than that required by law for the organization of any such company In fixing such reduced capital not more than fifty per centum (50%) of the original capital shall be deducted from the assets on hand to be retained as surplus funds nor shall any part of the assets be distributed to stockholders

Section 608 Certain Companies Heretofore Organized May Come within Provisions of Act Stock companies heretofore organized under the act of April twenty-eighth Anno Domini one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine), entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" having a paid up capital of not less than one hundred thousand dollars may issue policies providing personal accident and sickness indemnity as specified in subdivision (c) clause two (2) of section two hundred and two (202) and also in indemnity for death arising form natural causes for an amount not exceeding one hundred dollars Stock companies heretofore organized under the act approved April twenty-nine Anno Domini one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three), entitled "An act to provide for the incorporation and regulation of certain corporations" and the several supplements thereto for the purpose of guaranteeing the fidelity of persons in positions of trust and to act as surety on official bonds may transact business under this act by filing with the Secretary of the Commonwealth and with the Insurance Commissioner a resolution of the board of directors duly approved by the stockholders at a meeting specially called for that purpose accepting the provisions of this act and agreeing to be governed thereby as fully as though organized hereunder and such acceptance when so filed shall exempt any such company form the provisions and requirements of said act approved April twenty-nine one thousand eight hundred and seventy-four and of the act approved May nine one thousand eight hundred and eighty-nine (Pamphlet Laws one hundred and fifty-nine), entitled "An act supplementary to an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved the twenty-ninth day of April Anno Domini one thousand eight hundred and seventy-four amending the twenty-ninth section of said act so as to provide for the further regulation of and granting additional powers to all corporations now or hereafter incorporated under the provisions of said act for the insurance of owners of real estate mortgages and others interested in real estate and loss by reason of defective titles liens and encumbrances" and the several supplements thereto

Section 609 Companies to Which Act Applies That all stock casualty insurance companies heretofore or hereafter incorporated or formed by authority of any general or special law shall be subject to the provisions and requirements of this act except those companies incorporated under the provisions of the act approved April twenty-eight one thousand nine hundred and three entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act" and companies heretofore organized under the act approved the twenty-ninth day of April one thousand eight hundred and seventy-four (Pamphlet Laws seventy-three), entitled "An act to provide for the incorporation and regulation of certain corporations" and the several supplements thereto for the purpose of guaranteeing the fidelity of persons in positions of trust and to act as surety on official bonds which latter companies shall come under the provisions of this act only upon acceptance thereof as hereinbefore provided

Section 610 (As added by Act of June twenty-third one thousand nine hundred and thirty-one Pamphlet Laws nine hundred four) Foreign Companies Associations and Exchanges to do Business through Resident Agents Other than companies subject to the provisions of section five hundred and one of this act no insurance company association or exchange not incorporated or oganized under the laws of this Commonwealth but authorized to transact business herein shall make write place or cause to be made written or placed any policy or contract of insurance in this Commonwealth except through an agent whether an individual copartnership or corporation who or which is a resident of this Commonwealth or maintains his her or its principal place of business in this Commonwealth Provided however That the Insurance Commissioner may under such regulations and restrictions as may be deemed necessary issue licenses to nonresident agents who are licensed in the State in which they reside but such agents shall not countersign any policy or contract of insurance but all such policies and contracts shall be signed only by resident agents

(b) Health and Accident Insurance

Section 616 Copies of Policies To Be Filed with Insurance Commissioner No policy of insurance against loss from sickness or loss or damage from bodily injury or death of the insured by accident shall be issued or delivered by any stock or mutual casualty company or any stock or mutual life insurance company issuing such policies to any person in this Commonwealth until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with the Insurance Commissioner nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the Insurance Commissioner shall sooner give his written approval thereto If the Insurance

Commissioner shall notify in writing the company corporation association or other insurer which has filed such form that it does not comply with the requirements of law specifying the reasons for his opinion it shall be unlawful thereafter for any such insurer to issue any policy in such form The action of the Insurance Commissioner in this regard shall be subject to review by the court of common pleas of Dauphin County

Sectioon 617 Conditions Subject to Which Policies Are To Be Issued No such policy shall be issued or delivered except subject to the following conditions (a) Unless the entire money and other consideration therefor are expressed in the policy nor (b) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer nor (c) if the policy purports to insure more than one person nor (d) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten point nor (e) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point nor (f) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply Provided however That any portion of such policy which purports by reason of the circumstances under which a loss is incurred to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances shall be printed in bold face type and with greater prominence than any other portion of the text of the policy nor (g) if such policy is entitled or referred to as "non-cancellable" unless such "non-cancellable" policy is automatically renewable until age sixty upon payment of the required premiums by the insured

Section 618 Standard Policy Provisions Every such policy so issued shall contain certain standard provisions which shall be in the words and in the order hereinafter set forth and be preceded in every policy by the caption "Standard Provisions" In each such standard provision wherever the word "insurer" is used there shall be substituted therefor the word "company" or "corporation" or "association" or "society" Such standard provisions shall be

(a) A standard provision relative to the contract which may be in either of the following two forms Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation and Form (B) to be used in policies which do so provide If Form (B) is used and the policy provides indemnity against loss from sickness the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured"

"(A)-1 This policy includes the endorsements and attached papers if any and contains the entire contract of insurance No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation"

"(B)-1 This policy includes the endorsements and attached papers if any and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy or while he is doing any act or thing pertaining to any occupation so classified except ordinary duties about his residence or while engaged in recreation in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation"

"If the law of the State in which the insured resides at the time this policy is issued requires that prior to its issue a statement of the premium rates and classification of risks pertaining to it shall be filed with the State official having supervision of insurance in such State then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the insurer in accordance with such law but if such filing is not required by such law then they shall mean the insurer's premium rates and classification of risks last made effective by it in such State prior to the occurrence of the loss for which the insurer is liable"

(b) A standard provision relative to changes in the contract which shall be in the following form

"2 No statement made by the applicant for insurance not included herein shall avoid the policy or be used in any legal proceeding hereunder No agent has authority to change this policy or to waive any of its provisions No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon"

(c) A standard provision relative to reinstatement of policy after lapse which may be in either of the three following forms Form (A) to be used in policies which insure only against loss from accident Form (B) to be used in policies which insure only against loss from sickness and Form (C) to be used in policies which insure against loss from both accident and sickness

"(A)-3 If default be made in the payment of the agreed premium for this policy the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover loss resulting from accidental injury thereafter sustained"

"(B)-3 If default be made in the payment of the agreed premium for this policy the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover such sickness as may begin more than ten days after the date of such acceptance"

"(C)-3 If default be made in the payment of the agreed premium for this policy the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover accidental injury thereafter sustained and such sickness as may begin more than ten days after the date of such acceptance"

(d) A standard provision relative to time of notice of claim which may be in either of the three following forms Form (A) to be used in policies which insure only against loss from accident Form (B) to be used in policies which insure only against loss from sickness and Form (C) to be used in policies which insure against loss from both accident and sickness If Form (A) or Form (C) is used the insurer may at its option add thereto the following sentence "In event of accidental death immediate notice thereof must be given to the insurer"

"(A)-4 Written notice of injury on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury"

"(B)-4 Written notice of sickness on which claim may be based must be given to the insurer within ten days after the commencement of the disability from such sickness"

"(C)-4 Written notice of injury or of sickness on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury or within ten days after the commencement of disability from such sickness"

(e) A standard provision relative to sufficiency of notice of claim which shall be in the following form and in which the insurer shall insert in the blank space such office and its location as it may desire to designate for such purpose of notice

"(5) Such notice given by or in behalf of the insured or beneficiary as the case may be to the insurer at..... or to any authorized agent of the insurer with particulars sufficient to identify the insured shall be deemed to be notice to the insurer Failure to give notice within the time provided in this policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible"

(f) A standard provision relative to furnishing forms for the convenience of the insured in submitting proof of loss as follows

"(6) The insurer upon receipt of such notice will fur-

nish to the claimant such forms as are usually furnished by it for filing proofs of loss If such forms are not so furnished within fifteen days after the receipt of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss written proof covering the occurrence character and extent of the loss for which claim is made"

(g) A standard provision relative to filing proof of loss which shall be in such one of the following forms as may be appropriate to the indemnities provided

"(A)-7 Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the date of the loss for which claim is made"

"(B)-7 Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the termination of the period of disability for which the company is liable"

"(C)-7 Affirmative proof of loss must be furnished to the insurer at its said office in case of claim for loss of time from disability within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss"

(h) A standard provision relative to examination of the person of the insured and relative to autopsy which shall be in the following form

"(8) The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law"

(i) A standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made which provision may be in either of the following two forms and which may be omitted from any policy providing only indemnity for loss of time on account of disability The insurer shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time not more than sixty days as it may desire Form (A) to be used in policies which do not provide indemnity for loss of time on account of disability and Form (B) to be used in policies which do so provide

"(A)-9 All indemnities provided in this policy will be paid ..... after receipt of due proof"

(B)-9 All indemnities provided in this policy for loss other than that of time on account of disability will be paid ..... after receipt of due proof"

(j) A standard provision relative to periodical payments of indemnity for loss of time on account of disability which provision shall be in the following form and which may be omitted from any policy not providing for such indemnity The insurer shall insert in the first blank space of the form appropriate language to designate the proportion of accrued indemnity it may desire to pay which proportion may be all or any part not less than one-half and in the second blank space shall insert any period of time not exceeding sixty days

"(10) Upon request of the insured and subject to due proof of loss ..... accrued indemnity for loss of time on account of disability will be paid at the expiration of each ..... during the continuance of the period for which the insurer is liable and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof"

(k) A standard provision relative to indemnity payments which may be in either of the two following forms Form (A) to be used in policies which designate a beneficiary and Form (B) to be used in policies which do not designate any beneficiary other than the insured

"(A)-11 Indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured and otherwise to the estate of the insured All other indemnities of this policy are payable to the insured"

"(B)-11 All the indemnities of this policy are payable to the insured"

(l) A standard provision providing for cancellation of the policy at the instance of the insured which shall be in the following form

"(12) If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated in the policy the insurer upon written request of the insured and surrender of the policy will cancel the same and will return to the insured the unearned premium"

(m) A standard provision relative to the right of the beneficiary under the policy which shall be in the following form and which may be omitted from any policy not designating a beneficiary

"(13) Consent of the beneficiary shall not be requisite to surrender or assignment of this policy or to change of beneficiary or to any other changes in the policy"

(n) A standard provision limiting the time within which suit may be brought upon the policy as follows

"(14) No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of the loss has been filed in accordance with the requirements of this policy nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy"

(o) A standard provision relative to time limitations of the policy as follows

"(15) If any time limitation of this policy with respect to giving notice of claim or furnishing proof of loss is less than that permitted by the law of the State in which the insured resides at the time his policy is issued such limitation is hereby extended to agree with the minimum period permitted by such law"

Section 619 Optional Standard Policy Provisions No such policy shall be so issued or delivered which contains any provision (a) Relative to cancellation at the instance of the insurer or (b) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium has been paid or (c) providing for the deduction of any premium from the amount paid in settlement of claim or (d) relative to other insurance by the same insurer or (e) relative to the age limits of the policy unless such provisions which are hereby designated as optional standard provisions shall be in the words and in the order in which they are hereinafter set forth but the insurer may at its option omit from the policy any such optional standard provisions Such optional standard provisions if inserted in the policy shall immediately succeed the standard provisions named in the section immediately preceding of this act

(a) An optional standard provision relative to cancellation of the policy at the instance of the insurer as follows

"(16) The insurer may cancel this policy at any time by written notice delivered to the insured or mailed to his last address as shown by the records of the insurer together with cash or the insurer's check for the unearned portion of the premiums actually paid by the insured and such cancellation shall be without prejudice to any claim originating prior thereto"

(b) An optional standard provision relative to reduction of the amount of indemnity to a sum less than that stated in the policy as follows

"(17) If the insured shall carry with another company corporation association or society other insurance covering the same loss without giving written notice to the insurer then in that case the insurer shall be liable only for such portion of the indemnity promised as the said indemnity bears to the total amount of like indemnity in all policies covering such loss and for the return of such part of the premium paid as shall exceed the pro rata for the indemnity thus determined"

(c) An optional standard provision relative to deduction of premium upon settlement of claim as follows

"(18) Upon the payment of claim hereunder any premium then due and unpaid or covered by any note or written order may be deducted therefrom"

(d) An optional standard provision relative to other insurance by the same insurer which shall be in such one of the following forms as may be appropriate to the indemnities provided and in the blank spaces of which the insurer shall insert such upward limits of indemnity as are specified by the insurer's classification of risks filed as required by this act

"(A)-19 If a like policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity in excess of $..... The excess insurance shall be void and all premiums paid for such excess shall be returned to the insured"

"(B)-19 If a like policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity for loss of time on account of disability in excess of $..... weekly the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured"

"(C)-19 If a like policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity for loss other than that of time on account of disability in excess of $..... or the aggregate indemnity for loss of time on account of disability in excess of $..... weekly the excess insurance of either kind shall be void and all premiums paid for such excess shall be returned to the insured"

(e) An optional standard provision relative to the age limits of the policy which shall be in the following form and in the blank spaces of which the insurer shall insert such number of years as it may elect

"(20) The insurance under this policy shall not cover any person under the age of ..... years nor over the age of ..... years Any premium paid to the insurer for any period not covered by this policy will be returned upon request"

Section 620 Policy Provisions Required by Foreign Laws Policies of insurance against accidental bodily injury or sickness issued by an insurer not organized under the law of this Commonwealth may contain when issued in this Commonwealth any provision which the law of the State Territory or district of the United States or country under which the insurer is organized prescribes for insertion in such policies Policies of insurance against accidental bodily injury or sickness issued by an insurer organized under the laws of this Commonwealth may contain when issued or delivered in any other State Territory district or country any provision required by the laws of the State Territory district or country in which the same are issued anything in this act to the contrary notwithstanding

Section 621 Contradictory Policy Provisions Prohibited No such policy shall be issued or delivered if it contains any provision contradictory in whole or part of any of the provisions hereinbefore in this act designated as "Standard Provisions" or as "Optional Standard Provisions" nor shall any endorsements or attached papers vary alter extend or to be used as a substitute for or in any way conflict with any of the "Standard Provisions" or the said "Optional Standard Provisions" nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter constitution or by-laws of the insurer a part of the policy unless such portion of the charter constitution or by-laws shall be set forth in full in the policy but this prohibition shall not be deemed to apply to any statement of rates or classification of risks filed with the Insurance Commissioner in accordance with the provisions of this act

Section 622 False Statements in Applications The falsity of any statement in the application for any policy covered by subdivision (b) of this article shall not bar the right to recover thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer

Section 623 Alterations of Written Applications No alteration of any written application for insurance by erasure insertion or otherwise shall be made by any person other than the applicant without his written consent and the making of any such alteration without the consent of the applicant shall be a misdemeanor If such alteration shall be made by any officer of the insurer or by any employe of the insurer with the insurer's knowledge or consent then such act shall be deemed to have been performed by the insurer thereafter issuing the policy upon such altered application The commissioner may revoke the license of the insurer for any violation of this section

Section 624 Rights of Insurer Not Waived The acknowledgment by any insurer of the receipt of notice given under any policy covered by subdivision (b) of this article or the furnishing of forms for filing proofs of loss or the acceptance of such proofs or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy

Section 625 Policies Unlawfully Issued A policy issued in violation of subdivision (b) of this article shall be held valid but shall be construed as provided herein and when any provision in such a policy is in conflict with any said provision such provision so conflicting shall be invalid and the policy shall be deemed to contain all of the standard provisions

Section 626 Discrimination Prohibited Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by this act or in the benefits payable thereon or in any of the terms or conditions of such policy or in any other manner whatsoever is prohibited

Section 627 Approval of Policies Any policy covered by subdivision (b) of this article the form of which has received the approval of the Insurance Commissioner may hereafter be issued or delivered in this Commonwealth

Section 628 (As amended by Act of June twenty-three one thousand nine hundred and thirty-one Pamphlet Laws nine hundred four) Penalties Any company or other insurer or any officer or agent thereof which or who issues or delivers to any person in this Commonwealth any policy or alters any written application for insurance in violation of the provisions of subdivision (b) of this article shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars for each offense The Insurance Commissioner may in his discretion take against the offending party any one or more of the following courses of action (1) Revoke the license of any company corporation association or other insurer of another State or county or of the agent thereof which or who violates any of said provisions (2) impose a penalty of not more than one thousand dollars for each act of violation of any of the provisions of said subdivision (b) of this article Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the person company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held After such hearing or upon failure of the accused to appear at such hearing the Insurance Commissioner shall impose such of the above penalties as he deems advisable When the Insurance Commissioner shall have taken any action as above set forth the party aggrieved may appeal to the court of common pleas of Dauphin County

Section 629 (As amended by Act of June twenty-three one thousand nine hundred and thirty-one Pamphlet Laws nine hundred four) Limitations (a) Nothing in subdivision (b) of this article shall apply to or affect any policy of workmen's compensation insurance or any policy of group health and accident insurance [or any general or blanket policy of insurance issued to any municipal corporation or department thereof or to any corporation or individual employer police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy]

(b) Nothing in subdivision (b) of this article shall apply to nor in any way affect life insurance endowment or annuity contracts or contracts supplemental thereto whic hcontain only such provisions relating to accidental and health insurance as (a) provide additional benefits in case of death by accidental means and as (b) operate to

safeguard such contracts against lapse or to give special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled as defined by the contract or supplemental contract The Insurance Commissioner shall have power to make reasonable rules and regulations concerning such provisions and contracts or supplemental contracts containing such provisions shall not be issued or delivered to any person in the Commonwealth unless and until a copy of the form thereof has been filed with the Insurance Commissioner in accordance with the provisions of Section four hundred nine of an Act approved May seventeen one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two)

(c) Nothing in subdivision (b) of this article shall be applicable to policies issued by companies organized under the provisions of the act approved April twenty-eight one thousand nine hundred and three (Pamphlet Laws three hundred twenty-nine) entitled "An act to provide for the incorporation and regulation of corporations for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death therein limiting the amount for which such corporations may issue policies and providing the manner in which certain existing corporations may become reincorporated under this act"

(d) The provisions contained in clause (e) of section six hundred and seventeen (617) and clauses (b) (c) (h) and (l) of section six hundred and eighteen (618) may be omitted from railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employes

(c) Employers' Mutual Liability Insurance Associations

Section 636 Employers' Mutual Liability Insurance Associations Defined An incorporated association or company heretofore or hereafter formed by employers for the purpose of insuring themselvs and such other employers as may become subscribers to the association against liability under the terms of articles two and three of "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or any amendments or supplements or revisions thereof shall be known as an "employers" mutual liability insurance association"

Section 637 Examination of Premises Books Et Cetera The board of directors of any employers mutual liability insurance association shall be entitled to inspect the plant workroom shop farm or premises of any subscriber and for such purpose may appoint inspectors who shall have free access to all such premises during the regular working hours The board of directors shall likewise from time to time be entitled to examine by their auditor or other agent the books records and payrolls of any subscriber for the purpose of determining the amount of premium chargeable to such subscriber

Section 638 Rules and Regulations Refusal and Forfeiture of Insurance The board of directors of any such association shall make reasonable rules and regulations for the prevention of injuries upon the premises of subscribers and they may refuse to insure or may terminate the insurance of any subscriber who refuses to permit such examination or disregard such rules and regulations and forfeit one-half of the unearned premiums previously paid by him Such termination of the insurance of any subscriber shall not release him from liability for the payment of assessments then or thereafter made by the board of directors to make up deficiencis existing at the termination of his insurance

Section 639 Premiums The board of directors of any employers' mutual liability insurance association shall determine the amount of the premiums which the subscribers of the association shall pay for their insurance in accordance with the nature of the business in which such subscribers are engaged and the probable risk of injury to their employes under existing conditions They shall fix premiums at such amounts as in their judgment (subject to the approval of the Insurance Commissioner) shall be sufficient to enable the association to create and maintain the surplus provided in section six hundred and forty-three (643) of this act and to pay to its subscribers all sums which may become due and payable to their employes under the provisions of article three of "The Workmen's Compensation Act to one thousand nine hundred and fifteen" or any amendment or revision thereof and also the expenses of conducting the business of the association

In fixing the premium payable by any subscriber the board of directors may take into account the condition of all the property or premises of such subscriber in respect to the safety of those employed therein or thereon as shown by the report of any inspection appointed by such board

The board of directors may from time to time change the amount of premiums payable by any of the subscribers as circumstances may require and the condition of the property or premises of such subscriber in respect to the safety of their employes may justify They may increase the premiums of any subscriber neglected to provide safety devices requiring by law or disobeying the rules or regulations made by the board of directors in accordance with the provisions of section six hundred and thirty-eight (638) of this act

No policy of insurance issued to any subscriber shall be effective until he shall have paid the premium so fixed and determined

Section 640 Division of Subscribers into Groups The board of directors of such associations may divide the subscribers into groups in accordance with the nature of their business and the probable risks of injury therein In such case they shall fix all premiums for each business in such group and for the various classes of employment therein in accordance with the probable risks of injury to the employes in such business and in each class of employment therein and they shall make all assessments and determine and pay all dividends by and for each group in accordance with the experience thereof but all funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association Provided however That (as between the association and its subscribers) until the whole of the contingent liability of the members of any groups shall be exhausted the general funds of the association and the contingent liability of the members of other groups shall not be available for the payment of losses and expenses incurred by such group in excess of the earned premiums paid by the members thereof

Section 641 Insurance Commissioner To Approve Premiums Dividends Et Cetera Every employers' mutual liability insurance association shall file a statement of any proposed premium assessment dividend or distribution of subscribers into groups with the Insurance Department which shall not take effect until approved by the Insurance Commissioner

Section 642 Dividends The board of directors of any employers' mutual liability insurance association may from time to time fix and determine the amount to be paid as dividends upon policies expiring each year after retaining the unearned premiums upon undetermined risks and sufficient sums to pay all the compensation then payable or which may become payable on account of injuries theretofore received by employes of the subscribers and to pay the expenses incurred in the operation of the business of the association and such percentage of the premiums as have been paid or are payable to create and maintain the surplus provided in section six hundred and forty-three (643)

Section 643 Surplus The board of directors may set aside such part of all premiums collected as it may deem necessary for the creation of an adequate surplus to cover the catastrophe hazard of all the subscribers to such fund and to guarantee the solvency of the fund

Section 644 Contingent Mutual Liability of Subscribers Every subscriber to such association shall be under a contingent mutual liability for the payment of losses and expenses in excess of the cash funds of the association to an amount at least equal to the premium paid by him during the current year

Section 645 Assessments If any employers' mutual liability insurance association is not possessed of cash funds over and above its unearned premiums on undetermined risks sufficient for the payment of incurred losses and expenses it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefore in proportion to their several liabilities

Section 646 Withdrawal of Subscribers Any subscriber of any employers' mutual liability insurance association who has complied with all of its rules and regulations may withdraw therefrom by written notice to that effect sent by such subscriber by registered mail to the association Such withdrawal shall become effective on the first day of the month immediately following the tenth day after the receipt of such notice Such withdrawal shall not release such subscriber from liability for the payment of assessments thereafter made by the board of directors to make up deficiencies existing at the date of his withdrawal provided assessment therefor is made within one calendar year from date of withdrawal and such subscriber shall be entitled to his share of any dividend earned at the date of his withdrawal

Section 647 Penalty If any officer of the employers' mutual liability insurance association shall falsely make oath to any certificate required to be filed with the Insurance Commissioner he shall be guilty of perjury

(d) Workmen's Compensation Insurncea

Section 651 Policy Provisions Every policy of insurance against liability under "The Workmen's Compensation Act of nineteen hundred and fifteen" and acts amendatory thereof shall contain the agreement of the insurer to pay all compensation and provide all medical surgical and hospital attendance for which the insured employer may become liable under the act during the term of such insurance and the further agreement that as between the insurer and any claimant under the act notice to the employer or the employers' knowledge of an accident or injury constituting the basis of a claim under the act shall be notice to and knowledge of the insurer Such agreements shall be construed to be a direct promise to the injured employe or to the dependents of a deceased employe having a claim under the act and shall be enforceable by action brought in the name of such injured employe or in the name of such dependents Such obligation shall not be affected by any default of the insured after the accident in the payment of premiums or in the giving of any notices required by such policy or otherwise

Section 652 Suits for Premiums No suit shall be maintained for the collection of premiums upon any policy of insurance under "The Workmen's Compensation Act of nineteen hundred and fifteen" or acts amendatory thereof which violates any of the provisions of this act

Section 653 Prohibited Policy Provisions No policy of insurance against liability under "The Workmen's Compensation Act of nineteen hundred and fifteen" or acts amendatory thereof shall contain any limitation of the liability of the insurer to an amount less than that for which the insured employer may become liable under the act during the term of such insurance No such policy or contract of insurance nor any agreement to deliver such insurance shall be issued except upon a form approved by the Insurance Commissioner as complying with all the terms and provisions of his act But a policy may be issued to a self insurer qualified under section three hundred five of article three of "The Workmen's Compensation Act of nineteen hundred and fifteen" or acts amendatory thereof providing for the payment of any stated loss in excess of ten thousand dollars falling upon such self insurer under the terms of the said act by reason of any single accident

Section 654 Classification of Risks Underwriting Rules Premium Rates and Schedule and Merit Rating Plans The classification of risks underwriting rules premium rates and schedule or merit rating plans for insurance of employers and employes under "The Workmen's Compensation Act of nineteen hundred and fifteen" and acts amendatory thereof shall be established by one or more rating bureaus situate within the Commonwealth of Pennsylvania subject to supervision and to examination by the Insurance Commissioner and approved by the Insurance Commissioner as adequately equipped to compile rates on an equitable and impartial basis Such schedule or merit rating plans shall be applied only by the approved rating bureau or bureaus and in the preparation of schedules no employer shall be discriminated against or penalized because of physical impairment of any employe or because of the number of dependents of any employe

No risk classification underwriting rule premium rate or schedule or merit rating plan shall take effect without the consent of the Insurance Commissioner and he may withdraw his approval whenever in his judgment the same is inadequate or discriminates unfairly between risks of essentially the same hazard

Neither the State Workmen's Insurance Fund nor any insurance corporation mutual association or company shall issue renew or carry any policy or contract of insurance against liability under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" and acts amendatory thereof except in accordance with the classifications underwriting rules premium rates and schedules or merit rating promulgated by the rating bureau aforesaid for the risk insured and approved by the Insurance Commissioner for such insurer

A complete copy of every policy or true copy of the substantive provisions of any policy or contract of insurance against liability under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or acts amendatory thereof and a true copy of every endorsement upon any such policy and of every agreement pertaining thereto shall be filed with the rating bureau aforesaid within a reasonable time after the effective date of any such policy endorsement contract or agreement

Section 655 Annual Report of Premiums and Loss Experience Penalties The State Workmen's Insurance Fund and every insurance company and every employer's mutual liability association which insures employers or employes under "The Workmen's Compensation Act of one thousand nine hundred and fifteen" or acts amendatory thereof shall annually on or before the thirtieth day of June file with the Insurance Commissioner a sworn report of its premium and loss experience in such detail and form as may be prescribed by the Insurance Commissioner Any insurance carrier which neglects to make and file such statement in the form or within the time herein provided shall forfeit one hundred dollars for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do business shall cease while such default continues

The Insurance Commissioner shall have the power to suspend or revoke the license of any insurance company which violates any of the provisions of subdivision (d) of this article

(e) Surety Companies

Section 661 (As amended by Act of June twenty-second one thousand nine hundred and thirty-one Pamphlet Laws six hundred thirteen) Conditions for Doing Business Every surety company to be qualified to so act as surety or guarantor must be authorized under the laws of the State or country where incorporated and its charter to guarantee the fidelity of persons holding places of public or private trust and to guarantee the performance of contracts other than insurance policies and to execute bonds and undertakings required or permitted in action or proceedings or by law allowed must (a) Comply with the requirements of the laws of this State applicable to such company in doing business therein (b) must have at least one hundred thousand dollars ($100,000) invested in securities created by the law of the United States or by or under the laws of the State or country wherein it is incorporated or in other safe marketable and interest-bearing stocks and securities the value of which shall be at or above par and deposited with or held by the Insurance Commissioner or other corresponding officer of the State or country in which it is authorized to transact business in trust for the benefit of the holders of the obligations of such company (c) its liabilities must not exceed its available assets which said liabilities however shall be taken to be (I) its capital stock (II) its outstanding debts and (III) a premium [reserved] reserve equal to fifty per centum of the annual premium on all outstanding risks in force and (d) such company shall also before transacting business in this State under this act file with the Insurance Commissioner

a certified copy of its charter or act of incorporation (e) a written application to be authorized to do business under this act and (f) a statement signed and sworn to by its president or one of its vice presidents and its secretary or one of its assistant secretaries stating (I) the amount of its paid up cash capital (II) particularly each item of investment (III) the amount of premium on existing bonds upon which it is surety (IV) the amount of liability for unearned portion thereof estimated at fifty per centum of the annual premium on all outstanding premiums for one year or less and pro rata for terms of more than one year and (V) the amount of its outstanding debts of all kinds

Any surety company which is authorized to do business in this Commonwealth shall not expose itself to any loss or hazard on any one fidelity or surety risk in an amount exceeding ten per centum of its capital and surplus unless it shall be protected in excess of that amount by

(a) Reinsurance in a corporation authorized to transact the fidelity or surety business in this State Provided That such reinsurance is in such form as to enable the obligee or beneficiary to maintain an action thereon against the company reinsured jointly with such reinsurer and upon recovering judgment against such reinsured to have recovery against such reinsurer for payment to the extent in which it may be liable under such reinsurance and in discharge thereof or

(b) The co-suretyship of such a corporation similarly authorized or

(c) By deposit with it in pledge or conveyance to it in trust for its protection of property or

(d) By conveyance or mortgage for its protection or

(e) In case a suretyship obligation was made on behalf or on account of a fiduciary holding property in a trust capacity by deposit or other disposition of a portion of the property so held in trust that no future sale mortgage pledge or other disposition can be made thereof without the consent of such corporation except by decree or order of a court of competent jurisdiction

Provided (1) That such a corporation may execute what are known as transportation or warehousing bonds for United States Internal revenue taxes to an amount equal to fifty per centum of its capital and surplus (2) that when the penalty of the suretyship obligation exceeds the amount of a judgment described therein as appealed from and thereby secured or exceeds the amount of the subject matter in controversy or of the estate in the hands of the fiduciary for the performance of whose duties it is conditioned the bond may be executed if the actual amount of the judgment or the subject matter in controversy or estate not subject to supervision or control of the surety is not in excess of such limitation and (3) that when the penalty of the suretyship obligation executed for the performance of a contract exceeds the contract price the latter shall be taken as the basis for estimating the limit of risk within the meaning of this section

No such corporation shall anything to the contrary in this section notwithstanding execute suretyship obligations guaranteeing the deposits of any single financial institution in an aggregate amount in excess of ten per centum of the capital and surplus of such corporate surety unless it shall be protected in excess of that amount by credits in accordance with subdivisions (a) (b) (c) or (d) of this section Upon satisfactory evidence of the violation of this section by any insurance company association or exchange its members officers directors or attorney-in-fact the Insurance Commissioner shall in his discretion take against the offending party any one or more of the following courses of action (1) Revoke the certificate of authority of such offending company association or exchange (2) refuse for a period of not to exceed one year thereafter to issue a new license to such offending company association or exchange (3) impose a fine of not more than one thousand dollars for each act of violation of said section When the Insurance Commissioner shall take any action as above set forth the party aggrieved may appeal to the court of common pleas of Dauphin County Any insurance company or the officers directors members or attorney-in-fact of any insurance company association or exchange or any other person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) for each and every violation or to imprisonment in the jail of the county in which the offense is committed for a period of not more than six (6) months or both

Section 662 Certificate to do Business If the Insurance Commissioner is satisfied that such company is solvent and has the cash capital herein provided for and surplus assets in excess of its capital stock its outstanding debts and the premiums reserve specified and that it has in all respects complied with and is qualified under this act he shall issue to such compny and to each of its agents in this State his certificate that it is authorized to become and be accepted as sole surety on all bonds undertakings and obligations required or permitted by law or the charter ordinances rules or regulations of any municipality board body organization or public officer which said certificate shall be conclusive proof of the solvency and credit of such company for all purposes and of its right to be so accepted as such sole surety and its sufficiency as such

Section 663 Information to be Furnished Annually Every such company shall also annually in the month of January file with the Insurance Commissioner a statement similar to that hereinbefore in section six hundred and sixty-one (661) provided for and shall also furnish him with a certificate from the officer with whom the deposit herein mentioned is required to be made describing such securities so deposited and the manner in which they are held by him and stating that he is satisfied that such securities are fully worth one hundred thousand dollars ($100,000) and also shall furnish the Insurance Commissioner with such other information touching the condition and credit of the company as he may require signed and sworn to

Section 664 Power to Execute Bonds Et Cetera Any surety company which is authorized to do business in this Commonwealth in accordance with the provisions of this act is authorized to execute any bond recognizance or other obligation which is required by law or by the charter ordinances rules or regulations of any municipality board body or public officer to be given with surety or sureties The execution by such company of any such bond recognizance or obligation shall be a full and complete compliance with every requirement of such law charter ordinance or rule and obligation that such bond obligation or recognizance shall be executed by one or more sureties or that such sureties shall be residents householders freeholders or possess any other qualifications

Section 665 Liability of Companies No surety company having signed a bond undertaking or obligation shall be permitted to deny its corporative power to execute such instruments or incur such liability in any proceeding to enforce liability against it thereunder

(f) Boiler Insurance

Section 671 Liability of Companies Companies incorporated under the laws of this State or doing business in this Commonwealth with power to insure against loss by the explosion of steam boilers may insure all loss or damage which the owner or owners of said boiler or their employes or other persons may suffer or be liable for in case of an explosion of the boiler mentioned in any policy of insurance issued by such company for the amount specified therein

(g) Group Health and Accident Insurance

Section 680 Definition of Group Health and Accident Insurance

(a) Group health and accident insurance is hereby declared to be insurance against loss or expense from sickness or loss expense or damage from bodily injury or death of the insured by accident or accidental means written under a policy covering not less than twenty-five employes with or without medical examination issued to the employer the cost of which is to be borne by the employer by the employees or by the employer and employes jointly and insuring only all of his employes or all of any class or classes thereof determined by conditions pertain-

ing to the employment for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the employer Provided however That when the cost is to be borne by the employes or by the employer and employes jointly and the benefits of the policy are offered to all eligible employes not less than seventy-five per centum of such employes may be so insured Such Group policy may provide that the term "employes" shall include the officers managers and employes of subsidiary or affiliated corporations and the individual proprietors partners and employes of affiliated individuals and firms when the business of such subsidiary or affiliated corporations firms or individuals is controlled by the common employer through stock ownership contract or otherwise

(b) The following forms of health and accident insurance are hereby declared to be group health and accident insurance within the meaning of this act (1) Health and accident insurance covering the members of any police or fire department where the officers members or employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness and written under a policy issued to the commanding officer of such police or fire department who shall be deemed to be the employer for the purposes of this act the cost of which is to be borne by the members of such departments for the benefit of persons other than the employer Provided however That when the benefits of the policy are offered to all eligible members of such police or fire department not less than seventy-five per centum of the members of such department may be so insured and (2) health and accident insurance issued to any municipal corporation or department thereof where the officers employes or classes or departments thereof are insured for their individual benefit against specified accidental bodily injury or sickness and written under a policy issued to such municipal corporation or department thereof which shall be deemed to be the employer for the purposes of this act the cost of which is to be borne by the municipal corporation or department thereof or by the municipal corporation or department thereof and its employes jointly and insuring its employes for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the municipal corporation or department thereof Provided however that when the cost is to be borne by the municipal corporation or department thereof and its members jointly and the benefits are offered to all eligible employes not less than seventy-five per centum of such employes may be so insured

Section 681 Uniform Provisions for Policies of Group Health and Accident Insurance No policy of group health and accident insurance shall be issued or delivered in this Commonwealth after January one one thousand nine hundred thirty-six by any stock or mutual casualty insurance company or any stock or mutual life insurance company issuing such policies unless and until a copy of the form thereof has been filed with the Insurance Commissioner Nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the Insurance Commissioner shall sooner give his written approval thereto If the Insurance Commissioner shall notify in writing the company which has filed such form that it does not comply with the requirements of law specifying the reasons for his opinion it shall be unlawful thereafter for any such insurer to issue any policy in such form The action of the Insurance Commissioner in this regard shall be subject to review by the Court of Common Pleas of Dauphin County Every such policy shall contain in substance the following provisions

(a) A provision that the policy the application of the employer and the individual applications if any of the employes insured shall constitute the entire contract between the parties and that no statements made by the applicant or applicants for insurance shall void the insurance unless contained in a written application

(b) A provision that no agent has authority to change the policy or to waive any of its provisions and that no change in the policy shall be valid unless approved by an officer of the insurer and such approval be endorsed thereon

(c) A provision that the company will issue to the employer for delivery to the employe who is insured under such policy an individual certificate setting forth a statement as to the insurance protection to which he is entitled to whom any accidental death benefit under the policy shall be payable and to whom such benefits other than those pertaining to death by accident shall be payable in the event of the insured's mental incapacity to receive such benefits

(e) A provision that to the group or class thereof originally eligible for insurance shall be added from time to time all new employes of the employer in such group or class

(f) A provision that in the event of an injury suffered by an employe covered under the group insurance contract written notice upon which claim may be based must be given to the insurer within twenty days after the date of accident causing such injury and that in the event of sickness suffered by an employe covered under the policy of group insurance written notice upon which the claim may be based must be given to the insurer within ten days after the commencement of disability from such sickness

(g) A provision that such notice of claim given by or in behalf of the insured or beneficiary as the case may be to the insurer at its home office or to any authorized agent of the insurer with particulars sufficient to identify the insured shall be deemed to be notice to the insurer and that failure to give such notice within the time provided in the policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible

(h) A provision that the insurer upon receipt of such notice of claim will furnish to the claimant such forms as are usually furnished by it for filing proof of loss If such forms are not furnished within fifteen days after the receipt of such notice the claimant shall be deemed to have compiled with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss proof covering the occurrence character and extent of the loss for which claim is made

(i) A provision that affirmative proof of loss must be furnished to the insurer at its said office in case of loss of time from disability within sixty days after the commencement of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss

(j) A provision that the insurer shall have the right and opportunity to examine the person of the employe when and so often as it may reasonably require during the pendency of claim hereunder and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law

(l) A provision that all indemnities payable under the policy shall be payable to the insured except in the event of the insured's mental incapacity to receive such benefits and except those payments for loss of life as a result of accident or accidental means which latter payments shall be payable to the beneficiary if surviving the insured and otherwise to the estate of the insured or as provided in the policy

(m) A provision that if a death benefit is provided in the event of accidental death or death by accidental means the consent of the beneficiary shall not be requisite to change of beneficiary or to any other changes concerning the insurance coverage

(n) A provision that no action at law or in equity may be brought to recover under the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with requirements of the policy nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy

(o) A provision that if any time limitation under the policy with respect to giving notice of claim or furnish-

ing proof of loss is less than that permitted by the law of the State in which the insured resides at the time this policy is issued such limitation is hereby extended to agree with the minimum period permitted by such law

Section 682 Optional Uniform Provisions for Policies of Group Health and Accident No such policy shall be issued or delivered which contains any provision (a) Relative to cancellation at the instance of the insurer or (b) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium has been paid or (c) providing for the deduction of any premiums from the amount paid in settlement of claim or (d) relative to the age limits of the policy or (e) relative to readjustment of the premium rate unless such provisions are contained in the policy in substance as hereinafter set forth but the insurer may at its option omit from the policy any such optional uniform provision

(a) A provision that the insurer may cancel the policy at the end of the first or subsequent year of insurance by written notice delivered to the employer or mailed to the last address as shown by the records of the insurer and that such cancellation shall be without prejudice to any claim originating prior thereto

(e) A provision that the policy may state the ages under which and over which the insurance provided therein shall not be applicable and the age for which additional restrictions are placed on the benefits and that any premium paid to the insurer for any period for which no coverage is provided by the policy will be returned upon request

(f) A provision for readjustments of the premium rate by the insurer based on experience at the end of the first or any subsequent year of insurance which readjustments may be made retroactive for such policy year only

Section 683 Individual Certificates Individual certificates setting forth a statement as to the insurance protection to which the employe is entitled under the group policy along with a statement as to whom any accidental death benefits under the policy shall be payable and to whom such benefits other than those pertaining to accidental death or death by accidental means shall be payable in the event of the insured's mental incapacity to receive such benefits shall be issued to each employe insured under the group insurance policy Such certificate shall also contain the sections of the group policy as provided in subdivisions (f) (g) (h) (i) (j) (l) (m) (n) (o) of Section 681 and such of the sub-divisions (a) (b) (c) (d) (e) and (f) of Section 682 as are included in the policy

Section 684 Policies Unlawfully Issued Except as herein provided it shall be unlawful to make a contract of group health and accident insurance in this Commonwealth provided however that nothing herein contained shall prohibit the inclusion in such contracts of Group Health and Accident insurance provisions or limitations not inconsistent with any section of sub-division (g) of this article

Section 685 Voting Power Under Policies of Group Health and Accident Insurance In every group policy so issued the employer shall be deemed to be the policyholder for all purposes within the meaning of this act and if entitled to vote at a meeting of the company shall be entitled to one vote thereat

Section 686 Policy Provisions Required by Foreign Laws Policies of insurance against accidental bodily injury or sickness issued by an insurer not organized under the law of this Commonwealth may contain when issued in this Commonwealth any provision which the law of the State Territory or district of the United States or country under which the insurer is organized prescribes for insertion in such policies Policies of insurance against accdental bodily injury or sickness issued by an insurer organized under the laws of this Commonwealth may contain when issued or delivered in any other State Territory district or country any provision required by the laws of the State Territory district or country in which the same are issued anything in this act to the contrary notwithstanding

Section 687 Contradictory Policy Provisions Prohibited No such policy shall be issued or delivered if it contains any provision contradictory in whole or part of any of the provisions hereinbefore in this act designated as "Uniform Provisions for Policies of Group Health and Accident Insurance" or as "Optional Uniform Provisions for Policies of Group Health and Accident Insurance" nor shall any endorsements or attached papers vary alter extend or be used as a substitute for or in any way conflict with any of the said "Uniform Provisions for Policies of Group Health and Accident Insurance" or the said "Optional Uniform Provisions for Policies of Group Health and Accident Insurance" nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter constitution or by-laws of the insurer a part of the policy unless such portion of the charter constitution or by-laws shall be set forth in full in the policy but any such policy may be issued or delivered in this State which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several requirements of this Act more favorable to the employer or to the employe than herein required

Section 688 False Statements in Applications The falsity of any statement in the application for any policy covered by subdivision (g) of this article shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer

Section 690 Rights of Insurer Not Waived The acknowledgment by any insurer of the receipt of notice given under any policy covered by subdivision (g) of this article or the furnishing of forms for filing proofs of loss or the acceptance of such proofs or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy

Section 691 Policies Unlawfully Issued A policy issued in violation of subdivision (g) of this article shall be held valid but shall be construed as provided herein and when any provision in such a policy is in conflict with any said provision such provision so conflicting shall be invalid and the policy shall be deemed to contain all of the standard provisions

No policy of Group Health and Accident Insurance nor the proceeds thereof nor any benefit payable thereunder shall be liable to attachment garnishment or other process nor to be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of an employe or his beneficiary or any person who may have a right thereunder either before or after payment nor shall the proceeds thereof constitute a part of the estate of the employe for the payment of his debts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1035, as follows:

An Act to amend the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by s companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" so that

a new section to be known as section four hundred and ten B (410B) is added providing uniform policy provisions for pure endowment contracts and contracts of annuities issued by stock and mutual life insurance companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to include a new section to be known as four hundred and ten B (410B) to read as follows

SECTION 410B UNIFORM PROVISIONS FOR CONTRACTS OF ANNUITIES AND PURE ENDOWMENT CONTRACTS On and after January first one thousand nine hundred thirty-six no annuity or pure endowment contract shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company unless and until a copy of the form thereof has been filed with the Insurance Commissioner and formally approved by him Except in the case of a reversionary annuity otherwise called a survivorship annuity or an annuity contracted by an employer in behalf of his employes no annuity or pure endowment contract shall be so issued or delivered in this Commonwealth unless it contains in substance the following provisions

(a) A provision that there shall be a period of grace either of thirty days or of one month within which any stipulated payment to the company falling due after the first year may be made subject at the option of the company to an interest charge thereon at a rate to be specified in the contract but not exceeding six per centum per annum for the number of days of grace elapsing before such payment during which period of grace the contract shall continue in full force but in case a claim arises under the contract on account of death during the said period of grace before the overdue payment to the company or the deferred payments of the current year if any are made the amount of such payments with interest on any overdue payments may be deducted from any amount payable under the contract in settlement

(b) If statements other than those relating to age and identity are required as a condition of issuing the contract a provision that the contract shall be incontestable after it has been in force during the lifetime of the person or each of the persons as to whom such statements are required for a period of two years from its date of issue except where stipulated payments to the company have not been made and except for violation of the conditions of the contract relating to military or naval service in time of war and at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant insurance specifically against death by accident may also be excepted

(c) A provision that such contract shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be indorsed upon or attached to such contract when issued and in such case such contract shall contain a provision that it together with the application therefor shall constitute the entire contract between the parties

(d) A provision that if the age of the person or persons upon whose life or lives the contract is based or of any of them has been misstated the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct age or ages Any overpayment or overpayments by the company on account of misstatement of age shall with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum to be charged against the current or next succeeding payment or payments to be made by the company under the contract

(e) If the contract is participating a provision that the divisible surplus shall be apportioned annually and dividends shall be payable in cash or shall be applicable to any stipulated payment or payments to the company under the contract

(f) A provision that if the contract after having been in force for three full years shall by its terms lapse or become forfeited because any stipulated payment to the company shall not have been made the reserve on such contract computed according to the standard adopted by said company in accordance with section three hundred and one of this Act shall after deducting one-fifth of the said entire reserve and any indebtedness to the company under the contract be applied as a net single payment according to said standard for the purchase of a paid up annuity or pure endowment contract which may be non-participating and which shall be payable by the company under the same terms and conditions except as to amount of the original contract A company may provide in lieu of said paid up values for a paid up annuity or pure endowment contract in an amount bearing the same proportion to the original annuity or pure endowment contract as the number of stipulated payments which shall have been made to the company shall bear to the total number of stipulated payments required to be made to the company under the contract and if there be any indebtedness to the company under the contract the amount of such paid up annuity or pure endowment shall be reduced by an amount bearing the same proportion to such paid up annuity or pure endowment as such indebtedness bears to the reserve on such paid up annuity or pure endowment computed according to the standard adopted by said company in accordance with section three hundred and one of an Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789(as amended

(g) A provision that the contract may be reinstated at any time within one year from the date of default in making stipulated payments to the company provided that all overdue stipulated payments and any indebtedness to the company on the contract shall be made or paid with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum payable annually In cases where applicable a company may also include a requirement of evidence of insurability satisfactory to the company

No contract for a reversionary annuity shall be so issued or delivered unless it contains in substance the following provision

(1) Provisions (a) (b) (c) and (e) of this section except that under provision (a) the company may at its option provide for an equitable reduction of the amount of the annuity payments in settlement or an overdue or deferred payments in lieu of providing for a deduction of such payments from any amount payable upon a settlement under the contract

(2) A provision that if the age of any of the persons upon whose lives the contract is based has been misstated the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct ages

(3) A provision that the contract may be reinstated at any time within three years from the date of default in making stipulated payments to the company upon production of evidence of insurability satisfactory to the company provided that all overdue payments and any indebtedness to the company on the contract shall be made or paid with interest thereon at a rate to be specified in the contract but not exceeding six per centum per annum payable annualy

Any of the foregoing provisions or portions thereof not applicable to non-participating contracts nor to contracts for which a single stipulated payment to the company is made shall to the extent not be incorporated therein and any such contract may be issued or delivered in this

Commonwealth which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the holder of the contract than hereinbefore required

Nothing herein contained shall be construed to prevent a life insurance corporation which issues life insurance on a participating basis from issuing annuities reversionary annuities or pure endowments on a non-participating basis

Any such contract or any application endorsement or rider form used in connection therewith issued in violation of this section shall nevertheless be held valid but shall be construed as provided in this section and when any provision in such contract application endorsement or rider is in conflict with any provision of this section or with any other statutory provision the rights duties and obligations of the company of the holder of the contract and of the beneficiary or annuity thereunder shall be governed by the provisions of this section The provisions of this section shall not apply to contracts of reinsurance nor to contracts for deferred annuities or reversionary annuities included in life insurance policies

For the purpose of this section application forms rider forms and endorsement forms for use in connection with any such contract excepting riders or endorsements relating to the manner of distribution of benefits or to the reservation of rights and benefits under any such contract and used at the request of the individual holders of such contracts shall be deemed to be parts of such contracts and shall require the approval of the Insurance Commissioner No rider and no endorsement except as stated above shall be attached to or printed or stamped upon any such contract issued or delivered in this Commonwealth until the form of such rider or endorsement has been filed with the Insurance Commissioner and formally approved by him

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. ROBERTS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Northampton, Mr. Roberts, will state his question of personal privilege.

Mr. ROBERTS. Mr. President, I hold in my hand House Bill No. 864, which is Senate Bill No. 507. This bill is what is commonly known as the Chain Store Tax Bill. It was referred to the Committee on Finance, of this body, on March 11, 1935; and since that date, to the present time, it has been in that committee. As a member of that committee I brought to their attention the necessity of reporting this bill out to the Senate, so that such action might be taken as would be deemed prudent. I was unsuccessful, and yet we find that the financial condition of our State is such that we will need additional revenue. I believe that under those circumstances a bill of this character, which is, I think, a very just bill should be brought before the Senate for action.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF SENATE BILL NO. 507 (HOUSE BIL NO. 864)

Mr. President, I now move that the Committee on Finance be discharged from further consideration of Senate Bill No. 507 (House Bill No. 864), so that the same may be returned to this Senate floor for first reading and Constitutional consideration by members of this body.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McCLURE. Mr. President, I desire to oppose the motion which has just been made by the Senator from Northampton, Mr. Roberts. This particular tax bill is not included in the program which has been agreed upon between the Governor and this body. There is no necessity at this time for action, particularly until such time as the Senate takes action on the "Check Tax" which was placed on the postponed calendar last Monday night. It is true that there has been a demand made by the Governor for additional taxes, and the Senate Finance Committee, which met with the Governor, promised to offer him a program to meet the necessities during the fiscal year of the next biennium.

I request the gentleman from Northampton to withdraw his motion until at least next Monday night, when the Senate Finance Committee will have time to offer its program to the Governor and to consider taxes which will be adequate to meet the situation which now confronts us.

Mr. ROBERTS. Mr. President, the Senator from Delaware, Mr. McClure, has made a request, and I, therefore, deem it proper that I should make reply to the request as made. I do not think the occasion requires the withdrawal of this motion. It may not have been on the compromise program, but the compromise program, as I understood it, was a compromise program for relief purposes, and this bill was not under discussion, if I remember correctly, for relief purposes. The moneys derived from this bill do not go to relief purposes, but go to General Fund purposes.

Reference was made also to the "Check Tax" bill. This entire matter of the "Check Tax" bill is a tax that is designated or ear-marked for relief, whereas this bill is not, therefore, since this bill has been in committee since, as I previously said, March 11th, almost a period of three months, I do not see the necessity to make the withdrawal.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Northampton, Mr. Roberts.

The PRESIDENT. Will the Senator from Northampton, Mr. Roberts, permit himself to be interrogated?

Mr. ROBERTS. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Northampton, Mr. Roberts, if it is not true that the Governor of this Commonwealth said in this rostrum, when he spoke on the so-called social legislation, that the budget is balanced for the coming biennium.

Mr. ROBERTS. Mr. President, I did not so understand him.

Mr. OWLETT. Mr. President, and is it not true that the budget is balanced and this is an additional tax that is not needed?

Mr. ROBERTS. I think that the Senator from Tioga, Mr. Owlett, understands as well as I do that the budget is not balanced.

Mr. OWLETT. Mr. President, I understand no such thing, and the Governor of the Commonwealth said from this rostrum to the members of this Senate that he was happy to state that the budget of this Commonwealth is balanced. Now, Mr. President, if the budget for the coming biennium is balanced, and if the Democratic members of the Senate will carry out the agreement that was made with the Governor for the balancing of the budget, I submit that it is unnecessary, just for the purpose of carrying out the will of a Governor who wants to be the Legislature as well as the Executive, to add on to the people of this Commonwealth any additional taxes, no matter how meritorious they may be.

I want to call the attention of this Senate to the fact that they are asking us to discharge a committee of this Senate and bring out a bill on the floor of this Senate for passage when we do not need the taxes. Now, it is a new thing in government to pass taxes just for the fun of raising new revenue, and that is just what this motion means. They propose, after the Governor has stated our budget is balanced, to bring out a bill and levy new taxes because they like the looks of it and they want to sock somebody else whom they are not very much pleased with.

Now, we do want to vote for such taxation as is necessary to meet the needs of this Commonwealth, but, I submit no one who is true to his oath of office wants to sit in these legislative halls and impose taxes just for the purpose of getting even with someone.

When the Governor of this Commonwealth comes out over the radio and attacks this Senate as he has done, and states that we have deliberately "pickled" bills here in the Senate, and that he is going to open up the "vat," I think that it is pretty nearly time for this Senate to say whether they are the legislative body or the Executive is. I hope the Senate will vote down this motion to discharge the Committee.

Mr. THOMPSON (Centre). Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. THOMPSON (Centre). The Governor's speech of May 20th was distributed in mimeograph form to the members of the Senate. I have it before me, and I would like the Senator from Tioga, Mr. Owlett, to point out to me where the Governor made the statement that the budget is balanced.

Mr. OWLETT. Mr. President, I did not keep a copy of the Governor's speech because I did not think it was important, so I have no printed copy that he might have distributed to refer to, but I did hear him say from the rostrum of this Senate that he was happy to say that the budget was now balanced.

Mr. THOMPSON (Centre). Mr. President, I would be very glad to furnish the Senator from Tioga, Mr. Owlett, a copy of this speech for him to look it over and point it out.

Mr. OWLETT. Mr. President, I do not know where the Senator from Centre, Mr. Thompson, got the copy which he claims is a copy of the speech.

Mr. THOMPSON (Centre). Mr. President, I am afraid that I must, in answer to the remarks of the Senator from Tioga, say that he is just deliberately misrepresenting the Governor's remarks in that speech. What he evidently has reference to is the paragraph in the Governor's speech in which he said:

"You have agreed upon a revenue program designed to meet the relief needs of the Commonwealth for the next year."

There is no reference in the remarks of the Governor on May 20th to anything about the fiscal necessities of the Commonwealth, and I submit, Mr. President, that the remarks of the Senator from Tioga are entirely out of order on a question of this kind, particularly in view of the fact that he cannot substantiate or back up by reference the statements to which he refers.

Mr. PRINCE. Mr. President, I would like to say a word on the motion advanced by the Senator from Northampton, Mr. Roberts, to discharge. I have, on two occasions, stated from this floor that I was unalterably opposed to the discharge of committees having under consideration legislative bills, though not necessarily opposed to discharging committees from consideration of executive nominations or resolutions of a non-legislative character. I have never yet voted to discharge a committee on a legislative bill, and I have said that I never would. That, however, was not a promise, but a statement of position which I claim the right to reverse.

In the main the precedent against discharge is a sound one. The committee system is essential to wise legislation. It is a parliamentary mechanism devised to simplify and facilitate our work by selective process, and it is the only way to handle legislation in its preliminary stages. But it is merely a means to an end. It should not become a fetish. The committee system is intended to prevent bad legislation; it is not intended to obstruct good legislation. To sublimate a natural respect for a useful instrument into exaggerated reverence for a sacred institution would result in the same folly of self-stultification, which preserves the Declaration of Independence and the Constitution of the United States under glass in Safe Deposit vaults as objects of veneration, and every day violates the spirit of liberty enshrined in the one and the spirit of law embodied in the other.

The Chinese emperor once said to a famous scholar of his realm, "Hung, ninety years of philosophy must have taught you a great deal. Tell me, what is the chief danger to government?"

"Well, Sire," replied Hung, "it is the rat in the statue."

"Rat in the statue!" exclaimed the emperor, "why what on earth is that?"

"Well, Sire", said Hung, "you see it is like this. We build statues to the memory of our ancestors; they are all of wood, they are hollow, and they are painted yellow. Now, Sire, if a rat gets into the center of one of those wooden statues, you can't plunge it in water, for that would wash off the face of your ancestor; you can't smoke it out, for that would defile the sacred image; and, therefore, sire, the rat is safe because the image is holy."

The experiences of the present session have given me to see some things which had not particularly impressed me in previous sessions. One is that iron-bound adherence to an ordinarily good rule may in occasional instances militate against the very object which the rule was designed to insure—namely, wise and equitable enactment—and thus defeat its own end. The Duke of Wellington was a great soldier who made war by rule, but who had enough originality and initiative to modify or even ignore the rule when an unforeseen emergency arose where the rule wouldn't work. Forty years after the Battle of Waterloo, where the Iron Duke defeated a far greater general than himself, the Czar of Russia, undertook to apply the Wellington maxims to the operations of the Crimean War. The Czar had an imitative but not a discriminating mind. One of the Duke's elastic principles was never to sacrifice his artillery. This profoundly impressed the Czar, who issued orders to his subordinates under no circumstances to allow the enemy to capture their guns. In one of the battles incident to the siege of Sebastapol the British advanced upon a Russian position strongly defended by batteries. To the consternation of

the attacking force, the Russians wheeled their artillery and withdrew, leaving the British in unchallenged possession of a field which they must either have lost, or carried at an appalling cost of life. The Russian commander had obeyed the Czar's orders. He saved the guns but he lost the battle. There is a battle to win here and now, and and I don't propose to imitate the false discretion of that Russian general. No rule is so infallible that it cannot sometimes be advantageously broken.

When a man takes an unequivocal position on any question upon which he subsequently changes his mind, he can do one of two things: persist in his outward attitude on the question and sacrifice his convictions for the sake of consistency, or admit his original error of judgment and sacrifice consistency for the sake of his convictions. I choose to follow the latter course, and I shall vote in support of the motion.

Mr. SHAPIRO. Mr. President, I have listened with great interest to what has been said about the necessity for the passage of this bill. I find a little inconsistency between the two gentlemen who have objected to the passage. Senator McClure says that this Finance Committee will hold a meeting before this evening for the purpose of discussing a program on the amount necessary in addition to the money allocated for relief. Senator Owlett takes the position that there is no money necessary, and that we have supplied all that there is.

I have examined the budget and found that irrespective of the $60,000,000 that we have suggested for relief—to be exact, fifty-seven millions and some odd hundred thousand dollars—there still remains unprovided for certain moneys which must be met in the next biennium; 50% must be met in this biennium.

Without trying to burden you in a measure with a lot of figures, I should like to point out that there is unprovided for in the present budget for the next two years, or in that present program, $20,000,000, for Old Age Pensions, there is unprovided for, $3,000,000, necessary for the Blind, there is unprovided for, $10,000,000, for the increase in Debt Service.

I make no mention of the $5,000,000, or $6,000,000, which has been appropriated for school deficiencies. I make no mention of the several million dollars necessary to keep the hospital doors open, and I say, if you divide by two the first three figures you will have $23,000,000, which is necessary for the next two years, sixteen and a half million dollars, which is necessary this year. I say those are uncontrovertible facts, because, as the budget reads, there is $152,000,000 necessary for normal expenses, $128,000,000 of which will be covered by the probable income for this year; the only way the $152,000,000 for normal expenses is obtainable, is in the hope that there will be realized $10,000,000 for the sale of liquor, $11,000,000 from the Floor Tax, and $3,000,000 from the Dorrance Estate.

If we get that $25,000,000 we will have $153,000,000 of income to meet the expected expenses of $152,000,000, and there will still be nothing left to meet the obligations made necessary by appropriation acts which we have passed and by debts which we have incurred, and, therefore, I say that I disagree with Senator Owlett that there is no immediate necessity for immediate action—there is immediate action necessary for at least $16,500,000, and I see no reason why this tax bill which cannot fall upon anybody except stockholders, should not be passed.

Mr. EALY. Mr. President, I desire to interrogate the Senator from Delaware, Mr. McClure.

The PRESIDENT. Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated?

Mr. McCLURE. Mr. President, I will.

Mr. EALY. Mr. President, I desire to ask the Senator from Delaware, Mr. McClure, who is also Chairman of the Committee on Finance, whether or not this bill has been acted upon finally adversely.

Mr. McCLURE. Mr. President, it has not been acted upon.

Mr. EALY. Mr. President, it is not postponed?

Mr. McCLURE. Mr. President, the bill has neither been postponed for the present nor postponed indefinitely.

It is unfortunate, Mr. President, that the Senator from Philadelphia, Mr. Shapiro, is not a member of the Committee on Finance; if he been he would have been in the Governor's office when we were last called into conference, at which time it was agreed between the Governor and the members of the Committee on Finance that the budget for the next biennium is in balance for all practical purposes.

I wanted to be quite sure that my memory served me correctly, after leaving the Governor's office, and this week I had a further talk with the Secretary, Mr. Kalodner, who assured me that I had understood and heard correctly. This budget is in balance for the biennium. The question arises from the fact that $60,000,000 is appropriated for relief for the first year, and therefore the revenue to meet items amounting to about $23,000,000 will not be available in ready cash for the first year.

I have in my hand—I have just received it—an article headed "Fiscal Facts", a statement by Charles A. Walters, State Treasurer, for immediate release. I am not going to burden the Senate by reading this whole article, but I am going to turn to the conclusion, and he has it so marked:

"I can see no reason for further increase of taxes. The claims for promptly returning the moneys borrowed from special funds by December 31, 1935, fall far short of the pleas of an already over-taxed people.

"Those transfers amount to $23,043,000, of which sum $9,340,000 was borrowed from the Motor Fund, and since the start of our highway system the General Fund had contributed to highways many times this amount before the motor fund became self-sustaining.

"Furthermore, local communities which share in the Liquid Fuels Tax and the Liquor License Tax should at least be indulgent in view of relief burdens which the State must assume, or at least is assuming.

"A pooling of the resources of the Commonwealth over this emergency would have prevented much of the increased taxes already levied by this session of the Legislature, but certainly no further burdens should be added."

Mr. President, there is no controversy between the Governor and this body concerning the necessity of additional taxes at this time; it is the unevenly balanced receipt of the taxes which have already been levied that is the question which we have to settle before we finally adjourn, and I ask the members of this Senate to grant time to the Senate Committee on Finance to give proper consideration to the taxes and tax measures which we have before us before discharging the committee from further consideration of this tax bill.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Delaware, Mr. McClure.

The PRESIDENT Will the Senator from Delaware, Mr. McClure, permit himself to be interrogated?

Mr. McCLURE. Mr. President, I shall be glad to be interrogated.

Mr. SHAPIRO. Mr. President, I am interested in knowing, if there are no necessities for further taxation, why it requires time to consider tax matters and tax bills.

Mr. McCLURE. Mr. President, the question is caused by the fact that the check tax has been placed on the postponed calendar, the mercantile tax was acted on yesterday, and the Senate Committee on Finance referred it to a special committee with instructions for that special committee to report it out on this floor. The bill has probably been reported by this time The income tax for school purposes, to relieve the burden on real estate, was given to the Senator from Philadelphia, Mr. Aron, for amendment, and when that bill is properly amended it will be reported out. The cigarette tax bill is in conference.

Mr. SHAPIRO. Mr President. I should like to ask a further question of the Senator from Delaware, Mr. McClure. I am not certain as to the exact statement the Governor made in first address to the Senate on this subject, but as I remember, after his conference with Mr. Hopkins, he made a demand with reference to making up the $60,000,000 program in order that we might continue to receive the Federal allotments for relief.

Mr. McCLURE. Mr. President, that is correct.

Mr. SHAPIRO. Then I say, Mr. President, there is still no answer to the question that is troubling me, and that is: If we are to adjourn on the 21st of this month, and there is no consideration being given now in the Committee on Finance to a subject which is clear to anyone who reads the budget and who knows anything about figures; and that is, that there is $23,000,000, at least, of money necessary for the next two years which is not provided for.

In addition to that—and I did not mention it, but the Senator from Delaware, Mr. McClure, did mention it—there is $13,800,000 which is to be repaid to the various funds, which was borrowed during the last session, $9,000,000 of which came from the motor fund, and $4,800,000 from the liquid fuel tax. Now, I have not counted that in going over in my mind the necessities of the situation; and I have not counted the $5,000,000 appropriation to schools; I have not counted the fact that we advanced $2,800,000 to keep open the hospitals; and have not counted the fact that there is on the postponed calendar a bill to make up the deficiencies of last year—hospital awards which we made by appropriation and which we understand are, by recent decision, lapsed because they were not taken care of by June 1st.

Therefore, I say that there is ample reason for alarm at the situation, there is ample reason to act now; and if there had been no motion made to adjourn on June 21st I would have had a different thought on the matter, there might have been time to argue and discuss this proposition, but I do not propose to run away from a picture which to my mind is equally as important as the relief situation—and that is, if we have not provided funds to meet those expenditures which we have by law created—and I feel it is the duty of this Senate to give consideration to that situation, because I do not want to come back to a special session, but every man who has any common sense knows that if we do not make provisions for this we are going to be charged with the responsibility of incurring the cost of an extra session. The question then will arise, "Shall we accept pay for our services?"—which will amount to anywhere from a half a million to a million dollars.

I repeat, no harm can be done by passing this tax, no harm to a single individual except to a man who owns stock; and I am sure that if the man who owns stock were asked to give consideration to it he would not object to the tax either.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. ROBERTS and Mr. RICE and were as follows, viz:

YEAS—24

Baumer,	Law,	Reed,	Thompson,
Cavalcante,	McCreesh,	(Washington)	(Centre)
Frey,	McGinnis,	Rice,	Thompson,
Harris,	Miller,	Roberts,	(Westmoreland)
Huffman,	Prince,	Rodgers,	Trainer,
Kahle,	Pytko,	Shapiro,	Ziesenheim,
Lanius,	Rankin,	Sones,	

NAYS—24

Aron,	Ealy,	Hunsicker,	Reed
Batchelor,	Gelder,	Mallery,	(Dauphin)
Bean,	Graff,	McClure,	Rupp,
Buckman,	Harvey,	Norton,	Sordoni,
Chapman,	Homsher,	Owlett,	Staudenmeier,
Clark,	Howell,	Pierson,	Woodward,
Coyne,			

The PRESIDENT. On the question of the adoption of the motion the "ayes" are twenty-four and the "noes" are twenty-four. If the Chair votes as he would vote—"aye"—the motion would still be short a Constitutional majority by one vote. Under Rule 42 of the Senate, adopted at this session, "No committee shall be discharged from the consideration of any measure within ten days of its reference, without unanimous consent of the Senate or after such ten day period except by majority vote of all members elected to the Senate." The Constitutional majority is twenty-six. While the Chair votes in the affirmative, the motion is not agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED (Washington). Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED (Washington). There was introduced in the House on January 21, 1935, Resolution No. 183, providing for pensions, not only for the blind, but also for the aged, and also for the purpose of military service. Now, that resolution passed finally in the House on April 17, 1935, by unanimous vote, 175 to 0. That vote in the House is an indication of how important this question of pensions is in Pennsylvania. It has been a very important question in Pennsylvania for sometime past, and it is important today, and it is not a political question; it is a question that is deep in the minds of the people of Pennsylvania, and on account of its importance, and on account of the near date of adjournment of this Senate, it is my opinion that the members of this Senate should have an opportunity to express their views on it, and on that account,

Mr. President, I move you that the Committee on Constitutional Changes, to which this resolution was referred, be now discharged from further consideration of Senate Bill or Resolution No. 973 (House No. 184) so that the same may be returned to the Senate floor for constitutional consideration by the members of this body.

Mr. RANKIN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HARRIS. Mr. President, before a vote is taken on this motion, I would like to interrogate the Senator from Tioga, Mr. Owlett, who is Chairman of the Committee on Constitutional Changes.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HARRIS. Mr. President, I desire to be entirely fair with the Chairman of that Committee and its members. I asked a few days ago for a meeting of this Committee. It was received with great courtesy, and in fact an expression was given that it was advisable to report this resolution out, and before voting on this, I ask the Senator from Tioga if it is his intention to hold a meeting today.

Mr. OWLETT. Mr. President, the Senator from Allegheny is correct in his statement as to the conversation we had. I think there is also a joint resolution similar in terms, Senate No. 65. Neither of these resolutions has been acted upon by the Committee on Constitutional Changes, because of the time that has been spent and the attention given to general constitutional revision, and I stated to Senator Harris, and I now wish to repeat, that it is my intention to call a meeting of the Committee on Constitutional Changes at the earliest possible moment this week to act on those resolutions and several other joint resolutions and amendments to the Constitution, many of us feeling that those resolutions should be passed in order to assure necessary changes to the present Constitution, if we have no new one under House Bill No. 147. Now, I therefore ask the members of this Senate to vote down this motion to discharge this Committee. The Committee has not acted on this, and I know of no intention not to report out this bill; it is a House resolution and there is ample time to pass it, and I submit, Mr. President, and members of the Senate, that this motion can have no purpose other than to carry out the orders of the Governor to make motions to discharge committees, I see no reason for discharging this Committee, and I ask the Senate to vote down this motion.

Mr. HARRIS. Mr. President, I desire to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Tioga whether or not there was any definite promise made to hold a meeting today of the Constitutional Changes Committee.

Mr. OWLETT. Mr. President, there was, and the Senator is correct as to his conversation with me.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Tioga, Mr. Owlett, why that promise is not carried out.

Mr. OWLETT. Mr. President, because we have not had time today to call it.

Mr. HARRIS. Mr. President, the Senator notified me yesterday that it would take just five minutes to report it out or keep it in Committee, and if he intends to call that meeting sometime today and if it would take just five minutes either to report it out or keep it in Committee, I cannot see where we have been so busy that an important thing like this, and coming so near the close of the session, that we could not have taken five minutes today to act on it either one way or the other.

I am not bound to vote for every motion to discharge a committee; I am not bound to vote for or against a bill even after making a motion to discharge; but I do think that on a question of this kind that deals with a subject the most important piece of social legislation discussed in this body for years, that it should be given prompt consideration. Everyone knows that the old age pension that we have now is not liberal enough. There are constitutional provisions against doing the thing that most of the members of this body want to do, and this constitutional change will require not only the vote of this body, but a vote by the next Session of the Legislature, and then it will go before the people for a final vote, and even then we will not have old age pensions. It must come back here and an Act must be passed to aid these people who are entitled to this, and justly entitled to it, to get the reward they deserve.

This is the first step in a liberal Old Age pension bill, and I submit to you that there is no question as to what you are going to do about it. If there is a motion not to discharge this Committee, it will mean that you are voting against old age pensions.

Mr. OWLETT. Mr. President, I cannot let go unchallenged the statement made just now by the Senator from Allegheny, Mr. Harris, that a vote against discharging this committee is a vote against Old Age Pensions. I stated to him that there would be a meeting of the committee today. I stated before that I did not think the session was over at this hour. The meeting of the Committee on Constitutional Changes will be called and this legislation will be considered, and I say to the members of this Senate that a vote against the motion to discharge this committee is not a vote against Old Age Pensions but would be a vote to belittle the integrity of the committee.

Mr. HARRIS. Mr. President, if the Senator from Tioga, Mr. Owlett, will say he will call a meeting of the committee today before we adjourn, I will ask the Senator from Washington, Mr. Reed, to withdraw his motion to discharge the committee.

Mr. OWLETT. Mr. President, I have said at least five times, and I repeat, I promised the Senator from Allegheny, Mr. Harris, on Monday that a meeting of the committee would be held this week to consider this legislation. I have stated on the floor that I intend to call it today. The meeting will be called. There has never been any intention to do anything else. This is merely making a mountain out of a molehill; it has never been my intention not to call the meeting.

MOTION TO RECESS

Mr. HARRIS. Mr. President, I move that a recess be taken for fifteen minutes, for the purpose of giving the committee an opportunity to meet.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. OWLETT. Mr. President, I object to that. There is a motion before the house.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, there is a motion before the house; this motion is out of order.

The PRESIDENT. The Chair did not recognize the motion. There is a motion pending.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will.

Mr. SHAPIRO. Mr. President, after a recess of fifteen minutes, or five minutes, I ask whether the Senator from Washington, Mr. Reed, does not feel, in view of the statement made today that there is going to be a meeting of the committee today, that his motion to discharge the committee should be withdrawn.

Mr. REED (Washington). Mr. President, in reply to the Senator from Philadelphia, Mr. Shapiro, I will reply in this manner—that we might agree to table it for the time being, until the Committee on Constitutional Changes have had an opportunity to meet and report the bill out.

Mr. SHAPIRO. Mr. President, no. Now, Mr. President, I want to make the statement here that in the discussion of this matter I heard the statement made by the gentleman from the other side that the committee has no integrity, and I want to state that I do not think that is a fair or proper remark to make in the hall of this Senate. My action is not to be taken as a reflection on any committee; I am acting, under the circumstances, according to my best judgment, and I want it understood—at least I hope no member on either side of the house will consider any action I take as any reflection or as intended to be any reflection upon him; and, so far as I personally am concerned, I resent the statements that have been made occasioning any reflection on the integrity of the committee in question or the integrity of any other committee of this Senate, and I now say that this statement of the chairman of the committee satisfies me that there will be a meeting, and I am satisfied to wait until they act on this bill. There is nothing in this bill so urgent that it cannot be taken care of on Monday night as well as today, and I do not think there need be any adjournment.

Mr. REED (Dauphin). Mr. President, in opposing this motion to discharge the committee I desire to give, as my reason, the statement made upon the floor of this Senate on December 20, 1933, by the able and distinguished Senator from Cumberland, Mr. Prince. At that time Senator Prince said "The committee system is the legislative mechanism which simplifies and facilitates our task by selective process. In my judgment it is the most vital element in American government, State or National. The committee system is absolutely necessary. It is the only way to handle legislation in its preliminary stages. I have heard it charged that the Senate does not represent the people and that the committee system is responsible for its alleged failure in that respect. I do not believe this for one moment. The Senate simply refuses to allow itself to be stampeded. I would suggest, however, that bills in which considerable and influential bodies of our citizens are interested ought to be accorded a place on the calendar and a public hearing if desired. But while the committees may kill some good bills, they kill a far greater number of bad bills. I have a profound respect for Senatorial precedent, and I am not willing to weaken by my vote a system which I believe to be both necessary and wise. For this reason if for no other I would vote "no" on the motion to discharge any committee from the consideration of a legislative bill, even if that bill were my own."

Mr. PRINCE. Mr. President, I uttered every one of those words in the form in which they are quoted, and up to the last sentence or two I stand by my position as stated then. I would like to ask the Senator from Dauphin, Mr. Reed, if he heard my speech a few moments ago.

Mr. REED (Dauphin). Mr. President, I heard the first part of it, and then I went into the anteroom and got the Legislative Journal.

Mr. PRINCE. Mr. President, if the Senator from Dauphin, Mr. Reed, had waited until the conclusion he would have had no occasion to refer to what I said previously. The substance of my remarks today was that it was a mistake for me or anybody else to take an unequivocal position in a general way, as I did; that there might be occasional instances where such action would defeat its own end. I have nothing to retract except the last statement I made at that previous session; I made a mistake and have admitted it.

Mr. HARRIS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to.

Mr. HARRIS. Mr. President, so that there will be no misunderstanding, I desire to ask the Senator from Tioga, Mr. Owlett, whether or not it is the intention to hold today a meeting of the Committee on Constitutional changes.

POINT OF ORDER

Mr. ARON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Aron, will state his point of order.

Mr. ARON. Mr. President, the Senator from Tioga, Mr. Owlett, has already answered that three times.

The PRESIDENT. We will let the Senator from Tioga answer the question.

Mr. OWLETT. Mr. President, I am very reluctant to answer the question again. However, I will say again that I intend to call the meeting today.

Mr. HARRIS. Mr. President, I am perfectly satisfied with that, and I will ask the Senator from Washington, Mr. Reed, to withdraw his motion temporarily.

Mr. REED (Washington). Mr. President, upon the statement of the chairman of the Committee on Constitutional Changes, to the effect that there will be a meeting of the committee held this afternoon, I will withdraw my motion.

Mr. OWLETT. Mr. President, I object to the withdrawal of the motion.

Mr. HARRIS. Mr. President, the Senator from Tioga, Mr. Owlett, has nothing to do with the withdrawal of the motion by the Senator from Washington.

Mr. OWLETT. Mr. President, the Senator from Allegheny, Mr. Harris, having stated, in his reply, "temporarily", I desire to have the motion acted upon by the Senate. If the Senator from Washington, Mr. Reed, wants to withdraw it entirely—

The PRESIDENT. The Chair understands that the Sen-

ator from Washington, Mr. Reed, withdraws his motion. Is that correct?

Mr. REED (Washington). Mr. President, if the Senator from Tioga, Mr. Owlett, objects, I will withdraw my withdrawal and ask that a vote be taken on the original motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED and Mr. RANKIN, and were as follows, viz:

YEAS—22.

Baumer,	Lanius,	Pytko,	Rodgers,
Cavalcante,	Law,	Rankin,	Rupp,
Frey,	McCreesh,	Reed,	Sones,
Harris,	McGinnis,	(Washington)	Thompson,
Huffman,	Miller,	Rice,	(Centre)
Kahle,	Prince,	Roberts,	Trainer,

NAYS—26.

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Sordoni,
Bean,	Graff,	Norton,	Staudenmeier,
Buckman,	Harvey,	Owlett,	Thompson,
Chapman,	Homsher,	Pierson,	(Westmoreland)
Clark,	Howell,	Reed,	Woodward,
Coyne,	Hunsicker,	(Dauphin)	Ziesenheim,

So the question was determined in the negative.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF SENATE BILL NO. 973 (HOUSE BILL NO. 184)

Mr. REED (Washington). Mr. President, on January 25, 1935, the same day that the resolution which was just voted down was introduced in the House, a joint resolution was introduced providing as follows:

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section seven of article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 7 The General Assembly shall not authorize any county city borough township or incorporated district to become a stockholder in any company association or corporation or to obtain or appropriate money for or to loan its credit to any corporation association institution or individual Provided That the General Assembly may authorize any county city borough township or incorporated district to appropriate money for assistance to mothers having dependent children and to aged persons without adequate means of support

That resolution was passed by the House unanimously, 175 to 0, and it came from the House over to the Senate and is now with the Committee on Constitutional Changes. I have a motion similar to the one just presented.

Mr. President, I move that the Committee on Constitutional Changes be now discharged from further consideration of Senate Bill No. 973 (House Bill No. 184), so that the same may be returned to this Senate floor for consideration by the members of this body.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BATCHELOR. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will.

Mr. BATCHELOR. Mr. President, will the Senator from Washington, Mr. Reed, tell me, if this resolution is passed, and approved by the people, if that would not put a tax on real estate to take care of the pensions the Senator has mentioned.

Mr. REED (Washington). Mr. President, that would be a question to be decided at that time. That matter could be raised in many ways, and I would not know at this time just what course the representatives of the people would pursue to raise money to cover this necessity at that time.

Mr. BATCHELOR. Mr. President, will the Senator from Washington, Mr. Reed, tell me whether there is any means by which the people resident in counties, townships or boroughs can raise money other than by taxing real estate.

Mr. REED (Washington). Mr. President, yes.

Mr. BATCHELOR. Mr. President, what are they?

Mr. REED (Washington). Mr. President, by the personal property tax.

Mr. BATCHELOR. Mr. President, we have that now, and in our county it amounts to about 16% of the total valuation. In other words, if that legislation is passed it means they are going to put an additional burden on the homes of the people of Pennsylvania to take care of these people,—is that not the effect of this resolution?

Mr. REED (Washington). Mr. President, I could not catch the last part. Was that in the form of a question?

Mr. BATCHELOR. Mr. President, is that not the actual effect of this Constitutional amendment?

Mr. REED (Washington). Mr. President, the question would be decided at that time. I would not want to say "no".

Mr. OWLETT. Mr. President, I have before me the resolution in question. This was introduced by Mrs. Lilith Wilson on January 21st in the House of Representatives. Now, this bill has never been considered by the Committee on Constitutional Changes, and I have no means of knowing whether it has been discussed by any of the members, and have no means of knowing what their attitude is on this bill. All I can say is that this amendment to the Constitution attempts to set up an Old Age Assistance Fund, a pension system, supported by the municipalities and counties of the State rather than by the State itself, and therefore the effect of this resolution would be clearly to add to the burden of Old Age Pensions and Mothers' Assistance which is now borne by the State from taxes levied by the State. The purpose is to take that burden from the corporations and put it on the real estate of the State of Pennsylvania. I ask the Senate to vote down this resolution.

Mr. REED (Dauphin). Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will.

Mr. REED (Dauphin). Mr. President, I would like to ask my friend, the Senator from Washington, Mr. Reed, whether or not this is one of the bills included in the Governor's program.

Mr. REED (Washington). Mr. President, I do not know. I am for Old Age Pensions, and whether it is included in the Governor's program or not would not make any difference, I would support the bill.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Washington, Mr. Reed, whether he is in favor of this bill.

Mr. REED (Washington). Mr. President, yes.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Washington, Mr. Reed, if he thinks the burden of Old Age Pensions, or any other pensions, should be placed on real estate in Pennsylvania.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, state his point of order.

Mr. CAVALCANTE. Mr. President, the motion to discharge the committee is in order, but any argument on the merits of the resolution are out of order.

Mr. BUCKMAN. Mr. President, I am not arguing any merits of any resolution or anything else; I am trying to find out what is in the resolution approved by the gentleman who made the motion. I submit that my questions are entirely in order.

The PRESIDENT. It is the opinion of the Chair that the question is in order.

Mr. REED (Washington). Mr. President, I would like to have the question read again.

Mr. BUCKMAN. Mr. President, I will repeat it. My question is, whether the Senator from Washington, Mr. Reed, feels that the money with which to pay pensions, as provided in this bill, should come from the townships, counties and municipalities of the State.

Mr. REED (Washington). Mr. President, that is my personal opinion, but the motion before the body is to get this resolution out on the floor of the Senate, where everybody can express his views. I am in favor of seeing the needy cared for; it would not make any difference from what form of taxation the money is to be raised.

Mr. BUCKMAN. Mr. President, I understand the Senator to say, then that he is in favor of raising the money from real estate taxes in the State of Pennsylvania?

Mr. REED (Washington). Mr. President, no, not necessarily.

Mr. THOMPSON (Centre). Mr. President, I cannot help but marvel at the remarkable lack of knowledge that my colleague, the Senator from Tioga, Mr. Owlett, possesses on this question of Mothers' Assistance. If he were acquainted with the present situation of Mothers' Assistance administration he would know that the counties, under the present jurisprudence, are expencted to contribute half of the maintenance of the Mothers' Assistance Fund.

POINT OF ORDER

Mr. ARON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Aron, will state his point of order.

Mr. ARON. Mr. President, the Senator from Centre, Mr. Thompson, is arguing the merits of the bill—of the resolution, and therefore I think he is out of order.

The PRESIDENT. The Chair would ask the Senators to keep within the confines of the motion.

Mr. THOMPSON (Centre). Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be glad to.

Mr. THOMPSON (Centre). Mr. President, does the Senator from Tioga realize that there are some counties in the State where Mothers' Assistance Funds are not being administered on account of a question of the ability of the counties legally to contribute to the maintenance of those funds?

Mr. OWLETT. Mr. President, for the information of the Senator from Centre, I wish to advise him that I do know that we have a Mothers' Assistance Fund now in Pennsylvania. It happens that my county has taken advantage of the provisions of the present bill and contributes to the cost of the present Mothers' Assistance Fund. I also know that many counties do not feel able now to do it. However, I would like to call the Senator's attention to the fact that under this resolution instead of paying half, the counties would pay it all.

Mr. THOMPSON (Centre). Mr. President, I desire further to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated further?

Mr. OWLETT. Mr. President, I shall be glad to.

Mr. THOMPSON (Centre). Mr. President, does the Senator from Tioga realize, when he objects to a further imposition on real estate, that there has been a bill reposing in the Senate Committee on Finance, literally for months and months, providing an additional personal property tax which will raise the revenue in counties for all purposes, whichever they desire to apply it to?

Mr. OWLETT. Mr. President, yes sir, I know there was introduced in the House a bill raising the personal property tax from four mills to six mills, that took away exemptions from savings accounts and making it applicable to all the banks. I know further that the Republican majority of this Senate has called the attention of the people and of the Legislature, ever since we have been here, to the campaign pledge and the platform of the Democratic Party that they proposed to relieve real estate. I know that the Governor's budget did not have a single item for the relief of real estate in it, not a single one; and the only bill they introduced was an income tax bill for that purpose, a personal income tax bill, which admittedly would pay only about 10% of the present school tax.

I do know that many of us have been advocating for months a sales tax, which has just been enacted yesterday in New Jersey, for the relief of real estate taxation, which will take 75% of the present school burden off real estate; and I know the reason it has not passed, that we do not have that real estate relief, is because the Governor of Pennsylvania and some of his associates are interested in a mercantile business, or some of the associates of the Governor are intetested in mercantile business; and it has been freely stated all over this Capitol that that is the reason they are against the sales tax.

Mr. THOMPSON (Centre). Mr. President, I desire to still further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be still further interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to.

Mr. THOMPSON (Centre). Mr. President, would the Senator from Tioga vote for a motion to discharge from the Committee on Finance this personal property tax with the intention to relieve real estate?

Mr. OWLETT. Mr. President, I would not,—I would not vote to discharge any committee from the consideration of any bill.

Mr. THOMPSON (Centre). Mr. President, do I understand then that the Senator from Tioga prefers to be consistent in the wrong rather than inconsistent.

Mr. OWLETT. Mr. President, I would like to endorse the reasons for my position as filed by the Senator from Dauphin, Mr. Reed.

Mr. EALY. Mr. President, I should like to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED (Washington). Mr. President, I will.

Mr. EALY. Mr. President, I desire to ask the Senator from Washington, Mr. Reed, if he is not a member of the Committee on Constitutional Changes.

Mr. REED (Washington). Mr. President, the Senator is correct.

Mr. EALY. Mr. President, I desire to ask him whether he asked the chairman of this committee to bring up for discussion in committee this resolution which he now asks the committee to be discharged from considering.

Mr. REED (Washington). Mr. President, I did, as the Senator from Somerset, Mr. Ealy, well knows, ask for the release of the bill on the question of a new Constitution and was refused. After that the bill was so badly cut and mutilated in Committee on Constitutional Changes I quit attending the meetings of the committee, because I saw it was of no use, it was a waste of time.

Mr. EALY. Mr. President, the Senator from Washington, Mr. Reed, is referring to the Ruth Bill?

Mr. REED (Washington). Mr. President, not only to the Ruth bill but to Dr. Woodward's bill. I made a motion to report Dr. Woodward's bill out of committee early in the session.

Mr. EALY. Mr. President, I ask if the Senator from Washington, Mr. Reed, ever asked the chairman of the committee to report out this resolution.

Mr. REED (Washington). Mr. President, no.

Mr. HARRIS. Mr. President, it might be important to know just what this resolution contains. Now, I have heard a great deal of talk today about the expenditure of money and the adding of expenditures on to the taxpayers. Now, let us just see what is in this resolution. It simply states that the General Assembly may authorize any county, city, borough, township or incorporated district to appropriate money for the assistance of mothers having dependent children and to aged persons—

POINT OF ORDER

Mr. REED (Dauphin). Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Dauphin, Mr. Reed, will state his point of order.

Mr. REED (Dauphin). Mr. President, the Senator from Allegheny, Mr. Harris, is discussing the bill and not the motion.

The PRESIDENT. I think the Senator is reading from the bill in question on which this motion is based. I think it is perfectly in order.

QUESTION OF PERSONAL PRIVILEGE

Mr. HARRIS. Mr. President, so that the Senator from Dauphin, Mr. Reed, may be perfectly satisfied that I am not violating the rules, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Harris, will state his question of personal privilege.

Mr. HARRIS. Mr. President, this resolution does not provide for the expenditure of a single penny of the taxpayers' money. As I said before, it is a resolution proposing an amendment to the Constitution, which must be voted on—or could be voted on at this session of the Legislature. If it passes, it could be voted on by the succeeding session and even then there is not a penny of the taxpayers' money spent. And then, when there is an Old Age Pension bill or Mothers' Assistance bill presented to the Assembly, it is then up to the members of the Legislature to decide whether they want to spend the money of the taxpayers. I repeat again, not a single penny of the taxpayers' money will be spent by the passage of this resolution.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, there is a motion before the House, and a question of personal privilege at this time is out of order.

The PRESIDENT. In the opinion of the Chair the point of order is well taken.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. RODGERS and Mr. RICE, and were as follows, viz:

YEAS—22.

Baumer,	Lanius,	Pytko,	Rodgers,
Cavalcante,	Law,	Rankin,	Rupp,
Frey,	McCreesh,	Reed,	Sones,
Harris,	McGinnis,	(Washington)	Thompson,
Huffman,	Miller,	Rice,	(Centre)
Kahle,	Prince,	Roberts,	Trainer,

NAYS—26.

Aron,	Ealy,	Mallery,	Shapiro,
Batchelor,	Gelder,	McClure,	Sordoni,
Bean,	Graff,	Norton,	Staudenmeier,
Buckman,	Harvey,	Owlett,	Thompson,
Chapman,	Homsher,	Pierson,	(Westmoreland)
Clark,	Howell,	Reed,	Woodward,
Coyne,	Hunsicker,	(Dauphin)	Ziesenhelm,

So the question was determined in the negative.

MOTION TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION ON SENATE BILL NO. 693 (HOUSE NO. 132)

Mr. CAVALCANTE. Mr. President, I imagine that you are all aware of the fact that because of the intense interest of the members on matters before the Senate that impulses are aroused, and sometimes words are said on the flare of the moment that would not otherwise be said. However, for a long period of time, on the floor of this Senate, there has been a very studious and systematic campaign against the efficiency of governmental agents and executives, both Federal and State. Mr. President, often from the gentlemen on the left have come outbursts of speech. I will be more specific for the benefit of the Senator from Bucks, Mr. Buckman, who takes pleasure in interrupting Senators on the floor. I mean the Republican side of the floor. More than once they have engaged in long and abusive attacks against the President of the United States because of his policies. They have engaged in abuse and vilification of Mr. Hopkins, the head of the Relief Administration. They have engaged in vicious, studious and systematic abuse and vilification against the Governor of this State, and yet, when anything is said touching on the integrity of a Committee of the Senate, all Hades turns loose, that it is sacrilegious of the highest type to even question the integrity of a committee of this Senate, and especially of a committee whose chairman has indulged in the most vicious abuses of the Federal Government and the State Government.

Now, Mr. President, whenever we engage in abuse and vilification of the policeman who stands on the street corner to protect you and me, it must occur to the man who abuses and vilifies that policeman that he in fact is abusing and vilifying the form of government, that very majesty of the law that that policeman represents. Whenever we engage in the abuse and vilification of a schoolmaster who teaches the future citizens of our country, that man ought to appreciate that ultimately the abuse and vilification of the schoolmaster is abuse and vilification of the government and the majesty of the government that that schoolmaster represents, and I say, and I say sincerely, that when members of this Senate talk on the floor of this Senate and launch abuse and vilification on the Federal Government and on the State Government and its agents, they only attack, abuse and vilify the very majesty of government that preserves our society and nation, and I cannot understand why the slightest mention of an agency of this Senate not properly performing its duties, that it is something outrageously sacrilegious.

Mr. President, on July 15, 1897, just a few months before I was born, representatives of the people said to the General Assembly which meets on the site that we meet in this General Assembly, saw the necessity of enacting a law for the protection and safety of a group of citizens of this Commonwealth engaged in one of the most hazardous occupations that we have, the operation of the coal industry, the anthracite coal industry. That law that I have indicated was placed on the statute books of State on July 15, 1897, known as the "Miners' Certificate Law." That Act, Mr. President, is of such a nature that it imposes no financial burden upon the industry it belongs to, but it is important and has kept peaceful the relationship of employer and employe to a large extent, and has been the means of saving and protecting the lives of those engaged in the anthracite mines.

Now, on April 2nd of this year, there came from the House of Representatives a law that is an exact duplicate of the anthracite "Miners' Certificate Bill." There is no difference between the two. That bill applies to coal miners engaged in the bituminous coal industry, while the other applies solely to miners in the anthracite industry. This is a classification of the General Assembly—they enact laws for the anthracite region and laws for the bituminous region.

Now, this bill, as I stated, is merely a duplicate of the anthracite "Miners' Certificate Bill". It imposes no liability on any employer, but merely gives to 100,000 bituminous miners the same protection that the General Assembly back in 1897 gave to the anthracite miners. Now, it has been in Committee since April 2nd, and, Mr. President, I would not undertake what I am about to undertake if I were not certain of what has taken place in that committee. I am satisfied that that bill has been considered, and I know the action taken on that bill, and I respect the consideration given by the members of that committee to that bill, and I am at this time satisfied and convinced that the only way that that bill can be brought out and each member of this Senate allowed to vote on the bill one way or another, is by discharging the committee.

Now, of all the motions to discharge made, I have agreed that the vote to discharge the committee or against the discharge, was not a vote for or against the bill, but this bill is in a different situation, and a vote on this motion to discharge is a vote that you would cast for or against the bill, because the bill has no more life unless it receives life by the vote of the membership of this Senate on the floor of this Senate.

Mr. President, therefore, with that in mind, I make the following motion: That the Committee on Judiciary Special be now discharged from further consideration of Senate Bill No. 693, so that the same may be returned to the Senate floor for first reading and constitutional consideration by the members of this body.

Mr. THOMPSON (Centre). Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. RODGERS and Mr. REED (Washington) and were as follows, viz:

YEAS—25

Baumer,	Law,	Reed, (Washington)	Sones,
Cavalcante,	McCreesh,	Rice,	Thompson, (Centre)
Frey,	McGinnis,	Roberts,	Thompson, (Westmoreland)
Harris,	Miller,	Rodgers,	Trainer,
Huffman,	Prince,	Rupp,	Ziesenheim,
Kahle,	Pytko,	Shapiro,	
Lanius,	Rankin,		

NAYS—23

Aron,	Coyne,	Howell,	Pierson,
Batchelor,	Ealy,	Hunsicker,	Reed, (Dauphin)
Bean,	Gelder,	Mallery,	Sordoni,
Buckman,	Graff,	McClure,	Staudenmeier,
Chapman,	Harvey,	Norton,	Woodward,
Clark,	Homsher,	Owlett,	

So the question was determined in the negative.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his question of personal privilege.

Mr. McGINNIS. Mr. President, I am glad to hear, here today, from the other side of the house, that there is interest in relieving the tax on real estate. The Republican Party in Pennsylvania have been in control forty years, and after forty years of Republican rule in this State the owner of real estate is paying thirty mills,—after forty years of Republican rule in this State the result is that the real estate owner is paying thirty mills throughout the State of Pennsylvania. Some pay more than that, but the average throughout the State of Pennsylvania is thirty mills. And during the past forty years manufacturing corporations have been exempt to the four-mill tax, and I am glad here this afternoon that at last on the other side there is some relief on real estate. But the Committee on Constitutional Convention held a bill in their committee three months, whereas if there had been prompt action on the bill we might have had a Constitutional amendment within the year, which would have relieved the tax on real estate; and every member of this body knows that we cannot have any real relief from taxation on real estate until there is an amendment to the Constitution.

Now, in view of what the Senator from Fayette, Mr. Cavalcante, said in regard to what we have been hearing here every week for the last three or four weks about attacks on the Federal and State Administrations,—yesterday we heard a very eloquent address here from the new member from Montgomery County,—after listening to those speeches you would almost believe that the bad situation which our country is in today, nationally and State-wide—that this was due to the Roosevelt Administration, of a little over a year, and to the Democratic State Administration of only a few months.

I feel that the Democratic Party cannot be held responsible for the terrible straits that we are in in this country. I charge that to the partnership between Big Business and Government. I feel that if you leave any party in power, Democratic or Republican, for forty years, there will grow up a partnership between Big Business and Government that will wreck a country. Therefore, I contend that no party should be left in power for forty years. As a result of this partnership between Big Business and Government in our nation we had during the ten years, the last ten years of Republican rule in the United States, ten thousand bank failures, whereas just across the line, in Canada, we did not have a single failure during that time. The longer you leave any party in power the more certain it is that Big Business bill bore in at the top, and I am certain that this Administration, the Democratic Administration in this State and in the Nation, will have to be on guard, because I know that Big Business is boring in already, and the longer that party stays in power the more certain it is that Big Business will finally dominate that party.

I remember, years ago, reading LaFollette's magazine, and in that he had a column known as "The Roll Call", and in one of those issues he said that there was a man who used to get up in the United States Senate—a little man—John Dalzell. He said he was repugnant, and sarcastic in his remarks. He did not prepare his speeches, and yet when he got up to speak the people listened to every word he said—"because," he said, "when John Dalzell got up to speak everybody knew the trusts were giving their orders." And here in this Senate, during the last few weeks we heard a lot of eloquence on the part of those attacking the Federal Administration and the State Administration; but in all the weeks I have been in this Senate I have never heard from the other side a word about Old Age Pensions. I have never heard a word about the Industrial Police System of this State, I have never heard a word about the iniquity of overlapping governments, in five or six instances in this State, and the wasting of tax funds; I have never heard a word about minimum wages; but I have heard page after page read here complaining about the tax on corporations, complaining about the exemption of the four-mill tax. Why, you know, the manufacturers of this State have saved about $20,000,000 every year, that even other corporations of this State had to pay—taxes the other corporations had to pay, taxes that other States have to pay; and so the manufacturing corporations of this State have been exempt to the tune of $20,000,000 every year. And now, in these times, when people are starving, when as a result of the iniquity and the harm of a partnership between Big Business and Government it seems the same insane hand has come along and wiped home and life's savings right from under the feet of our people, and in a crisis like this, it does seem that the manufacturers of this State, that have had favors granted to them to the tune of $20,000,000 a year, should come out in this crisis and help pay for unemployment relief and emergency relief in this State.

And so I feel, Mr. President, that there is some hope when the Republican Party—or the Republican side of this house—is complaining about the taxes on real estate and are willing to put the shoulder to the wheel and relieve the taxation on real estate; and I hope from now on, for the next two weeks, we can expect some help from the other side in that respect, if no other.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now recess for five minutes.

Mr. CLARK. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

FURTHER CONSIDERATION OF BILLS ON SECOND READING DEFERRED

Mr. CLARK. Mr. President, I move that the Senate do now defer the further consideration of bills on second reading.

Mr. REED (Dauphin). Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1099 (House Bill No. 2113), as follows:

An Act making an appropriation to the Mines and Mining Committee of the House of Representatives for the investigation of the Gilberton mine disaster

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum one thousand dollars ($1,000) or so much thereof as may be necessary is hereby specifically appropriated to the Committee on Mines and Mining of the House of Representatives authorized by Resolution of the House (Number forty-two Serial Number fifty-one) to investigate the mine disaster at Gilberton on January twenty-first one thousand nine hundred and thirty-five for the payment of the expenses of the members of the committee for the payment of the compensation of reporters experts clerks and assistants employed by the committee and for all other necessary and proper expenses incurred by the committee in the discharge of its duties Payments from said appropriation shall be made on requisition of the chairman in the usual manner.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1139, as follows:

An Act to amend section four hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by changing the term of the township assessor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and twelve of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 412 Assessor At the municipal election in the year one thousand nine hundred and [thirty-three] thirty-seven the qualified electors of each township shall elect one township assessor to serve for a term of two years from the first Monday of January one thousand nine hundred and thirty-eight and at the municipal election in the year one thousand nine hundred and thirty-nine and at the municipal election every four years thereafter the qualified electors of each township shall elect one township assessor to serve for a term of four years from the first Monday of January next following his election

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1163, as follows:

An Act licensing and regulating the business of financing conditional sale contracts providing for the issuance of licenses by the Secretary of Banking authorizing the Secretary of Banking to make examinations and issue regulations and prescribing penalties for the violation of this act

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Asembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Finance Business License Act"

Section 2 Definition of Terms The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Financing" means buying discounting trading in exchanging collecting making advances or loans upon the security of or otherwise acquiring or dealing in contracts notes leases agreements liens mortgages or other instruments arising from a conditional sale

"Conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the purchase price or upon the performance of any other condition or the happening of any contingency or any contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value of the goods and by which it is agreed that the bailee or lessee is bound to become or has the option of becoming the owner of such goods upon full compliance with the terms of the contract

"Goods" means all chattels or personal property of any nature whatsoever

"Person" includes an individual partnership corporation and any other association

"Seller" means a person primarily engaged in the business of selling goods at retail

"Buyer" means the person purchasing the goods covered by the conditional sale or any other legal successor in interest to such person

"Licensee" means any person partnership corporation or other association holding a license under the provisions of this act

"Secretary" means the Secretary of Banking of the Commonwealth of Pennsylvania or his duly authorized deputy or representative

Section 3 Doing business without license prohibited No person shall in this Commonwealth engage in the business of financing conditional sale contracts in the amount of two thousand dollars ($2,000) or less except as authorized by this act and without first obtaining a license from the Secretary of Banking

Section 4 Application for license fees renewals Application for such license shall be in writing under oath and in the form prescribed by the Secretary and shall contain the name and address of the residence and address of the place of business of the applicant and if the applicant is a partnership or association of every member thereof and if the applicant is a corporation of each officer and director thereof also the county and municipality with street and number if any office building and room number if any where the business is to be conducted and such further information as the Secretary may require Such applicant shall at the time of making such application pay to the Secretary the sum of fifty dollars ($50) as an annual license fee for a period terminating the first day of October of each year No abatement of the said license fee shall be made if the license is issued for less than one year Every such license shall be renewed annually on the first day of October in each year Not more than one office or place of business may be maintained under the same license but the Secretary may issue more than one license to the same licensee upon compliance with all the provisions of this act governing an original issuance of a license and payment of the aforesaid license fee for each such additional license

Section 5 Issuance of License The Secretary if he approves the application for license shall issue to each licensee a certificate showing the name of the licensee and the address of the place of business of the licensee Such license shall be posted in a conspicuous place in the office of the licensee Such license may not be transferred or assigned Whenever a licensee shall change his place of business to another location within the same city borough or township he shall at once give written notice

thereof to the Secretary who shall attach to the license in writing his record of the change and the date thereof which shall be authority for the operation of such business under such license at such new location No change in the place of business of a licensee to a location outside the original city borough or township shall be permitted under the same license

Section 6 Powers of the Secretary A The Secretary shall have the power to reject any application for license if he is satisfied that the character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be operated honestly fairly and within the laws of this Commonwealth

B The Secretary may upon thirty days' written notice to the licensee forwarded by registered mail to the address of the place of business of such licensee as shown in the application for license stating the contemplated action and in general the grounds therefor revoke any license issued hereunder if he shall find that

(a) The licensee has failed to comply with any demand ruling or requirement of the Secretary lawfully made pursuant to and within the authority of this act

(b) The licensee has violated any provisions of this act or any rule or regulation lawfully made by the Secretary under and within the authority of this act

(c) Any fact or condition exists which if it had existed at the time of original application of such licensee clearly would have warranted the Secretary originally in refusing to issue this license

C Whenever the Secretary shall reject any application for license or issue a notice of intention to revoke a license issued pursuant to this act the licensee may within the period of thirty days appeal from such action to the Court of Common Pleas of Dauphin County

D The Secretary is hereby authorized and empowered to make such general rules and regulations as may be necessary for the proper conduct of such business and the enforcement of this act which rules and regulations shall have the force and effect of law

Section 7 Examinations by the Secretary A For the purpose of discovering violations of this act or securing information required by him hereunder the Secretary may at any time investigate the business and examine the books accounts records and files used therein of every licensee and of every person who or which shall be engaged in the business of financing defined in Section two of this act whether such person shall act or claim to act as principal or agent or under or without the authority of this act For this purpose the Secreary shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

B The Secretary shall be authorized to require the attendance and testimony of witnesses and the production of any books accounts records papers and correspondence relating to such business which the Secretary has authority by this act to consider or investigate and for this purpose the Secretary may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence In case of disobedience of any subpoena or the contumacy of any witness appearing before the Secretary the Secretary may invoke the aid of the Court of Common Pleas of Dauphin County or any Court of Common Pleas of the Commonwealth and such Court may thereupon issue an order requiring the person subpoenaed to obey the subpoena or to give evidence or to produce books accounts records papers and correspondence relative to the matter in question Any failure to obey such order of the Court may be punished by such Court as a contempt thereof

C Each witness required to attend before the Secretary shall receive for each day's attendance the sum of two dollars ($2.00) and shall receive in addition the sum of ten cents (10c) for each mile circular traveled by such witness by the usual route between his home and the place where his presence is required The fees expenses and cost of or in connection with any hearing may be imposed by the Secretary upon any party to the record or may be divided between any or all parties to the record in such proportions as the Secretary may determine

Section 8 Costs of examinations to be paid by licensees The costs of every examination of the business of a licensee by the Secretary shall be paid by the licensee so examined and the Secretary may maintain an action for the recovery of such costs in any Court of competent jurisdiction

Section 9 Disposition of License Fees The license fees herein provided shall be deposited with the State Treasurer through the Department of Revenue to the credit of the Banking Department Fund for the use of the Secretary in the administration of this act

Section 10 Scope of Act This act does not apply to and does not affect any act relating to persons operating under the laws relating to banks trust companies bank and trust companies savings banks private banks national banking associations federal reserve banks or persons operating under the act approved the seventeenth day of June one thousand nine hundred and fifteen (Pamphlet Laws one thousand twelve) entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less either with or without security to individuals pressed by lack of funds to meet immediate necessities fixing the rates of interest and charges therefor requiring the licensing of lenders and prescribing penalties for the violation of this act" its amendments and supplements or to persons operating in conjunction with the National Housing Administration Act

Section 11 Penalties A Any person partnership corporation or association or any partner director officer agent or member thereof who shall engage in the business of financing conditional sale contracts in the amount of two thousand ($2,000) dollars or less as defined in this act in this Commonwealth without first having obtained a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500) dollars nor more than five thousand ($5,000) dollars or to suffer imprisonment not less than six months nor more than three years in the discretion of the Court

B No contract note lease agreement lien mortgage or other obligation in the amount of two thousand ($2,000) dollars or less arising from a conditional sale of goods which was executed by a buyer in this Commonwealth shall be enforceable against the buyer within this Commonwealth except such contracts notes leases agreements liens mortgages or obligations held by the original seller of the goods or lawfully acquired by a person licensed under this act or exempted under Section ten of this act

Section 12 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine or neuter

Section 13 Repealer All acts and parts of acts inconsistent herewith are hereby repealed

Section 14 Effective Date This act shall become effective on the first day of October one thousand nine hundred and thirty-five

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1181 (House Bill No. 926), entitled:

An Act to amend section five hundred and eighteen of the act approved the twenty-second day of May one thous and nine hundred and thirty-three (Pamphlet Laws eight

hundred fifty-three) entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for County purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" by abolishing the payment of taxes into court on appeals from assessments

And said bill having been read at length the second time. Will the Senate agree to the bill on second reading?

BILL RECOMMITTED

Mr. EALY. Mr. President, I move that Senate Bill No. 1181 (House Bill No. 926), the bill just read, be recommitted to the Committee on County Government for the purpose of a hearing.

Mr. CLARK. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, I would like to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. HUFFMAN. Mr. President, is this the only bill on the calendar affecting this same subject?

Mr. EALY. Mr. President, in answer to the Senator from Monroe, Mr. Huffman, I wish to say that there is another bill on the calendar by Senator Norton dealing on the subject, but not covering the same matter as contained in this bill. The purpose of this motion is not to defeat this bill; the understanding when the bill was reported out, that because there was a small membership in the committee, that it would be reported back if objections were made, and I am only carrying out that agreement made at the time the bill was reported out. The intention is not to defeat the bill. I believe it can be amended o make it satisfactory to all parties concerned.

Mr. HUFFMAN. Mr. President, all right.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. HARRIS. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

MOTION TO DEFER ACTION ON SECOND READING BILLS.

Mr. CLARK. Mr. President, I move that further consideration of bills on second reading be deferred until next Monday night.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on Constitutional Changes reported as committed, Senate Bill No. 578, entitled:

An Act proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. BATCHELOR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BATCHELOR from the Committee on Constitutional Changes reported as committed, Senate Bill No. 972 (House Bill No. 183), entitled:

An Act proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania.

BILL INTRODUCED

Mr. COYNE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COYNE read in place and presented to the Chair Senate Bill No. 1542, entitled:

An Act making an appropriation to the Eye and Ear Hospital of Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

MOTION TO READ BILLS THE FIRST TIME

Mr. CLARK. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 217 (House Bill No. 339), entitled:

An Act to repeal the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-six) entitled "An act authorizing the appointment by the Governor of industrial police upon application of certain corporations companies associations and individuals prescribing the powers of such police authorizing the Governor to investigate their work and require periodical reports from them imposing duties upon the Secretary of the Commonwealth and recorders of deeds and imposing penalties"

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 578, entitled:

An Act proposing an amendment to section one, article eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 624, entitled:

An Act to prohibit the Commonwealth from purchasing automobile accessories by contract or otherwise from certain manufacturers and from dealers representing certain manufacturers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 793 (House Bill No. 1088), entitled:

An Act to amend the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 704) entitled "An act relating to limited power permits and limited water supply permits from the Water Supply Commission of Pennsylvania and the conditions thereof to the flooding and use by holders of limited power permits of islands owned by the Commonwealth to the unlawful use for water or steam power development of dams and changes in streams hereafter constructed or made otherwise than under limited power permits and to the proceedings for the enforcement of this act" by adding section three and one-tenths thereto providing that all moneys received from the annual charges on limited power permits and limited water supply permits shall be paid into the State Forests and Waters Fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 949, entitled:

A Joint Resolution authorizing the appointment of a commission by the Governor to formulate plans for the celebration of the 300th Anniversary of the establishment of the first permanent white settlement, the first capitol, and the first courts of law, within the confines of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 972 (House Bill No. 183), entitled:

An Act proposing an amendment to section eighteen article three of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1072 (House Bill No. 1725), entitled:

An Act requiring persons employing motion picture projectionists or operators to allow them at least twenty-four consecutive hours of rest each week.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1311 (House Bill No. 2139), entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations or existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting, the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by regulating the establishment and maintenance of branch banks branch offices agencies suboffices subagencies or branch places of business.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1357 entitled:

An Act to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 869) entitled "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth" placing commissioned officers required at Division Headquarters on active duty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1422 (House Bill No. 2661), entitled:

An Act to amend the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended by increasing the tax for a limited period of time clarifying the provisions defining wholesale and retail venders and dealers and relating to appeals and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1475. (House Bill No. 1914), entitled:

An Act to amend clause seven of section one of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by extending the time for employes of the Department of Public Instruction to withdraw from the Retirement System and to be reimbursed for moneys which they have paid in.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1476 (House Bill No. 1973), entitled:

An Act to further amend section twelve of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the benefits of said act to certain employes who have heretofore separated from school service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1484, entitled:

An Act to further amend the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties," by permitting certain employes to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three; and requiring the Commonwealth to contribute on the same basis in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1508, entitled:

An Act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof; declaring void certain condemnations and appropriations of waters by private corporations; providing for the ascertainment of the validity and the recording of certain condemnations and appropriations of water by private corporations, and appeals therefrom; conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto; providing for future condemnations and appropriations of waters by private corporations and compensation therefor; and conferring powers and imposing duties upon the Water and Power Resources Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1537 (House Bill No. 1703), entitled:

An Act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1538, entitled:

An Act authorizing cities of the third class to appropriate moneys out of general revenues to pay bonds and obligations issued by such cities for the payment of the costs of a public improvement, which were to rest alone for their security upon payment of assessments for benefits.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1540, entitled:

An Act making an appropriation to the Department of Property and Supplies for the purpose of making preliminary surveys, collecting data and reporting on a proposed vehicular tunnel or tunnels under the State Capitol building.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RECONSIDERATION OF SENATE BILL NO. 1024.

Mr. HARVEY. Mr. President, at the request of the sponsor, the Senator from Monroe, Mr. Huffman, I move to reconsider the vote by which Senate Bill No. 1024, entitled:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of may one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

was ordered to be transcribed for third reading.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. CAVALCANTE. Mr. President, I move to reconsider the vote by which the title was agreed to.

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The second section of the bill was reconsidered.

And the question recurring,

Will the Senate agree to the section?

Mr. CAVALCANTE. Mr. President, I move to reconsider the vote by which the first section of the bill was agreed to.

Mr. FRY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the section?

Mr. CAVALCANTE. Mr. President, I move to amend section 1, page 2, line 22, by striking out with heavy-faced brackets the word "fish" and insert in lieu thereof "trout"; also page 2, line 23, by inserting after the word "pond" the following: "used for commercial purposes"

Mr. FRY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read and agreed to.

The title of the bill was read as follows:

An Act to amend sections one hundred seventy-two and one hundred seventy-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing for the issuing of permits to take fish from licensed propagating ponds

On the question,

Will the Senate agree to the title?

Mr. CAVALCANTE. Mr. President, I move to amend title, page 1, line 9 of title, by striking out the word "fish" and insert in lieu thereof "trout"; also page 1, line 9 of title, by inserting after the word "ponds" the following: "used for commercial purposes"

Mr. FRY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 953 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 953, entitled:

An Act to further amend the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes" by providing that certificates of registration may not be issued to individuals; and providing for the refund of fees where certificates of registration are refused.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill will be noted on the Calendar.

RESOLUTION RELATIVE TO JUNE 14TH BE DESIGNATED AS FLAG DAY

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, June 3, 1935.

Whereas, June 14th is the anniversary of the adoption by the Continental Congress, June 14, 1777, of the Stars and Stripes as the emblem of the United States, and with that date began the history of our Flag as a symbol of our nationality; and

Whereas, Pennsylvania has the honor of giving birth on its soil to our National Emblem; and

Whereas, The American Flag Day Association, which has for over forty (40) years has led the observation of "Flag Day" as a patriotic duty and their affiliated civic, education, patriotic, fraternal, religious and other cooperating organizations which also annually observe Flag Day, have by their example, shown the citizens of Pennsylvania particularly and the Nation at large the influence for good which such observance may exert; and

Whereas, By such collaborations our pride in American citizenship may be emphasized, our faith in and devotion to American institutions strengthened, a stronger love of country shown, our patriotism rekindled and also to perpetuate this observance; therefore be it

Resolved (if the House of Representatives concur), That the Governor of our Commonwealth be and is hereby authorized and empowered to designate June 14th of each year as Flag Day by proclamation and to request our citizens to observe Flag Day, June 14th, as the anniversary birthday of "Old Glory" and that decorations in our National colors be made, and wherever possible in every community, the American Flag be displayed and worn as a badge of honor and distinction, that in schools and colleges and universities there be special patriotic exercises and societies, clubs and other organizations have suitable programs, and also on the Sunday nearest June 14th, in all places of worship, public recognition be made, that we then give expression to our thoughtful love of America to our determination to make it greater with each generation, by loyal service and loyal living.

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1373 (Senate Bill No. 1543), entitled:

An Act relating to local taxation; establishing a centralized system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of all county, borough, town, township, and certain school and poor taxes through the county treasurer as county tax collector, defining the powers and duties of the county tax collector and of counties, boroughs, towns, townships and school and poor districts; regulating date of certification of tax levies; abolishing the office of county, borough, town, township, school and poor district tax collector upon the expiration of existing terms defining offenses and imposing penalties and repealing existing laws.

Which was committed to the Committee on Muncipal Government.

House Bill No. 2835 (Senate Bill No. 1544), entitled:

An Act increasing the number of courts of common pleas in the county of Philadelphia; establishing therein a distinct and separate court of common pleas, designated court of common pleas number six, and providing for the election and appointment of judges for said court.

Which was committed to the Committee on Judiciary General.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 67 entitled:

An Act to amend section one of the act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (P. L. 130), entitled "An act to provide civil rights for all people, regardless of race or color," amplifying and extending the provisions of said act and increasing the penalties for violation thereof.

House Bill No. 2053 entitled:

An Act to amend route seven hundred and sixty of the act approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

House Bill No. 2058 entitled:

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway, and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

House Bill No. 2495 entitled:

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions; and defining the powers and duties of said department in relation thereto.

House Bill No. 2576 entitled:

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "General Borough Act" authorizing boroughs to acquire, maintain, and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

House Bill No. 1286 entitled:

An Act to amend sections ten, twelve and fourteen of the act, approved the tenth day of June, one thousand nine hundred and thirty-one (P. L. 485), entitled "Undertakers' License Law," by changing the procedure on appeal from decisions of the Board, granting rights of intervention in cases pending before the Board; providing for method of enjoining violations of the act; defining certain acts to be misdemeanors, and providing penalties therefor; and changing the composition and powers of the Board, and transferring the Board from the Department of Public Instruction to the Department of Health.

House Bill No. 1608 entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business, or both, and of affiliates of such corporations or persons, and of officers, directors, trustees, and employes of such corporations and persons.

House Bill No. 1654 entitled:

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury, regulating such trials, and conferring a jurisdiction upon the judges of the several courts in such cases.

House Bill No. 1823 entitled:

An Act establishing a certain section of public road as a State highway, and providing for its construction and maintenance at the expense of the Commonwealth.

House Bill No. 2047, entitled:

An Act to amend section one of the Act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An Act providing that highways, or sections thereof, abandoned as State highways routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways, and further providing that abandoned sections of State highways, which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

House Bill No. 2176 entitled:

An Act to amend section two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Appropriation Acts, page 32), entitled "An act authorizing the Department of Property and Supplies to construct, erect, and dedicate, in the city of Chester, a monument to the memory of John Morton; and making an appropriation," as amended, by reducing the amount of the state appropriation and the amount required to be raised by citizens; and reappropriating to the Department of Property and Supplies the appropriation as so reduced.

House Bill No. 2485, entitled:

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways o continuations thereof in boroughs when the Federal Government is paying all of the costs of construction; authorizing agreements with boroughs, counties and public service companies; and making an appropriation.

House Bill No. 2512, entitled:

An Act staying legal proceedings against banks, bank and trust companies and trust companies engaged in a fiduciary business, where any such corporation has guaranteed or otherwise obligated itself to pay, in cash, the amounts or value of trust assets placed with it for investment and the same have been invested in mortgages or participation in mortgages, or in pools or funds of mortgages; and suspending the operation of the Statute of Limitations and inconsistent Acts of Assembly.

House Bill No. 1885, entitled:

An Act to amend section two hundred twenty-six of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," by exempting from the provisions thereof persons fishing in the waters of the Delaware River, lying between New York and Pennsylvania; holding a fishing license issued by the State of New York

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate do now adjourn.

Mr. HOMSHER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5.14 P. M. until nine o'clock Monday evening, June 10, 1935.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 5, 1935.

The House met at 11:00 A. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

PRAYER

The Reverend Frank W. Ruth, a member of the House, offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit, Amen.

Almighty God, Our Heavenly Father, Thou hast calleth us together again today to do the work for which Thou appointed us. We pray that Thou wilt guide us so that all things we say and do may be an honor to the districts that we represent and bring Glory to Thy Great Name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. STEVENS, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

HIGHWAY FUNDS

A petition from residents of Philadelphia protesting diversion of Highway funds.

Referred to the Committee on Highways.

BLUE LAWS

A commuication from the Pennsylvania Council of Churches protesting liberalization of Sunday.

Referred to the Committee on Law and Order.

EMPLOYMENT OF VETERANS

A petition addressed the Representatives from Dauphin County urging passage of House Bill No. 200—retention of Veterans in state employ.

Referred to the Committee on Military Affairs.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate, being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 939. (HOUSE BILL No. 2942).

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding a new subdivision and section providing for the licensing of foreign mutual casualty insurance companies.

Referred to the Committee on Insurance.

SENATE BIL No. 942. (HOUSE BILL No. 2943).

An Act to amend section three hundred twenty of article three of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by requiring the furnishing of statements by insurance companies concerning their affairs and financial condition from time to time when required by the Insurance Commissioner and providing penalties for neglecting to furnish the same.

Referred to the Committee on Insurance.

SENATE BILL No. 944. (HOUSE BILL No. 2944).

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by prescribing the requirements of foreign mutual insurance companies other than life for admission to do business in this Commonwealth.

Referred to the Committee on Insurance.

SENATE BILL No. 951. (HOUSE BILL No. 2945).

An act to amend section three hundred and thirteen of the act approved the seveenteenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled as amended "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of [illegible] ance companies Lloyds associations reciprocal and [illegible] insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating [illegible] reaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by establishing yearly minimum reserve ratio.

Referred to the Committee on Insurance.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1286.

An Act to amend sections eight ten twelve and fourteen of the act approved the tenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws four hundred eighty-five) entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties" by changing the procedure on appeal from decisions of the Board granting rights of intervention in cases pending befor the Board providing for method of enjoining violations of the act providing for the granting of licenses to widows non-residents and to estates under certain conditions defining certain acts to be misdemeanors and providing penalties therefor and changing the composition and powers of the Board and transferring the Board from the Department of Public Instruction to the Department of Health

HOUSE BILL No. 1608.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share-holders attorneys and other employes of all such corporations or private bankers of or affiliated corporations associations of persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon the acts of corporations and persons authorized to engage in a banking or a fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

HOUSE BILL No. 1654.

An Act authorizing the waiver of trial by jury in certain criminal cases and the trial of such cases by a judge without a jury regulating such trials and conferring a jurisdiction upon the judges of the several courts in such cases

HOUSE BILL No. 1823.

An Act establishing a certain section of public road as a State highway and providing for its construction and maintenance at the expense of the Commonwealth.

HOUSE BILL No. 2047.

An Act to amend section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-two) entitled "An act providing that highways or sections thereof abandoned as State highway routes shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways" by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways and further providing that abandoned sections of State highways which were formerly parts of turnpikes or toll roads shall be the responsibility of the townships wherein located.

HOUSE BILL No. 2176.

An act to amend the title of and the act approved the fourth day of May one thousand nine hundred and twenty-seven (Appropriation Act page thirty-two) entitled "An act authorizing the Department of Property and Supplies to construct erect and dedicate in the city of Chester a monument to the memory of John Morton and making an appropriation" as amended by providing for the acquisition by the Department of Forests and Waters of the birthplace of John Morton in the borough of Prospect Park reducing the amount of the state appropriation and the amount required to be raised by citizens and re-appropriated to the Department of Forests and Waters the appropriation as so reduced

HOUSE BILL No. 2485.

An Act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings or in the alteration or abolition of existing crossings on State highways or continuations thereof in boroughs when the Federal Government is paying all of the costs of construction authorizing agreements with boroughs counties and railroad companies and making an appropriation

HOUSE BILL No. 2512.

An Act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of limitations and inconsistent Acts of Assembly.

HOUSE BILL No. 1885.

An Act to amend section two hundred twenty-six of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by exempting from the provisions thereof persons fishing in the waters of the Delaware River lying between New York and Pennsylvania holding a fishing license issued by the State of New York and persons fishing in the waters of the Pymatuning Lake holding a fishing license issued by the State of Ohio

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 4, 1935.

Resolved (if the Senate concur), that House Bill No. 2637, Printer's No. 870, entitled "An act imposing duties upon the Department of Health and providing for the furnishing of anti-rabic serum and treatment without charge in certain circumstances," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 67.

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (Pamphlet Laws one hundred thirty) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 29, by inserting after the word "place" the words "or places"; also line 29, by inserting after the word "of" the word "public"; also page 4, line 1, by inserting after the word "accommodation" the words "resort or amusement"; also line 1, by inserting after the word "is" the words "or are"; also in line 1, by inserting after the word "its" the words "or their"; also line 7, by striking out after the word "be" the following: "liable to a penalty of not less than one hundred dollars nor more than five hundred dollars to be recovered by the person aggrieved thereby or of any resident of this Commonwealth to whom such person shall assign his cause of action in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside and shall also for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be" also line 17, by inserting after the word "imprisoned" the words "for a period of"; also in line 18, by inserting after the word "or" the words "in the discretion of the Court"; also in line 18, by inserting at the end thereof the words "may be imposed."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Fitch,	McHenry,	Simon,
Alexander,	Flanagan,	McKinney,	Simpson,
Allen,	Flinchbaugh,	Melchiorre,	Sinwell,
Altenburg,	Flynn,	Mentzer,	Sloan,
Andrews,	Forrest,	Moomaw,	Smith, J. A.,
Arnold,	Furman,	Moore,	Smith, W. G.,
Atkins,	Gates,	Moran,	Snyder, F. E.,
Baine,	Gerard,	Moul,	Snyder, J. L.,
Baker, J. J.,	Gillette,	Muir,	Sowers,
Baldi,	Green,	Munley,	Sproul,
Barber,	Habbyshaw,	Murrin,	Stank,
Boose,	Haberlen,	Nagel,	Stevens,
Boyer,	Haluska,	Nothnagle,	Stewart,
Brancato,	Hamilton, F. P.,	O'Keefe,	Stockham,
Brennan,	Hamilton, R. S.,	Ominsky,	Stone,
Brown, H. S.,	Harkins,	Panton,	Sumney,
Brown, J. E.,	Harmuth,	Patterson, C.,	Surface,
Brownfield,	Hart,	Patterson, J. W.,	Terry,
Brumbaugh,	Hermansen,	Perry,	Trout,
Burke,	Hetrick,	Peters,	Tumelty,
Cannon,	Hindman,	Pfaff,	Turner,
Caputo,	Hoffner,	Phillips,	Van Allsburg,
Carson,	Holland,	Piole,	Van Sickle,
Chervenak,	Holstrom,	Powers,	Walker,
Coakley,	Hoopes,	Reising,	Wall,
Cochran,	Horst,	Reynolds,	Wasserman,
Cohen,	Jackson,	Rinn,	Weidemann,
Coleman,	Kane,	Roan,	Weiss,
Cordier,	Kelder,	Robinson,	Welliver,
Davies,	Kelso,	Rooney,	Welsh,
Decker,	Kilroy,	Ruffennach,	Westrick,
Denning,	Kinney,	Ruth,	White,
Dent,	LaRue,	Sarraf,	Wickersham,
Diehl,	Linderman,	Schrock,	Winner,
Dilley,	Long,	Schwab,	Wood,
Downey, G. E.,	Lovett,	Schwartz,	Woodside,
Downey, J. J.,	Lynch,	Shaw,	Yeakel,
Duffort,	Male,	Shepard,	Yourishin,
Eberharter,	McCreary,	Shortz,	Zappala,
Eroe,	McDevitt,	Shreiner,	Zimmerman,
Ferko,	McDermott,	Shugarts,	Sarig,
Finnerty,	McElroy,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2053.

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws seven hundred and eighty-seven) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth"

HOUSE BILL No. 2058.

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions

HOUSE BILL No. 2495.

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said department in relation thereto

HOUSE BILL No. 2576.

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities

With the information that the Senate has passed the same without amendment.

LEAVES OF ABSENCE

Mr. WALL asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. SIMON asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. PANTON asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. RINN asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. GILLETTE asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. CORDIER asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. SIEGEL asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. DUFFORT asked and obtained leave of absence for himself for the remainder of the week after today.

Mr. Long asked and obtained leave of absence for Mr. SCANLON for the remainder of the week after today.

REPORTS FROM COMMITTEES

Mr. JOHN J. BAKER, from the Committee on State Government reported as amended, House Bill No. 2572, entitled:

An Act to amend section thirteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth, providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township, or county roads and prescribing the contents of township, county, borough, or incorporated town petitions, providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated town with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injurying or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not offered by provisions of this act," as amended; requiring an additional bond conditioned on the payment of rentals for construction and dirt removing equipment and tools.

Mr. JOHN J. BAKER, from the Committee on State Government reported as amended, House Bill No. 2573, entitled:

An Act to amend paragraph (h) of section two thousand four hundred and eight of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; directing the Department of Property and Supplies to require bonds from State contractors conditioned on the payment of rental for construction and dirt removing equipment and tools.

Mr. TUMELTY, from the Committee on Insurance reported as amended, House Bill No. 2833, (Senate Bill No. 1150) entitled:

An Act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges, and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies, and for their supervision, regulation, and examination by the Insurance Commissioner and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports, and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violation of the act; exempting such societies from taxation, and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to, and be supervised by, the Insurance Commissioner; and repealing existing laws.

Mr. COAKLEY, from the the Committee on Insurance reported as committed House Bill No. 2546, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" as amended, by changing the financial and other requirements for companies, exchanges, and associations writing workmen's compensation insurance; by restricting investment of the surplus of such insurers; by requiring such insurers and the State Fund to accept certain rejected risks; and by adding new sections.

Mr. FRANK P. HAMILTON, from the Committee on Insurance reported as committed, House Bill No. 2528, entitled:

An Act to amend section five hundred and two of Article five of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and

consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

Mr. DECKER, from the Committee on Boroughs and Townships reported as committed, House Bill No. 867, entitled:

An Act to amend section one hundred nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs," by revising the provisions relating to the publication of notices in newspapers.

Mr. HOLLAND, from the Committee on Education reported as committed, House Bill No. 2219, entitled:

An Act to further amend section two thousand six hundred and twenty-three of an act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the compensation to be paid for controllers in school districts of the third class.

Mr. HARKINS, from the Committee on Education reported as committed, House Bill No. 1965, entitled

An Act to amend sections twelve and thirteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," requiring certificates of registrations to show the photograph of the registered person or manager; and providing for the suspension and revocation of registrations on account of Sunday work.

Mr. YOURISHIN, from the Committee on Education reported as committed, House Bill No. 1616, entitled

An Act to amend section five hundred and six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, empowering school districts to incur or increase indebtedness to repair, rebuild or replace heating plants and equipment connected therewith and building equipment.

Mr. HERMANSEN, from the Committee on Education reported as committed, House Bill No. 2166, entitled:

An Act relating to the minimum salaries and annual increments of the teaching and supervisory staffs of the public schools; granting power to the Superintendent of Public Instruction to permit, as to certain school districts, temporary reductions in the salary schedules; authorizing the Superintendent of Public Instruction to suspend mandatory provisions of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," and of its amendments and supplements; prohibiting school districts from demanding, requesting or accepting gifts or donations from members of the teaching and supervisory staffs, and empowering the Superintendent of Public Instruction to forfeit certain State subsidies for violations thereof; relating to the effect of payment of salaries which are less than those prescribed by salary schedules; granting certain options to the members of the School Employes' Retirement System; and temporarily superseding any inconsistent acts and parts of acts.

Mr. COAKLEY, from the Committee on Boroughs and Townships reported as committed, House Bill No. 2543, entitled:

An Act to amend clause fifty-three of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, exempting certain additional contracts from the contractual provisions; and raising the yearly maximum of contracts in which borough officials may be interested.

Mr. HABERLEN, from the Committee on State Government reported as committed, House Bill No. 2919 (Senate Bill No. 1380), entitled:

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E. S. Blackburn deceased in favor of her residuary devisees and/or heirs-at-law.

Mr. JAMES W. PATTERSON, from the Committee on Counties reported as committed, House Bill No. 1284 (Senate Bill No. 233), entitled:

An Act relating to the redemption of real estate purchases by counties at tax sale.

Mr. O'NEILL, from the Committee on Banking reported as committed House Bill No. 2909 (Senate Bill No. 895), entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

Mr. SCHWAB, from the Committee on State Government reported as committed, House Bill No. 2879 (Senate Bill No. 167), entitled:

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments

boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such data and statistics as are required to be furnished that department by the Department of Internal Affairs.

Mr. SHAW, from the Committee on Counties reported as committed, House Bill No. 1921 (Senate Bill No. 703), entitled:

An Act to amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by extending the provisions thereof to license fees erroneously and inadvertently paid and making such extension retroactive for a certain period.

Mr. ZAPPALA, from the Committee on Counties reported as committed, House Bill No. 2810 (Senate Bill No. 348), entitled:

An Act to amend the title and to re-enact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners.

Mr. MOOMAW, from the Committee on State Government re-reported as amended, House Bill No. 785, entitled:

An Act to assist in lessening unemployment by prohibiting the employment in the service of the Commonwealth or in the service of boards bureaus public agencies and institutions maintained in whole or in part by the Commonwealth at a salary or compensation of any married person whose spouse is regularly employed in a gainful occupation and providing for certain exceptions.

Mr. BURKE, from the Committee on Cities re-reported as amended, House Bill No. 2692, entitled:.

An Act relative to the establishment and jurisdiction of magistrates' courts in Philadelphia, and creating a Board of Magistrates; providing for their qualifications; providing for a chief magistrate; prescribing their powers and duties; providing for supervision of such magistrates by the Board of Judges and the Court of Quarter Sessions of the County of Philadelphia; providing for clerks and stenographers; continuing a central administrative office and establishing the office of Bail Commissioner; imposing upon the City of Philadelphia the cost of continuance and maintenance of magistrates' courts, including payment of all salaries; fixing salaries and restricting magistrates to duties of office; providing for penalties for violation of this Act; and repealing certain prior acts.

Mr. YOURISHIN, from the Committee on Education re-reported as amended, House Bill No. 1561, entitled:

An Act to amend section one thousand two hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing when and how supervising principals principals and teachers as herein defined may be dismissed or refused re-election and conferring powers and imposing duties on officers of such districts and courts of common pleas.

Miss BRANCATO, from the Committee on Education re-reported as amended, House Bill No. 978, entitled:

An Act to amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred forty-two) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teacher managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licenses and providing penalties" creating a new limited classification of operators increasing the eligibility requirements for examination and requirements for school registration and requiring certificates to contain photographs of applicants.

Mr. SIMON, from the Committee on Education re-reported as committed, House Bill No. 1861, entitled:

An Act to amend section twelve hundred and five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; further regulating the compensation of and contracts with teachers.

Mr. SHUGARTS, from the Committee on Public Utilities reported as committed, House Resolution No. 125.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2546, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulations and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" as amended, by changing the financial and other requirements for companies, exchanges, and associations writing workmen's compensation insurance; by restricting investment of the surplus of such insurers; by requiring such insurers and the State Fund to accept certain rejected risks; and by adding new sections.

An said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2528, entitled:

An Act to amend section five hundred and two of Article five of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 789) entitled, "An Act relating to insurance; establishing an insurance department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by including title insurance companies, fraternal benefit societies or beneficial societies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 867, entitled:

An Act to amend section one hundred nine of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs," by revising the provisions relating to the publication of notices in newspapers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2219, entitled:

An Act to further amend sections two thousand six hundred and twenty-three of an act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the compensation to be paid for controllers in school districts of the third class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1965, entitled:

An Act to amend sections twelve and thirteen of the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," requiring certificates of registrations to show the photograph of the registered person or manager; and providing for the suspension and revocation of registrations on account of Sunday work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1616, entitled:

An Act to amend section five hundred and six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, empowering school districts to incur or increase indebtedness to repair, rebuild or replace heating plants and equipment connected therewith and building equipment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2166, entitled:

An Act relating to the minimum salaries and annual increments of the teaching and supervisory staffs of the public schools; granting power to the Superintendent of Public Instruction to permit, as to certain school districts, temporary reductions in the salary schedules; authorizing the Superintendent of Public Instruction to suspend mandatory provisions of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," and of its amendments and supplements, prohibiting school districts from demanding, requesting or accepting gifts or donations from members of the teaching and supervisory staffs, and empowering the Superintendent of Public Instruction to forfeit certain State subsidies for violations thereof; relating to the effect of payment of salaries which are less than those prescribed by salary schedules; granting certain options to the members of the School Employes' Retirement System; and temporarily supersending any inconsistent acts and parts of acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2543, entitled:

An Act to amend clause fifty-three of section one thousand two hundred and two of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, exempting certain additional contracts from the contractual provisions; and raising the yearly maximum of contracts in which borough officials may be interested.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2919 (Senate Bill No. 1380), entitled:

An Act relinquishing the title of the Commonwealth in certain real estate in Sewickley Township Westmoreland County late of Carrie E. S. Blackburn deceased in favor of her residuary devisees and/or heirs-at-law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1284 (Senate Bill No. 233), entitled:

An Act relating to the redemption of real estate purchased by counties at tax sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2909 (Senate Bill No. 895), entitled:

An Act authorizing courts to stay suits or proceedings brought against any corporate fiduciary to enforce payment of cash by the fiduciary for the reason that it has made and carried a trust investment solely in its corporate name on the public records provided such investment has been kept separate and apart from its corporate assets by the fiduciary and clearly designated on its records as the property of the trust estate.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2879 (Senate Bill No. 167), entitled:

An Act to amend section two thousand two hundred and four of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' 'providing that the Department of Labor and Industry shall not compile and submit to the Department of Property and Supplies such date and statistics as are required to be furnished that department by the Department of Internal Affairs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1921 (Senate Bill No. 703), entitled:

An Act to amend the title and section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand six hundred fifty-six) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" by extending the provisions thereof to license fees erroneously and inadvertently paid and making such extension retroactive for a certain period.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2810 (Senate Bill No. 348), entitled:

An Act to amend the title and to re-enact and amend sections one and two of the act approved the sixteenth day of April one thousand nine hundred and seven (Pamphlet Laws ninety-two) entitled "An act defining the duty of coroners police and health authorities in this Commonwealth in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner" further defining the duties of coroners.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RESOLUTION NO. 159

Mr. WEISS. Mr. Speaker, I desire to call up at this time Resolution No. 159, Printer's No. 1279.

The resolution was twice read, considered and adopted as follows:

Whereas, Crime is so prevalent in this and other States as to constitute a serious menace to life and property; and

Whereas, Many studies have been made and improvements suggested in the criminal laws and methods of their administration; and

Whereas, Our police systems are to a great extent modeled on antiquated methods of management and operation, and are in this modern age inadequate to cope with complex conditions; therefore, be it

Resolved, That the Speaker of the House of Representatives shall appoint five members of the House of Representatives, who shall constitute a legislative committee and whose duty it shall be to study and investigate the police methods and practices of this Commonwealth and its various political subdivisions, and means and methods for the improvement of the same in order to provide a more efficient aid to the administration of justice.

Resolved, That said committee shall make a report to the House of Representatives at the next session of the General Assembly with such recommendations as it deems of importance for consideration by the General Assembly.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

RESOLUTION NO. 162

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time Resolution No. 162, Printer's No. 1343.

The resolution was read by the Clerk as follows:

HOUSE CONCURRENT RESOLUTION

Advocating retention of labor standards enacted under the National Industrial Recovery Act

In the House of Representatives, June 3, 1935

Whereas The National Industrial Recovery Act by establishing codes of fair competition by eliminating child labor and by setting up minimum rates of wages in

coded industries had been of incalcuable benefit to the people of our nation throughout the period of the operation of that Act and

Whereas By decision of the Supreme Court of the United States the continued operation of the National Industrial Recovery Act is declared to be no longer constitutional and

Whereas The highly desirable humane results attained through the National Industrial Recovery Act can and should be retained and augmented by voluntary co-operative action to that end between employers and employes within this Commonwealth Therefore be it

Resolved (if the Senate concur) That it is the sense of the General Assembly of Pennsylvania that the cause of social justice and the best interests of our people require the maintenance of and continuous improvement in the standards of employment for all wage-earners as essential to eventual economic recovery and sustained prosperity and be it further

Resolved That the General Assembly urge upon our citizenry both employers and employes such steps as may be necessary in good faith to carry out the intent of this concurrent resolution and be it further

Resolved That the General Assembly augment the program outlined herein through the immediate passage of any and all pending legislation that will contribute to the social and economic welfare of the people of Pennsylvania

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker and members of the House, I do not want to oppose this resolution because in its general character I think it is one which we can all concur. The last "resolve," however, I do not think we ought to allow to pass without some comment as to our position. If you will read page two of the resolution, line 12, it says, "resolved that the General Assembly augment the program outlined herein through the immediate passage of any and all pending legislation that will contribute to the social and economic welfare of the people of Pennsylvania."

Taking that in the liberal sense in which it is written, I think we will all concur that we want to see passed any and all pending legislation that will contribute to the social and economic welfare of the people of Pennsylvania. If that, however, means we are to support any program that would say that all of the legislation which is now before the General Assembly which might by the author or by others be labeled as contributing to the social and economic welfare of the people of Pennsylvania, with that, of course, I cannot concur, because that it a question and a matter of opinion. As I have said so many times here in the House, it is not a question so much of the objective or the principle involved in a piece of legislation, but the particular machinery by which it is sought to bring about the end intended by the legislation.

Therefore, with that explanation and comment, I am asking you to vote "aye" on this resolution, because I am in favor of legislation for the social and economic welfare of the people of Pennsylvania, but I do not want to be misunderstood and later on be accused as not going along with or complying with the resolution for which I voted, when some legislation is sought with which I do not agree.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

APPOINTMENT OF COMMITTEE

The SPEAKER. In accordance with the provisions of Resolution No. 159, Printer's No. 1279, the Chair appoints the following committee: Messrs. Weiss, Chairman, Ominsky, Burke, Holstrom and Kane.

STATEMENT BY MR. HOLUSKA

Mr. HALUSKA asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, last night the Associated Press Dispatch carried a message that this House did concur in the amendments of the Senate on House bill No. 371, and the bill was lying before the Governor awaiting his signature. I wish to inform the Correspondents of the Associated Press that the bill is not lying before the Governor and this House did not concur in the amendments of the Senate, and that they are very much in error in their release to the papers.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2514, entitled

An Act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to purchase construct lease and operate bridges tunnels streets highways traffic circles airports hangars parkways recreation grounds and facilities public parks swimming pools lakes dams sewers sewage systems sewage treatment works to acquire hold and develop lands used or useful for or in connection with public buildings arsenals armories military reservations airports landing fields hospitals normal schools teachers' colleges and penal or other correctional institutions and other structures and facilities for public use or benefit authorizing said Authority to construct buildings or improvements on such lands and to reconstruct improve alter extend and maintain and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2628, entitled

An Act providing that in cities of the first class, all pension funds of police, shall be administered by a board composed of nine members and providing a referendum to ascertain the will of the electors with respect to authorizing said cities to defray the entire expense of operating the existing police pension system

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2077 (Senate Bill No. 222), entitled

An Act providing for and regulating the assessment and valuation of persons property and subjects of taxation for county city borough township school and poor purposes in counties of the second class and abolishing the existing board for the assessment and revising of taxes the department of assessors in cities of the second class and the city assessor in cities of the third class in such counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No 2579, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such monies may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State Departments and providing for the use of certain dedicated revenues to reimburse the General Fund for advances made therefrom to meet such appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2831 (Senate Bill No. 39), entitled:

An Act for the protection of the health safety and welfare of women and minors in any occupation trade or industry except domestic service in private homes and farm labor by regulating under the police power of the Commonwealth the minimum fair wage standard which shall be paid to such women and minors employed in the trades and industries providing for wage boards the minimum fair wage standard for women and minors in any occupation defining the powers of and imposing duties on the Department of Labor and Industry and the wage boards imposing certain duties on employers of women and minors and requiring certain records to be kept and information to be furnished by them prohibiting contracts for and payment of less than the minimum wage standards and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2034, entitled:

An Act to promote public health safety morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions and the construction and supervision of safe and sanitary dwellings and apartments and for the renting thereof creating a State Housing Authority as a body corporate and politic prescribing and defining its powers and duties including the power to construct purchase lease and operate housing projects and the power to supervise and regulate certain municipal private and semi-public housing companies and corporations authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act authorizing said Authority to issue bonds for the financing of its housing projects providing such housing projects are self-supporting and self-liquidating and to enter into agreements with the Government of the United States or any Federal agency granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known as and may be cited as the "State Housing Authority Law"

Section 2 Definitions The following words and phrases when used in this act shall have the meaning respectively ascribed to them in this section

(a) "Authority" shall mean the State Housing Authority created by this act

(b) "Municipality" shall mean any city borough town or township

(c) "Company or corporation" shall mean any non-profit or limited dividend housing company or corporation formed to plan construct and operate any housing project within the meaning of this act

(d) "Project" shall include all lands buildings and improvements acquired managed or operated by a municipality or housing company or corporation within the meaning of this act designed to provide housing accommodation and stores offices or other commercial or community facilities appurtenant thereto which are planned as a unit for the community whether or not acquired or constructed at one time and which ordinarily are contiguous or adjacent to one another

(e) "Community facilities" shall include lands buildings or equipment for recreational or social assembly for educational health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed and operated hereunder

(f) "Area" shall mean an area wherein the Housing Authority shall find that unsanitary or substandard housing conditions exist An area may include land whether improved or unimproved and buildings or improvements not in themselves unsanitary or substandard the inclusion of which is deemed necessary by the Authority for the effective clearance replanning or reconstruction of the area or any part thereof

(g) "Real property" shall include lands lands under water structures and any and all assessments franchises and incorporated hereditaments and estates and rights legal and equitable including terms for years and liens

(h) "Bond" shall include bonds interim receipts certificates or other obligations to be issued by the Authority

(i) "Mortgage" shall include deeds of trusts mortgages building and loan contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclosure and cause the sale thereof

(j) "Trust indenture" shall include instruments pledging revenues of real or personal properties but not conveying such properties or conferring a right to foreclosure and cause the sale thereof

(k) "Contract" shall mean any agreement of the Authority with or for the benefit of any obligee whether contained in a resolution trust indenture mortgage lease bond or other instrument

(l) "Federal agency" shall mean and include the United States of America the President of the United States of America the Federal Emergency Administration of Public Works and any and all other authorities agencies and instrumentalities of the United States of America heretofore or hereafter created

The third section was read as follows:

Section 3 State Housing Authority (a) There is hereby created and established a State Housing Authority a body corporate and politic which shall be subject to all the provisions of the Administrative Code of one thousand nine hundred twenty-nine as amended which apply generally to independent administrative bodies The Authority shall consist of five members who shall be appointed by the Governor Two of the members may be heads of departments of the Government of the Commonwealth At least three of the members shall be citizens of the Commonwealth who shall not hold any other office under the Commonwealth to which any salary is attached Each civilian appointee shall be qualified by training or experience to perform the duties of the Authority The mem-

bers of the Authority who are first appointed shall be designated by the Governor to serve terms of one two three four or five years respectively from the date of their appointment and thereafter the term of the office shall be for five years Provided however That in the case of any head of a department of the Government of the Commonwealth who shall be appointed a member of the Authority his term of office as a member of the Authority shall coincide with his term of office as head of the department of the Government of the Commonwealth Unless removed for cause a member shall hold office until his successor has been appointed and has qualified A vacancy occurring during a term shall be filled only for the remainder of the unexpired term The compensation of the civilian members of the Authority shall be fixed by the Governor and they also shall be entitled to receive traveling expenses and other necessary expenses actually incurred in the performance of their public duties The members of the Authority who are heads of departments of the Government of the Commonwealth shall receive no additional compensation as members of the Authority but shall be entitled to receive traveling expenses and other necessary expenses actually incurred in the performance of their duties as members of the Authority The Authority shall organize with the election of a chairman Three members shall constitute a quorum

(b) The Authority with the approval of the Governor shall appoint and fix the compensation of a full-time executive director who shall act as the secretary of the Authority but who shall not be a member of the Authority and who shall be technically qualified for the duties of his office The executive director shall be under the sole direction of the Authority The Authority may also appoint discharge at pleasure and fix the compensation of or make contracts for the services of technical experts and officers legal counsel and all clerical and technical assistants which may in its judgment from time to time be necessary in the administration of this act The head of any public department or agency of the Commonwealth or any of its municipal subdivisions is authorized to assign technical employes to assist the Authority The Authority may also incur necessary expenses for offices furniture stationery printing and other incidental expenses The Authority may delegate to one or more of ihs members its agents or employes such powers as it may deem proper

(c) A member of the Authority shall not be personally liable for any official acts and the rights of creditors of the Authority shall be solely against the Authority as a corporate and politic body and satisfied only out of property held by it in its corporate and politic capacity No member or employe of the Authority shall acquire any interest direct or indirect in any project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any project If any member or employe of the Authority owns or controls an interest direct or indirect in any property included in any project which was acquired prior to his appointment he shall disclose the same in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority Any member of the Authority having such interest shall refrain from voting or participating in any manner in connection with such project

On the question,

Will the House agreed to the section?

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 3, page 4, line 15 by striking out at the end of the line after the word "politic" the following: "[which shall be subject to]"

Amend section 3, page 4, by striking out lines 16 and 17.

Amend section 3, page 4, line 18 by striking out at the beginning of the line before the word "The" the following: "[generally to independent administrative bodies]"

On the question,

Will the House agreed to the amendments?

They were agreed to,

On the question,

Will the House agreed to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 General Powers and Duties The Authority shall have power to purchase construct lease operate and supervise housing projects The Authority shall have power further

(a) To sue and be sued

(b) To have a seal and alter the same at pleasure

(c) To exercise the right of eminent domain to the extent and in the manner provided by law Provided however That when exercised in its own name the Authority shall first have acquired title to more than fifty per centum of the real property or site involved

(d) To acquire by purchase gift devise lease or exercise of the power of eminent domain or other mode of acquisition hold and dispose of property real and personal tangible and intangible and interest therein in its own name subject to mortgages or other liens or otherwise to pay therefor in cash or on credit and secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as it shall determine

(e) To make and enter into contracts indentures of trust leases and bonds

(f) To borrow money and to issue negotiable bonds and provide for the rights of the holders thereof

(g) To fix maintain and collect rates and charges for any services

(h) To pledge all of any part of its revenues

(i) To make such covenants in connection with the issuance of bonds or in order to secure the payment of bonds that a private business corporation can make under the general laws of the Commonwealth notwithstanding that such covenants may operate as limitations on the exercise of any of the powers granted by this act

(j) To enter on any lands waters and premises for the purpose of making surveys soundings and examinations

(k) To perform any and all acts and do any and all things by contract or contracts or under through and by means of its own officers agents and employes

(l) To encourage approve supervise and control the organization and operation of private and semi-public housing companies and corporations within the meaning of this act

(m) To recommend to the State Planning Board areas within municipalities which areas may be within adjacent to or separate and apart from designated areas of bad housing within which the construction of housing projects by such companies or corporations may be undertaken

(n) To supervise housing projects initiated by the State Planning Board

(o) To cooperate with local housing officials and planning commissions or similar bodies in cities and other muncipalities in the development of projects they at any time may have under consideration

(p) To authorize the exercise of the right of eminent domain by housing companies and corporations to the extent and in the manner provided by law

(q) To have jurisdiction over all housing projects except those in which the United States Government or any of its agencies has an interest either as owner investor or creditor

(r) To cooperate with the United States Government or any of its agencies in Federal housing projects within the Commonwealth of Pennsylvania and have supervision over such housing projects if the agency or agencies of the United States Government having such interest shall give consent to each supervision and the Authority shall assume such supervision when and if the said Federal Government participation is terminated

(s) To act as agent of the United States Government when any Federal agency so requests

Provided however That each specific housing project must receive the approval of the State Planning Board

On the question,

Will the House agree to the section?

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 7, line 14, by inserting after the word "title" the following: "or option"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections, and the title, were separately read and agreed to as follows:

Section 5 Moneys of the Authority All moneys of the Authority from whatever source derived shall be paid into the State Treasury as agent for the Authority and shall be deposited into a special fund which shall be known as the Housing Fund Any moneys in said Housing Fund from time to time shall be available for expenditures by the State Housing Authority for the payment of the expenses incurred by said Authority in carrying out the provisions of this act and for the payment of compensation and expenses of the members and employes of the Authority and for such purposes are hereby appropriated

Section 6 Audit of Books The Department of Revenue and its legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority including its receipts disbursements contracts leases sinking funds investments and any other matters relating to its financial standing Such an examination shall be made at least once in every year and the Department of Revenue shall furnish the Authority with a copy of its report and any recommendations which the Department may deem advisable

Section 7 Bonds Bonds of the Authority shall be authorized by the members The bonds of the Authority shall be free from taxation and may be issued in one or more series may bear such date or dates mature at such time or times not exceeding forty years from their respective dates bear interest at such rate or rates not exceeding five per centum per annum be in such denominations be in such form either coupon or registered be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption with or without premium be declared or become due before the maturity date thereof as may be provided Said bonds may be issued for money or property at public or private sale for such price or prices as the Authority shall determine provided that the interest cost to maturity of the money or property at its value as determined by the Authority the determination of which shall be conclusive received for any issue of said bonds shall not exceed five per centum per annum Pending the preparation or execution of definitive bonds interim receipts or certificates or temporary bonds may be delivered to the purchaser or purchasers of said bonds Said bonds may be purchased by the Authority out of any funds available for such purpose at a price not more than the principal amount thereof and accrued interest and all bonds so purchased shall be cancelled

Section 8 Liability on Bonds and Other Obligations The bonds and other obligations of the Authority shall not be a debt of the Commonwealth and the Commonwealth shall not be liable in any way whatsoever thereon nor may the holder of any such bonds or obligations compel the levy of taxes for payment Such bonds shall not be payable out of any funds other than those of the Authority and each bond shall contain a recital to that effect Neither officials of the Authority nor any person executing said bonds shall be liable personally on said bonds by reason of the issuance thereof

Section 9 Rights and Remedies of Bond Holders In addition to all other rights and all other remedies any holder or holders of any bond or bonds of the Authority including a trustee for bond holders shall have the right subject to any contractual limitations binding upon such bond holder or holders or trustees and subject to the prior or superior rights of others

(a) To sue on bonds

(b) By mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority and the members thereof including the right to require the Authority and its members to fix and collect rates and charges adequate to carry out any agreement as to or pledge of the revenues produced by such rates or charges and to require the Authority and its members to carry out any other covenants and agreements with such bond holder and to perform its and their duties under this act

(c) By action or suit in equity the Authority to account as if it were the trustee or an express trust for such bond holders

(d) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such bond holder

(e) By suit action or proceeding in any court having equitable jurisdiction to obtain in the event of a default by the Authority in the payment due when his or their bond or bonds or interest thereon which default shall have continued for a period in excess of sixty days the appointment of a receiver of the enterprise in which the Authority is engaged or any part or parts thereof who may enter and take possession of such enterprise or any part or parts thereof including all property lands property rights casements and other adjuncts of the enterprise in which the Authority shall have been engaged in and such receiver may engage in such enterprise furnish the service or services thereof and operate and maintain the system fix and collect and receive all revenues thereafter arising therefrom in the same manner as the Authority itself might do and shall deposit all such moneys in a separate account with the obligation of the Authority as the court shall direct

Section 10 Inquistiorial Powers of the Authority The Authority shall have power to investigate the affairs of housing companies and corporations and the dealings transactions or relationships of such companies and corporations with other persons Any of the investigations provided for in this act may be conducted by the Authority or by a committee appointed by the Authority consisting of one or more members of the Authority Each member of the Authority or of a committee thereof shall have power to administer oaths take affidavits and to make personal inspections of all places to which their duties relate The Authority or a committee thereof shall have power to subpoena and require the attendance of witnesses at any place in the Commonwealth designated by the Authority and the production of books and papers pertaining to the investigations and inquiries authorized in this act and to examine them in relation to any matter it has power to investigate and to issue commissions for the examination of witnesses who are out of the Commonwealth or unable to attend before the Authority or excused from attendance

Section 11 Recommendation of Projects No housing project shall be recommended to the State Planning Board by the Authority unless

(a) There is an acceptance by the housing company or corporation of a designee of the Authority as a member of the board of directors of such company or corporation

(b) It shall appear practicable to rent the housing accommodations of the company or corporation at rentals not exceeding those prescribed by the Authority in ac-

cordance with this act No such project shall be recommender in contravention of any zoning or building ordinances in effect in the municipality in which designated areas are located

(c) There shall be submitted a financial plan in such form and with such assurance as the Authority may prescribe to raise whatever proportion of the actual cost of the lands and improvements through the investment of private capital in the shares and income debentures of such company or corporation as may be mutually agreed upon between the Authority and each company or corporation and to raise the balance by mortgage bonds The plan may provide for the raising of working capital in an amount to be approved by the Authority not to exceed three per centum of the actual cost through the investment in shares and income debentures of the company or corporation whenever reference is made in this act to the cost of projects or of buildings and improvements in projects such costs shall include charges for financing and supervision approved by the Authority and carrying charges during construction required in the project including interest on borrowed and where approved by the Authority on invested capital

(d) There shall be such plans of site development and buildings as to show conformity to reasonable standards of health sanitation and safety and provisions for light and air accompanied by proper specifications and estimates of cost Such plans may if the Authority approves provide for the use to the extent permitted by law of a limited portion of the building for stores professional offices and commercial cooperative or recreational purposes Such plans and specifications shall not in any case fall below the requirements of the health sanitation safety and housing laws of the Commonwealth and shall meet superior requirements if prescribed by local laws and ordinances No such plans of a proposd project shall be approved by the Authority unless the Authority is reasonably assured that the proposed housing development conforms with the local official city or regional plan building and zoning regulations except that a site-plan for a project designed for inclusive ownership and rental may differ from those area provisions of the zoning ordinance which are applicable to standard lot and block subdivisions which have prevailed hitherto provided that the site-plan assures equal or greater provisions of light air ventilation and amenity than the zoning ordinance requires

(e) The company or corporation shall agree if required by the Authority to deposit all moneys received by it as proceeds of its mortgage bonds notes income debentures or shares with a corporate trustee approved by the Authority Such trustee shall receive moneys and make payment therefrom for the acquisition of land and the construction of improvements and other items entering into the cost of land and improvement upon presentation of draft check or order signed by a proper officer of the company or corporation Any funds remaining in the custody of such trustee after completion of the project and payment or arrangement in a manner satisfactory to the Authority for payment in full thereof shall be paid to the company or corporation

Section 12 Consolidation or Operation of Several Projects The Authority may permit the consolidation of two or more projects or the extension or amendment of any project or the consolidation of any project with a proposed project In case of there events the consolidated project shall be treated as an original project and rents may be averaged throughout the consolidated or extended project but the averaging of rentals shall not be approved if consolidated projects are so widely separated that the averaging rental is not warranted The Authority may likewise permit any housing company or corporation to organize and operate more than one project or to take over any project heretofore approved by the State Planning Board and to operate it independently of other projects of the company or corporation The Authority may for just reasons decline to permit more than one project to be operated by the same company or corporation The Authority may permit a housing company or corporation to sell assign convey or dispose of real property or any interest therein owned by it under such terms regulations or restrictions as the Authority may approve

Section 13 Regulation of Housing Companies and Corporations In pursuance of its powers and authority to supervise and regulate the operations of housing companies and corporations the Authority may

(a) Order such repairs and improvements as will preserve the health safety morals and general welfare of the occupants of buildings and structures owned or operated by such companies or corporations

(b) Order all such companies and corporations to do such acts as may be necessary to comply with the provisions of the law with reasonable rules and regulations adopted by the Authority or the terms of any project approved by the Authority or to refrain doing any acts in violation thereof

(c) Examine all such companies and corporations and keep informed as to their general conditions their capitalization and the manner in which their property is constructed leased operated or managed

(d) In all proceedings to foreclose mortgages of such companies or corporations and in all other actions in which judgments have been entered upon by which any of the real property of such companies or corporations may be sold take such steps as in its judgment may be necessary to protect the interest of the public therein and the rights of all parties interested in such property

(e) Either through its members or agents duly authorized by it enter in or upon and inspect the property equipment buildings plants offices apparatus and devices of any such company or corporation examine all books contracts records documents and papers of any such company or corporation and by subpoena duces tecum compel the production thereof

(f) In its discretion prescribed uniform methods and forms of keeping accounts records and books to be observed by such companies and corporations and after hearing to prescribe by order accounts in which particular outlays and receipts shall be entered charged or credited

(g) Require every such company or corporation to file with the Authority an annual report setting forth such information as the Authority may require verified by the oath of the president and general manager or receiver if any thereof or by the person required to file the same Such report shall be in the form cover the period and be filed at the time prescribed by the Authority The Authority may further require specific answers to questions upon which the Authority may desire information and also may require such company or corporation to file periodic reports in the form covering the period and at the time prescribed by the Authority

(h) From time to time make amend and repeal rules and regulations for carrying into effect the provisions of this act

Section 14 Control of Rentals The Authority may establish for each municipality in which such housing company or corporation proposed to operate the maximum rental per room to be charged the tenants of the housing accommodations furnished by such housing company or corporation Such maximum rental shall be fixed on the basis of land values for housing purposes and building construction cost in such municipality The Authority shall further establish within the limit of such maximum rentals the average rental per room for each project built or acquired and managed by such company or corporation upon the basis of the actual final cost of the project so as to secure from the housing accommodations together with all other income of the company or corporation a sufficient income to meet all necessary payments authorized by law to be made by such companies and corporations and within the limits of allowable dividends Such room rental rates shall be subject to revision by the Authority from time to time if found to be excessive For the foregoing purposes the Authority shall promulgate a uniform method of rating the various types of rooms of dwellings Rentals for the commercial portion of such projects such as stores professional offices cooperative or commercial uses in dwellings recreational purposes may be fixed on ths basis of current market rates the income therefrom to effect reductions in rentals applying to residential uses

It shall be unlawful to let sublet or assign leases of

apartments in such buildings or structures at greater rentals then prescribed by the order of the Authority All such leases shall be void for all intents and purposes In all cases where public funds or assistance have been given to a housing project the Authority may specify such methods and conditions as will safeguard the housing accommodations against occupancy by families of a higher income than those for whom the project may have been designated

Section 15 Increase of Rentals Whenever it shall appear that the interest of lienholders creditors debenture holders or shareholders cannot otherwise be safeguarded the Authority shall notwithstanding the limitation prescribed in this act for maximum and average rentals have power by its order made upon written application of a housing company or corporation or of a lienholder a creditor or of holders of ten per centum of the income debentures or shares of the company or corporation to authorize such housing company or corporation to increase rentals beyond the maximum established by the Authority but the increase shall not be in excess of the minimum amount necessary to enable such company or corporation to meet such obligations and then only after a public hearing at a time and place designated by the Authority Such hearing shall be held upon no less than twenty days' written notice to the tenants Such notice shall have annexed thereto a copy of the application for increase in rentals No such order or authorization shall be made or given unless the Authority shall find that because of changes in economic conditions in their application to the particular project involved or because of special assessments or causes or contingencies beyond the control of the company, or corporation affecting such project the maximum rentals fixed by the Authority are insufficient to meet the payments authorized by law to be made by such company or corporation and unless the Authority shall find that such insufficiency cannot be corrected by reasonable economies in management and operation

Any order of the Authority shall be final and conclusive upon all questions within its jurisdiction unless reversed or modified on appeal as hereinafter provided Within thirty days after notice of the filing of the order of the Authority has been sent to the company or corporation and served upon the tenants affected thereby in such manner as the Authority shall prescribe an appeal may be taken to the court of common pleas of Dauphin County from such order of the Authority by any party in interest If notice of such appeal is served upon the Authority it shall within thirty days thereafter serve upon the parties in interest a statement of its conclusions of fact and rulings of law in the case The authority shall be deemed a party to every such appeal and the Department of Justice shall represent the Authority therein An appeal from the decision of such court may be taken by the Department of Justice acting on behalf of the Authority or by any party in interest to the Supreme Court It shall not be necessary to file exceptions to the rulings of the Authority The Department of Justice shall not be required to file a bond upon an appeal by it to the Supreme Court Otherwise such appeals shall be subject to the law and practice applicable to appeals in civil actions Upon final determination of such an appeal the Authority shall enter an order in accordance therewith

Section 16 Reduction of Rentals If in any calendar or fiscal year the gross receipts of any housing company or corporation under the provisions of this act shall have exceeded the payments which it is authorized by law to make including the sums necessary to pay dividends and interest accrued or unpaid on any shares or income debentures and the authorized transfer to surplus the balance shall be applied to the reduction of rentals unless the board of directors with the approval of the Authority shall deem such balance too small for the purpose

Section 17 Summary Proceedings Whenever the Authority shall be of the opinion that a housing company or corporation is failing or omitting or about to fail or omit to do anything required of such company or corporation by law or order of the Authority and is doing or is about to do anything or permitting anything or is about to permit anything to be done contrary to and in violation of law or of any order of the Authority or anything which is improvident or prejudicial to the interests of the public the lienholders or the shareholders the Department of Justice acting for and on behalf of the Authority shall commence an action or proceeding by mandamus injunction or otherwise in the court of common pleas of the county wherein the main office of such company or corporation is located for the purpse of having such violation or threatened violation stopped and prevented

Section 18 Fees The Authority may charge and collect for an approved project from a housing company or corporation or for any housing project constructed purchased leased or otherwise acquired by the Authority reasonable fees in accordance with rates to be established by the rules of the Authority for the examination of plans and specifications and the supervision of construction for the holding of a public hearing upon the application of any housing company or corporation an amount sufficient to meet the reasonable cost of advertising the notice thereof and of the transcript of testimony taken thereat for any examination or investigation made upon application of any housing company or corporation an amount reasonably calculated to meet the expenses of the Authority in connection therewith All such fees shall be included as part of the cost of a project All such receipts shall be paid into the State Treasury and shall be deposited into the Housing Fund

Section 19 Appropriation The sum of fifty thousand dollars ($50,000) or as much thereof as may be necessary is hereby appropriated to the State Housing Authority for the two fiscal years ending on the thirty-first day of May one thousand nine hundred and thirty-seven for the purpose of carrying into effect the provisions of this act

Section 20 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 21 Effective Date This act shall become effective immediately upon its final enactment

An Act to promote public health safety morals and general welfare by providing for the elimination of unsanitary and dangerous housing conditions and the construction and supervision of safe and sanitary dwellings and apartments and for the renting thereof creating a State Housing Authority as a body corporate and politic prescribing and defining its powers and duties including the power to construct purchase lease and operate housing projects and the power to supervise and regulate certain municipal private and semi-public housing companies and corporations authorizing said Authority to fix within certain limits rentals of housing accommodations constructed under the provisions of this act authorizing said Authority to issue bonds for the financing of its housing projects providing such housing projects are self-supporting and self-liquidating and to enter into agreements with the Government of the United States or any Federal agency granting the right of eminent domain providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act and making an appropriation

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2708 as follows

An Act making an appropriation to the Auditor General State Treasurer and Secretary of Highways as the commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River be-

tween the Commonwealth of Pennsylvania and the State of New York at Lackawaxen

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Auditor General the State Treasurer and the Secretary of Highways as the commission on the part of the Commonwealth of Pennsylvania acting in conjunction with a similar commission or an agency of the State of New York for the purpose of paying the Commonwealth's share of the cost of acquiring the toll bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen under and in accordance with the provisions of the act approved the twenty-fifth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand one hundred eighty) entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New York of certain toll-bridges over the Delaware River and making an appropriation therefor" and the amendments thereto

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

BILL RECOMMITTED

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2504 as follows

An Act relating to the financing of motor vehicles prohibiting certain practices and imposing a penalty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Definitions As used in this act the following words shall have the following meanings

"Lender" any person copartnership association or corporation who or which advances money or credit upon motor vehicles whether such person copartnership association or corporation retains title to such motor vehicle and executes a lease to the other party or uses other methods or means of securing payment of the obligation

"Borrower" any person copartnership association or corporation who receives money or credit upon a motor vehicle by whatever means such motor vehicle may be pledged

Section 2 Limitation of contracts On and after the effective date of this act no contract between a lender and a borrower shall stipulate authorize or require

(a) Fire theft or collision insurance on the motor vehicle to be placed otherwise than through the ordinary channels for placing such insurance Providing however That the borrower at his option may permit the contract to stipulate that such insurance to be secured by the lender at the prevailing rates and the repayment of the cost thereof be covered by the contract provisions

In such case a copy of the policy showing the interest of the lender or assigns in the motor vehicle or under the policy shall be furnished the lender

(b) A finance charge in excess of one.....(1) per centum per month on the unpaid balance

(c) The imposition of any fines fees or other charges under any pretext

(d) The repossession or the securing of possession of the motor vehicle by the lender other than by due process of law or by the voluntary surrender of possession thereof by the borrower

Section 3 Penalties Inclusion of the provisions prohibited under section two of this act in any such contract shall void such contract insofar as any rights of the lender thereunder

The attempt on the part of the lender to enforce or impose any such conditions upon the borrower whether under the contract or otherwise shall forfeit all rights of the lender in the transaction and shall render the lender subject to the payment to the borrower of the sum of one hundred dollars to be collected as such penalties are now collected by law

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 895, as follows:

An Act to amend section eight hundred and one clause (a) of section eight hundred and two and the last paragraph of section one thousand one hundred and five as amended of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by providing for the reopening of tax settlements by the Department of Revenue under certain circumstances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and one and clause (a) of section eight hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to

the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" are hereby amended to read as follows

Section 801 Settlements to be Made by Department of Revenue (a) All settlements of taxes and bonus due the Commonwealth which have heretofore been made by the Auditor General or by the Auditor General and State Treasurer shall after the effective date of this act be made by the Department of Revenue

(b) All such settlements shall as far as possible be so made that notice thereof may reach the taxpayer at least (60) days before the end of the year succeeding the year for which the tax or bonus report or return was made or ought to have been made Provided That the Department of Revenue may reopen any settlement within a period of five years after the same was made in any case where it appears to the Department that any taxpayer has made a fraudulent return and thereby has evaded payment of any part of any tax due

(c) All such settlements including estimated settlements and reopened settlements shall be subject to audit and approval by the Department of the Auditor General or to correction by the Board of Finance and Revenue as hereinafter provided

(d) If the Department of Revenue shall not be satisfied with the appraisement and valuation of capital stock or of property or capital located and used within this Commonwealth as made and returned by the officers of any corporation joint-stock association limited partnership or other company it is hereby authorized and empowered to make a valuation thereof based upon facts contained in the report or return made by such officers or upon any information within its possession or that shall come into its possession and to settle an account on the valuation thus made for taxes bonus penalties and interest due the Commonwealth

(e) If the Department of Revenue shall not be satisfied with the correctness of the report made to it by the officers of any bank savings institution title insurance company or trust company it is hereby authorized and empowered to summon the officers of such bank savings institution title insurance company or trust company to appear before it upon notice to do so on a day to be fixed by the department and to bring with them the books of such bank savings institution title insurance or trust company for examination and it shall have the right to have further evidence to satisfy itself as to the correctness of the report made to it on the question of the value of the shares of stock of such bank savings institution title insurance company or trust company according to the rule provided by law

Section 802

(a) Promptly upon making any settlement whether in the first instance or pursuant to a reopened settlement the Department of Revenue shall transmit the original settlement with all of the papers appertaining thereto to the Department of the Auditor General

Section 2 The last paragraph of section one thousand one hundred and five of said act as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred eighteen) is hereby further amended to read as follows

If a resettlement shall not be authorized hereunder within the time above prescribed an account upon which a final discharge has been granted shall not except as provided in section eight hundred and one of this act as hereby amended be opened but shall be quieted and finally closed

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2510, as follows:

A Joint resolution proposing an amendment to section one article fourteen of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article fourteen is hereby amended by adding a new section to read as follows

Section 8 Within the area of the City and County of Philadelphia the General Assembly may from time to time provide for the abolition of any or all of the county officers and the assumption of the functions powers and duties of such county officers by city officers and employes and the General Assembly may consolidate the City and County of Philadelphia into a single municipal corporation whose officers and employes shall be appointed or elected as may now or hereafter be provided by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2665, as follows:

An Act to repeal the act approved the ninth day of July one thousand nine hundred nineteen (Pamphlet Laws seven hundred ninety-four) entitled "An act providing that estates in buildings ground books curios pictures statutary and other works of art passing by will to any municipality corporation or unincorporated body for free exhibition within Pennsylvania shall not be subject to collateral inheritance tax and in certain instances the date when such tax shall become due" as amended

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the ninth day of July one thousand nine hundred nineteen (Pamphlet Laws seven hundred ninety-four) entitled "An act providing that estates in buidings ground books curios pictures statutary and other works of art passing by will to any municipality corporation or unincorporated body for free exhibition within Pennsylvania shall not be subject to collateral inheritance tax and in certain instances the date when such tax shall become due" and any amendments thereto are hereby repealed

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2787 (Senate Bill No. 563), entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to and including the place where fifty soldiers killed in the battle of Bushy Run are buried as well as other portions of said battlefield and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2889 (Senate Bill No. 1316), entitled:

An Act to amend subsection (e) of section ninety of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" changing the resident citizens fees for use of pound nets

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1162 (Senate Bill No. 114), entitled:

An Act making an appropriation to the Trustees of Lincoln University Chester County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HOMER S. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2635, as follows:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by changing the method of determining the value of the shares of stock of banks and savings institutions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" as last amended by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1130) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of March in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the actual value thereof as of the preceding thirty-first day of December which actual value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say at the rate of four mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits as shown by the statement furnished the Comptroller of Currency of the United States the Secretary of Banking of the Commonwealth of Pennsylvania and the books of such bank or savings institution and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said tax of four mills on the dollar upon the actual value of all the shares of stock of said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institution shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2714, as follows:

An Act making an appropriation to the Department of Property and Supplies for the restoration preservation development and maintenance of the Ephrata Cloisters Park

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand

dollars ($50,000) is hereby specifically appropriated to the Department of Property and Supplies for the purpose of restoring preserving developing and maintaining the buildings and grounds of the Ephrata Cloisters Park in Ephrata Township Lancaster County to be expended by said department under the direction of the Pennsylvania Historical Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2337, as follows:

An Act to amend sections two four five thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand seventy-six) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation enlarging the scope of membership clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand seventy-six) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" are hereby amended to read as follows

Section 2 Method of Incorporation A credit union may be incorporated in the following manner to wit

A The articles of association of an intended credit union must be subscribed to by seven citizens of this Commonwealth and shall set forth

I The name of the proposed credit union which shall contain the words "credit union"

II The class of services to be performed by the credit union which services shall be within the scope of activities of such associations as set forth in the act

III The principal place where its business is to be transacted which shall be within this Commonwealth

IV The term for which it is to exist

V The [amount of its capital stock and the number and] par value of its shares [into which it is divided] which par value shall not exceed ten ($10) dollars for each share the names and post office addresses of the subscribers and the number of shares subscribed by each

VI The number of its directors for the first year not less than five the names and residences of those who are chosen for directors for the first year and the name and residence of the treasurer

VII The common bond of membership whether of occupation association or residence [,] or place of business within a well defined neighborhood community or rural district

VIII Any other provisions not inconsistent with law which the proposed credit union may see fit to adopt governing the regulation and conduct of its affairs

B Notice of the intention to apply for any such charter shall be [inserted in one newspaper of general circulation] advertised one time in a newspaper of general circulation or one time in a legal newspaper printed in the county where the principal place of business is situated [for one insertion] setting forth briefly the character and purpose of said corporation and the kind of service to be performed by it such advertisement shall be published at least three days prior to the day fixed in the advertisement for the presentation of the application to the [Governor] Department of Banking

C The articles of association shall be acknowledged by not less than [five] seven of the subscribers thereto before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

D Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given [a copy] two copies of the proposed by-laws for the general governance of the credit union [, and a certificate of approval by the Department of Banking of this Commonwealth to such application and proposed by-laws,] shall then be presented to the [Governor of this Commonwealth] Secretary of Banking who shall examine the same and if he finds [it] the application in proper form and within the purpose mentioned in this act he shall indorse his approval thereon and [direct letters patent to] forward the application to the Department of State The Secretary of the Commonwealth shall then issue a certificate of incorporation in form similar to those issued to business corporations [of the second class] in this Commonwealth which [letters patent] shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth

[E The original article of association together with all indorsements shall be recorded in the office of the recorder of deeds in and for the county where the principal place of business is situate From thenceforth the subscribers thereto their associates and successors shall be a body politic and corporate for the purposes and upon the terms named in the said articles of association Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth]

Section 4 Membership Credit union membership shall consist of the incorporators and such other persons as may be elected from time to time to membership and who subscribe to at least one share of the capital stock and pay the initial installment thereon together with the entrance fee Organizations incorporated or otherwise composed principally of the same general group as the credit union membership may be members Credit union organizations shall be limited to groups of both large and small membership having a common bond of association by reason of occupation membership in the same fraternal labor or religious organization or [to groups] residence or place of business within a well defined neighborhood community or rural district

Section 5 Reports and Examination Credit unions shall be under the supervision of the Department of Banking of the Commonwealth and shall report to it as often as may be required by the Secretary of Banking and at least annually on blanks supplied by the said department for that purpose Supplementary reports may be required by the secretary from time to time Credit unions shall be examined as often as may be required by the Secretary of Banking and at least annually and the department may use such other method of assuring itself of the condition of the credit unions as it shall deem advisable The cost of all such examinations and inspections shall be paid by the credit union [except that no charge shall be made for any examination by the department made during the first six months of operation of a credit union] A credit union shall also pay annually its proportionate share of the overhead expense of the said Department of Banking determined in the same way and manner as may be pro-

vided from time to time for banks or trust companies operating under the supervision of the department For failure to file reports when due unless excused for cause a credit union shall pay to the Department of Banking five dollars ($5.00) for each day of its delinquency If the department determines that the credit union is violating any of the provisions of this act or is insolvent the department may serve notice on the credit union of its intention to revoke its certificate of approval and if such violation continues or such insolvency continues for a period of fifteen days after the mailing of such notice the department may revoke the certificate and take possession of the business and propery of the credit union and retain possession until such time as it shall comply with the requirements of this act or until its affairs are finally liquidated The department may take similar action if any report is not filed within a period of fifteen days after it is due

Section 13 Rates and Fines Interest rates on loans made by a credit union to its members shall not exceed the rate of six per centum (6%) per annum [,] when discounted on loans which are repayable in equal installments [over one year except that in addition] or the rate of twelve per centum (12%) per annum when calculated on the unpaid principal balances For failure to pay an installment or installments on a discounted loan when due [or to make payments on subscribed shares when due] a fine may be charged which shall in no case exceed one-fourth of one per centum (¼ of 1%) for each week of delinquency on the amount in arrears except that a minimum fine of five cents may be charged When interest is calculated on the unpaid principal balances it shall be computed for the actual number of days which have elapsed at the time of payment and no other charges or fines shall be collected for failure to make payments on subscribed shares a fine may be charged at the same rate and in the same manner as the fine permitted for failure to pay loan installments when due

Section 15 Loans A credit union may make loans to its members only Loans must be for a purpose deemed by the credit committee to be provident or for productive purposes and must be made subject to the conditions contained in the by-laws A borrower may repay his loan in whole or in part any day the office of the credit union is open for business [.] and shall be entitled to a refund of the unearned interest on a prepaid loan if the interest has been discounted The amount of interest to be refunded on a prepaid loan shall be determined by calculating the interest accrued on the principal balances at a rate of interest equivalent to the discount rate except that a borrower shall not be entitled to a refund when the unearned interest is less than fifty cents (50c) No director officer or member of any committee may borrow from the credit union in which he holds office [,] an amount in excess of his paid in shares nor may he indorse for borrowers

Section 16 Reserves All entrance fees [fines which may be provided for in the by-laws for failure to make repayments on loans and payments on shares when due] collected and [each year before the declaration of a dividend] twenty per centum (20%) of the annual net earnings shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members provided however that when the reserve fund thus established shall equal ten per centum (10%) of the total amount outstanding in loans to members the credit union may upon written approval of the Secretary of Banking reduce the amount annually set aside from net earnings to ten per centum (10%) and provided further than when the reserve fund shall equal twenty per centum (20%) of the amount outstanding in loans to members the credit union may upon written approval of the Secretary of Banking discontinue increasing the reserve fund The reserve fund thus created shall belong to the credit union and shall be used as a reserve against bad loans and shall not be distributed except in case of liquidation Any amount received from the repayment of a loan after it has been charged off against the reserve fund shall be credited back to said fund

Section 17 Dividends On recommendations of the directors a credit union may at the end of the fiscal year declare a dividend from net earnings which dividend shall be paid on all shares outstanding at the end of the fiscal year Shares which become fully paid up during the year shall be entitled to a proportional part of such dividend calculated from the first day of the month following such payment in full The equivalent of the par value of one share of stock shall be considered as a full paid share in the calculation of dividends Dividends may be added to the credit of the members' share accounts or paid in cash at the option of the board of directors

Section 23 Taxation A credit union organized under this act shall be deemed an institution for savings and its assets together with all the accumulations therein shall not be subject to taxation except as to rural estate owned by it The shares of a credit union shall not be subject to a capital stock bonus tax or a stock transfer tax when issued by the corporation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2908, (Senate Bill No. 884), entitled:

An Act authorizing and regulating the reorganization of banks and bank and trust companies

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION

ADDITIONAL MEMBERS ON COMMITTEE TO INVESTIGATE LUZERNE COUNTY RELIEF BOARD

Mr. HERMANSEN asked and obtained unanimous consent to offer the following resolution and for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 5, 1935.

Resolved, That Resolution No. 157, Serial No. 223, Printer's No. 1285, be amended so that paragraph 9 thereof shall read as follows:

Resolved, That the Speaker of the House of Representative is hereby authorized to appoint a committee of [five] eight members of the House, whose duty it shall be to thoroughly and impartially investigate the activities and personnel of the Luzerne County Emergency Relief Board and all phases of relief activities in said county, whether State or National, including the so-called re-employment service and the office known as the "Placement Office" in Wilkes-Barre, as well as any other governmental agencies in said county dealing with relief, with a view of ascertaining whether or not the allegations set forth in the preamble of this resolution are true, and to make report to the House of Representatives at the earliest possible date.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 953, as follows:

An Act to further amend the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" by providing that certificates of registration may not be issued to individuals and providing for the refund of fees where certificates of registration are withdrawn or not proceeded with

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two and three of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled "An act relating to and regulating the solicitation of moneys and property for charitable religious benevolent humane and patriotic purposes" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That thirty days after the approval of this act it shall be unlawful for any person copartnership association or corporation except in accordance with the provisions of this act to appeal to the public for donations or subscriptions in money or in other property or to sell or offer for sale to the public any thing or object whatever to raise money or to secure or attempt to secure money or donations or other property by promoting any public bazaar sale entertainment or exhibition or by any similar means for any charitable benevolent or patriotic purpose or for the purpose of ministering to the material or spiritual needs of human beings either in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism unless the appeal is authorized by and the money or other property is to be given to a corporation copartnership or association [or individual] holding a valid certificate of registration from the Department of Welfare issued as herein provided

Section 2 Any written appeal to the public for any such purpose must state the name of the copartnership association or corporation by which [or of the individual by whom] it is authorized that a certificate of registration as herein provided has been duly issued to it [or him] and must be signed by an officer of the corporation or member of the copartnership or association [or by the individual]

Section 3 Any corporation copartnership or association [or individual] desiring to obtain a certificate of registration for any of such purposes shall file with the Department of Welfare on blanks prepared by the department a statement verified by an officer of the corporation copartnership or association [or by the individual] and containing such information as the Department of Welfare may require Other statements shall be filed from time to time under oath containing such information as the department may require

Section 2 Section four of said act as amended by the act approved the eighteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred) is hereby further amended to read as follows

Section 4 If the Department of Welfare deems the corporation copartnership or association [or individual] filing such statement a proper one and not inimical to the public welfare or safety and its appeal or proposed appeals to be for truly charitable benevolent or patriotic purposes or for the purpose of ministering to the material or spiritual needs of human beings in the United States or elsewhere or of relieving suffering of animals or of inculcating patriotism it shall issue to such corporation copartnership [person] or association filing the required statement a certificate of registration for the particular purpose described and for the necessary period but the department shall not issue any certificate of registration to any such [individual] corporation copartnership or association [who or] which pays or agrees to pay to any individual corporation copartnership or association a commission or compensation in excess of fifteen per centum of the amount collected or the sale price of any thing or object or the gross receipts from any public bazaar sale entertainment or exhibition or any similar means for service and the department shall revoke any certificate of registration which may be granted if and when any [individual] corporation copartnership or association shall pay or agree to pay an amount in excess of fifteen per centum as herein provided If the department deems the corporation copartnership or association [or individual] an improper one or the purposes of its appeal improper under the provisions of this act it shall refuse to issue a certificate of registration No registration certificate shall be valid for a longer period than one year from its date of issue The Department of Welfare before granting a certificate as herein provided may hold such hearings as may be deemed necessary to satisfy itself that the [individual] copartnership association or corporation filing a statement is entitled to a certificate of registration in accordance with this act

Section 3 Sections five and seven of said act are hereby amended to read as follows

Section 5 If any statement required by the Department of Welfare is not filed the department shall notify the delinquent corporation copartnership or association [or individual] by mailing a notice to its or his last known address and if the statement be not filed within two weeks after the mailing of such notice the department shall cancel its [or his] certificates of registration The department may also cancel any certificate of registration whenever it is satisfied that contributions are used for unworthy purposes or where the [individual] copartnership association or corporation holding a certificate or registration engages in practices deemed sufficient in the discretion of the department to refuse a certificate of registration

Section 7 No person shall solicit or collect any contributions in money or other property for any of the purposes set forth in this act without a written authorization from the corporation copartnership or association for which [or the individual for whom] the contribution is made and the authorization must be shown to any person on request The authorization must be signed by an officer of the corporation or member of the copartnership or association for which [or by the individual for whom] the contribution is collected and must set forth the percentage of collection or other compensation for collection to be paid to the persons so soliciting or collecting contributions

Section 4 Section nine of said act as amended by the act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred seventy-three) is hereby further amended to read as follows

Section 9 A fee of ten dollars shall be paid to the Department of Welfare by every association copartnership or corporation [or individual] at the time of filing the original statement All fees shall be paid by the department into the State Treasury through the Department of Revenue

Where a certificate of registration has been applied for but the application is thereafter withdrawn or not proceeded with the fee provided by this section paid at the time of filing the statement shall be refunded to the party paying the same and for such purposes any moneys in the General Fund are hereby appropriated but nothing herein contained shall authorize a refund where an application for registration has been refused

Section 5 The provisions of this act shall become effective immediately upon its final enactment Provided That all certificates of registration heretofore issued to any individual shall continue to be effective for the balance of the period for which issued and the provisions of the act hereby amended shall remain in force as to such certificates until they expire

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—179

Achterman,	Flanagan,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Flynn,	McHenry,	Simon,
Altenburg,	Forrest,	McKinney,	Simpson,
Andrews,	Furman,	Melchiorre,	Sinwell,
Arnold,	Gates,	Mentzer,	Sloan,
Atkins,	Gerard,	Merrell,	Smith, J. A.,
Aukerman,	Gillette,	Moomaw,	Smith, W. G.,
Baine,	Green,	Moore,	Snyder, J. L.,
Baker, J J.,	Greenstein,	Moran,	Snyder, F. E.,
Baldi,	Habbyshaw,	Moul,	Sowers,
Barnhardt,	Haberlen,	Muir,	Sproul,
Boose,	Hagerty,	Munley,	Stank,

Boyer,	Haluska,	Murrin,	Stevens,
Bradley,	Hamilton, F. P.,	Nagel,	Stewart,
Brancato,	Hamilton, R. S.,	Nothnagle,	Stockham,
Brennan,	Harkins,	O'Keefe,	Stone,
Brown, H. S.,	Harmuth,	Ominsky,	Stott,
Brown, J. E.,	Hart,	O'Neill,	Sumney,
Brownfield,	Hartman,	Panton,	Surface,
Brumbaugh,	Hermansen,	Patterson, C.,	Terry,
Burke,	Hetrick,	Patterson, J. W.,	Tronzo,
Cannon,	Hindman,	Perry,	Trout,
Caputo,	Hirsch,	Peters,	Tumelty,
Carson,	Hoffner,	Pfaff,	Turner,
Chervenak,	Holland,	Phillips,	Van Allsburg,
Coakley,	Holstrom,	Piole,	Van Sickle,
Cochran,	Hoopes,	Powers,	Walker,
Cohen,	Horst,	Reising,	Wall,
Cordier,	Jackson,	Reynolds,	Wasserman,
Davies,	Jones,	Rhys,	Weidemann,
Decker,	Kelder,	Roan,	Weiss,
Denning,	Kelso,	Robinson,	Welliver,
Dent,	Kilroy,	Rooney,	Welsh,
Diehl,	Kinney,	Root,	Westrick,
Dilley,	Klingler,	Ruffenach,	White,
Downey, G. E.,	Kobelak,	Ruth,	Wickersham,
Downey, J. J.,	LaRue,	Sarraf,	Winner,
Duffort,	Linderman,	Schrock,	Wood,
Eberharter,	Long,	Schwab,	Woodside,
Eroe,	Lovett,	Schwartz,	Yeakel,
Falkenstein,	Lynch,	Shaw,	Yourishin,
Ferko,	Male,	Shepard,	Zappala,
Finnerty,	McCreary,	Shortz,	Zimmerman,
Fitch,	McDermott,	Shreiner,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 775 as follows

An Act relating to the furnishing sale and delivery weighing and importation of unmanufactured horse manure making certain practices in connection therewith misdemeanors and fixing fines and penalties for the violation thereof providing for the payment of such fines into the State Treasury and requiring the Department of Agriculture to enforce the provisions of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever unmanufactured horse manure is furnished sold or delivered in this Commonwealth such manure shall be only the natural product as the same is produced by horses in the stable together with the straw bedding without the intentional addition of water any other manure or any other foreign substance whatsoever For the purposes of this act unmanufactured horse manure shall be deemed to be adulterated if it contains any water intentionally or deliberately added or if any other manure or any other foreign substance is intentionally mixed therewith whether such added water manure or other substance is added thereto or becomes a part thereof by permitting water or any other substance to flow or seep into or otherwise become a part of such unmanufactured horse manure while standing in a manure pit or any other place

Section 2 It is unlawful for any person copartnership association or corporation to furnish sell or offer for sale or to deliver in this Commonwealth any unmanufactured horse manure that is adulterated as defined in this act

Section 3 It is unlawful for any person copartnership association or corporation in connection with any sale furnishing or delivery of manure to represent the same as being unmanufactured horse if such manure is adulterated within the meaning of this act

Section 4 Whenever any unmanufactured horse manure is or has been sold by weight and the price to be paid therefor is to be fixed by weighing the same at any point within this Commonwealth it is unlawful for any person copartnership association or corporation to deliver for weighing or to cause or permit to be weighed any unmanufactured horse manure to which has been added intentionally any water any other manure or any other substance whatsoever which increases the weight of such unmanufactured horse manure

Section 5 It is unlawful for any person copartnership association or corporation to import or to bring into this Commonwealth any manure for the purpose of sale or delivery in this Commonwealth which manure is adulterated within the meaning of this act

Section 6 Any person copartnership association or corporation who or which by himself or itself or by his or its agents servants or employes violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars or in the case of an individual or the members of a partnership or the responsible officers of an association or corporation to undergo imprisonment not exceeding six months or both

Section 7 It shall be the duty of the Department of Agriculture to enforce the provisions of this act and in connection therewith the department its employes or agents are authorized to enter any storehouse warehouse stable railroad yard railroad car or any other building or place where unmanufactured horse manure is kept stored dealt in or transported for delivery within this Commonwealth All fines and penalties collected under the provisions of this act shall be paid into the general fund in the State Treasury through the Department of Revenue

Section 8 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisioon not been included therein

Section 9 All acts and parts of acts inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Ferko,	McElroy,	Shreiner,
Alexander,	Finnerty,	McHenry,	Shugarts,
Allen,	Fitch,	McKinney,	Siegel,
Altenburg,	Flanagan,	Melchiorre,	Simon,
Andrews,	Flinchbaugh,	Mentzer,	Simpson,
Arnold,	Flynn,	Merrell,	Sinwell,
Atkins,	Forrest,	Moomaw,	Sloan,
Aukerman,	Furman,	Mooney,	Smith, J. A.,
Baine,	Gates,	Moore,	Smith, W. G.,
Baker, J. J.,	Gerard,	Moran,	Snyder, F. E.,
Baldi,	Gillette,	Moul,	Snyder, J. L.,
Barber,	Green,	Muir,	Sowers,
Barnhardt,	Habbyshaw,	Munley,	Sproul,
Bernhard,	Haberlen,	Murrin,	Stank,
Blumberg,	Haluska,	Nagel,	Stevens,
Boose,	Hamilton, F. P.,	Nothnagle,	Stewart,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stockham,
Bradley,	Harkins,	Ominsky,	Stone,
Brancato,	Harmuth,	O'Neill,	Stott,
Brennan,	Hart,	Panton,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hermansen,	Patterson, C.,	Terry,
Brownfield,	Hetrick,	Patterson, J. W.,	Trout,
Brumbaugh,	Hindman,	Pearson,	Tumelty,
Burke,	Hirsch,	Perry,	Turner,
Cannon,	Hoffner,	Peters,	VanAllsburg,
Caputo,	Holland,	Pfaff,	VanSickle,
Carson,	Holstrom,	Phillips,	Walker,
Chervenak,	Hoopes,	Piole,	Wall,
Coakley,	Horst,	Powers,	Wasserman,
Cochran,	Jackson,	Reising,	Weidemann,
Cohen,	Jones,	Reynolds,	Weiss,
Coleman,	Kane,	Rhys,	Welliver,

Coolahan,	Kelder,	Roan,	Welsh,
Cordier,	Kelso,	Robinson,	Westrick,
Davies,	Kilroy,	Rooney,	White,
Decker,	Kinney,	Ruffennach,	Wickersham
Denning,	LaRue,	Ruth,	Winner,
Dent,	Linderman,	Sarraf,	Witkin,
Diehl,	Long,	Schrock,	Wood,
Dilley,	Lovett,	Schrope,	Woodside,
Downey, G. E.,	Lynch,	Schwab,	Yeakel,
Downey, J. J.,	Male,	Schwartz,	Yourishin,
Duffort,	McCreary,	Shaw,	Zappala,
Eberharter,	McDermott,	Shepard,	Zimmerman,
Eroe,	McDevitt,	Shortz,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2356, as follows:

An Act requiring the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State in making purchases to purchase articles produced manufactured made milled or mined in this Commonwealth in certain instances regulating bids for contracts and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth and all of its departments boards and commissions all State institutions all school districts and all institutions and agencies of every kind that receive appropriations from the State shall when making any purchases whether direct or by contract for the construction alteration or repair of buildings purchase articles materials or supplies of every description produced manufactured made milled or mined in this Commonwealth Provided That such articles can be had at no increase in price over the price for which the same articles from without the Commonwealth can be purchased And provided further That this act shall apply to any item of such purchase the cost of which is less than one hundred dollars

Section 2 All bids on contracts to furnish any such article or for such work including the furnishing of materials shall separately specify the price for articles or materials produced manufactured made milled or mined in this Commonwealth and for those from without the Commonwealth Provided That in all cases the articles or materials furnished must meet the requirements of specifications

Section 3 In the case of manufactured articles the place where the same is assembled or made into the form in which it is supplied shall govern and not the place where the component parts or any of them are produced manufactured made milled or mined

Section 4 Any person knowingly making a purchase or executing a contract in violation of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars ($1,000)

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The Speaker. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, line 7, by striking out the words "appropriations from the"

Amend Sec. 1, page 1, line 7, by inserting after the word "State" the word: "aid."

Amend Sec. 2, page 2, line 10, by striking out the words "on contracts."

Amend Sec. 2, page 2, line 16, by inserting after the word "specifications" the following: "And provided further, That the ignoring of bids not made according to pre-arranged provisions for receiving and considering such bids shall not be a violation of this act."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. MORAN. Mr. Speaker, I desire to call up at this time House Bill No. 2015, Printer's No. 725, on page 11, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. MORAN.

The House resumed the consideration on final passage of House Bill No. 2015, entitled

An Act authorizing cities boroughs and towns to construct acquire own operate and control water-works and gas works and appurtenances thereto and to sell water and gas both within and without their corporate limits and conferring the power of eminent domain to acquire property for such purposes.

RECONSIDERATION OF VOTE

Mr. MORAN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. KANE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Title, page 1, line 2 of title, by striking out the words "and gas works"

Amend Title, page 1, line 3 of title, by striking out the words "and gas"

Amend Title, page 1, line 4 of title, by striking out the word "and"

Amend Title, page 1, last line of title, by inserting after the word "purposes" the following: "providing for the election of a board of directors to operate and manage such works; and defining its powers and duties."

Amend Sec. 1, page 1, lines 6 and 7, by striking out the words "or gas works or both"

Amend Sec. 1, page 1, lines 9 and 10, by striking out the words "or gas or both"

Amend Sec. 1, page 1, line 10, by striking out the word "or" and inserting in lieu thereof: "its corporate limits and also"

Amend Sec. 1, page 1, line 10, by striking out the word "or" and inserting in lieu thereof: "but only within a distance of ten miles of such corporate limits and only if the consent of the corporate authorities of the political subdivision in which such service is to be rendered has first been secured; and with the consent of the owner thereof"

Amend Sec. 2, page 2, lines 2 and 3, by striking out the words "or gas works"

Amend Sec. 2, page 2, line 4, by striking out the words "or gas"

Amend Sec. 2, page 2, line 7, by inserting after the word "limits" the following: "but not exceeding a distance of ten miles from such corporate limits"

Amend Sec. 3, page 2, line 16, by striking out the words "or gas works"

Amend Sec. 3, page 2, line 17, by striking out the words "in any other city borough or town" and inserting in lieu thereof: "within its limits"

Amend Sec. 3, page 2, line 24, by inserting after the word "town" the following: "acquiring such works, and where such works are located in some other city, borough, town or township also with the approval of the qualified voters of that city, borough, town or township"

Amend Sec. 3, page 2, line 21, by striking out the words "or gas works"

Amend Sec. 3, page 2, line 24, by inserting after the word "district" the following: "No private corporation whose waterworks are so acquired shall cease to operate the same until such works are turned over to the city, borough or town for ownership, management or control."

Amend Sec. 3, page 2, lines 14 and 15, by striking out the words "purchase or"

Amend bill, page 2, by inserting after line 24, the following sections:

Section 4. Whenever any city, borough or town shall construct or acquire water works under the provisions of this act, the same shall be managed and operated by a board of five directors who shall be elected at large in such city, borough or town on a non-party ballot. The first directors shall be elected at the first municipal election after any such water works have been acquired or the construction thereof commenced, when five directors shall be elected for terms of four years each, and quadriennially thereafter at the municipal election five directors shall be elected to take the place of those whose terms are about to expire. The terms of all directors shall begin on the first Monday of January following their election. Vacancies in the office of director shall be filled by the mayor or burgess of the city, borough or town for the unexpired term.

Section 5. Nomination of candidates may be made on petitions, the form of which shall be prescribed by the mayor or burgess of the city, borough or town. In order to secure a valid nomination, a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the city, borough or town at the last preceding municipal or general election. Such nomination petitions shall be filed with the mayor or burgess at least sixty days before the municipal election, at which such nominees consent to become candidates. If less than seven petitions, sufficiently signed, are filed with the mayor or burgess within the time herein specified, the mayor or burgess shall make additional nominations until the number of nominees is seven, and shall then certify such nominees, including all of those whose petitions are sufficiently signed, to the county commissioners at least fifty days before the municipal election.

Section 6. The county commissioners shall print the names of such nominees on separate official ballots without any party designation and shall furnish a sufficient number of such separate ballots to each election board in the city, borough or township for which nominated, so that one ballot can be furnished to each voter. Each person voting at the election at which such persons are candidates shall be entitled to vote for five of the candidates whose names appear on such ballot, and the five receiving the highest number of votes shall be elected. The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote.

The votes cast for such directors shall be counted by the respective election boards and returns thereof made to the prothonotary who shall lay such returns before the return board who shall compute the vote for the entire city, borough or town and certify the result to the mayor or burgess of the city, borough or town. Thereupon the mayor or burgess shall issue to the persons elected certificates showing their election.

Section 7. Each director of water and gas works shall receive such salary as may be fixed by the council of the city, borough or town.

Section 8. As soon as the directors elected have qualified for office, they shall take charge of the water works or both, and shall employ and dismiss at pleasure a superintendent and such clerks, laborers, mechanics and workmen as may be deemed necessary for the economical and efficient administration of said works, and shall fix their compensation. The directors shall purchase such materials and supplies as may be required for keeping the works in good repair and have charge of all construction, repairs, enlargements and extensions of the works and shall conduct and manage the affairs and business connected with such works in accordance with law.

Section 9. The directors shall make and submit to the council annually a true financial statement. The directors shall also submit to the council full estimates of the costs, charges and expenses of any new work, enlargement, extension or alteration of the works, and no such work shall be prosecuted without the consent of council.

Section 10. The directors shall fix the rates for water which shall be sufficient, but not in excess of those required to operate such works in an efficient manner, provide for the repair, replacement and extension thereof, pay the interest on any bonds issued, and provide for their retirement, and all other costs and expenses properly chargeable to the operation of such works.

Amend Sec. 4, page 2, line 25, by striking out the figure "4" and insert in lieu thereof "11"

The SPEAKER. Will the House give unanimous consent to the insertion oftheamendments at this time ? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. SPROUL. Mr. Speaker, I desire to call up at this time House Bill No. 2498, Printer's No. 1221, on page 12, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SPROUL.

The House resumed the consideration on final passage of House Bill No. 2498, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws four hundred fifty-seven), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employes; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; con-

ferring powers and imposing duties upon the courts, recorders of deeds, and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" by requiring secretaries of building and loan associations to be licensed by the Department of Banking and providing penalties.

RECONSIDERATION OF VOTE

Mr. SPROUL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring

Will the House agree to the bill on third reading?

Mr. SPROUL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, line 3 from top of page, by inserting after the word "penalties" the following: "and providing a temporary secretary in certain cases"

Amend sec. 1, page 3, line 20, by inserting after the word "court" the following: "Provided, however, That nothing contained in this clause shall be construed to apply to or be deemed to prohibit the employment of a temporary secretary not licensed as herein required during the necessary absence of the secretary, or in case of his inability to act by reason of illness or following the death or resignation of the secretary, and in case any such temporary secretary shall act at any meeting of the association, a notation shall be made in the minutes showing the reasons for the employment of a temporary secretary: And provided further, That no such temporary secretary shall be employed continuously for a longer period than three months without the consent of the Department of Banking."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

Ordered, that the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Mr. SOWERS. Mr. Speaker, I desire to call up at this time House Bill No. 2835, Printer's No. 1133, on page 12 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SOWERS.

The House resumed the consideration on final passage of House Bill No. 2835, entitled

An Act increasing the number of courts of common pleas in the county of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number six and providing for the election and appointment of judges for said court

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Downey, J. J.,	Lovett,	Schwartz,
Alexander,	Duffort,	Lynch,	Shaw,
Allen,	Eberharter,	Mason,	Shepard,
Altenburg,	Eroe,	McDermott,	Shortz,
Andrews,	Falkenstein,	McDevitt,	Shugarts,
Arnold,	Ferko,	McElroy,	Siegel,
Atkins,	Finnerty,	McHenry,	Simon,
Aukerman,	Fitch,	Melchiorre,	Simpson,
Baine,	Flanagan,	Mentzer,	Sinwell,
Baker, J. J.,	Flynn,	Merrell,	Sloan,
Baldi,	Forrest,	Moomaw,	Smith, J. A.,
Barber,	Furman,	Mooney,	Smith, W. G.,
Barnhardt,	Gates,	Moran,	Snyder, F. E.,
Bernhard,	Gillette,	Muir,	Sowers,
Blumberg,	Habbyshaw,	Munley,	Spangler,
Boyer,	Haberlen,	Murrin,	Sproul,
Bradley,	Haluska,	Nagel,	Stevens,
Brancato,	Hamilton, F. P.,	Nothnagle,	Stockham,
Brennan,	Hamilton, R. S.,	O'Keefe,	Stone,
Brown, H. S.,	Harkins,	Ominsky,	Sumney,
Brown, J. E.,	Hart,	O'Neill,	Surface,
Brownfield,	Hartman,	Panton,	Trout,
Brumbaugh,	Hermansen,	Parks,	Tumelty,
Burke,	Hetrick,	Patterson, C.,	Turner,
Cannon,	Hindman,	Patterson, J. W.,	Van Allsburg,
Caputo,	Hirsch,	Pearson,	VanSickle,
Carson,	Hoffner,	Peters,	Walker,
Chervenak,	Holland,	Pfaff,	Wall,
Coakley,	Holstrum,	Phillips,	Wasserman,
Cochran,	Hoopes,	Piole,	Weidemann,
Cohen,	Horst,	Reynolds,	Weiss,
Coleman,	Jackson,	Rhys,	Welsh,
Coolahan,	Jones,	Rinn,	Westrick,
Cordier,	Kane,	Roan,	White,
Davies,	Kelder,	Robinson,	Winner,
Decker,	Kilroy,	Rooney,	Woodside,
Denning,	Kinney,	Root,	Yourishin,
Dent,	LaRue,	Ruffennach,	Zappala,
Dilley,	Linderman,	Ruth,	Zimmerman,
Downey, G. E.,	Long,	Schrope,	Sarig,

NAYS—15

Green,	Perry,	Snyder, J. L.,	Wickersham,
McCreary,	Schrock,	Stank,	Wood,
McKinney,	Schwab,	Stewart,	Yeakel,
Moore,	Shreiner,	Terry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Mr. WICKERSHAM. Mr. Speaker, I desire to call up at this time House Bill No. 2784 (Senate Bill No. 144), Printer's No. 326, on page 12, of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. WICKERSHAM.

The House resumed the consideration on final passage of House Bill No. 2784 (Senate Bill No. 144), entitled:

An Act prescribing the method of making applications for unemployment poor or other relief for the needy making misrepresentations and misstatements in connection therewith the unlawful approval and granting of relief conspiracy to obtain relief and the sale of relief orders and articles received as relief misdemeanors and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker and members of the House, I rise to oppose this bill. Some two or three weeks ago the House passed the Law bill after we amended it, which amendments were concurred in by the Senate and the bill was signed by the Governor last week. There is now upon the statute books ample protection and means of punishing those who violate the law with regard to obtaining relief. This bill goes further and provides that any person who makes any misrepresentation or misstatement in any application for obtaining any such relief, and I may say that the bill is so broadly worded that it applies not only to public relief but to any sort of charity. I believe if you will read section one, which is extremely broad, if you are convicted of it you shall be sentenced to a fine of not less than one hundred dollars or not more than five hundred dollars, or to undergo imprisonment for not less than three months or not more than a year, or both.

On general principles, no matter what the crime is that you are punishing I am opposed to penal measures which provide minimum sentences which must be imposed by the courts regardless of the circumstances. It is very bad policy. A person may commit a very slight infraction, which would make him technically guilty, and under this act he would have to be sentenced to a fine of one hundred dollars or to an imprisonment of three months.

That sort of legislation is bad, no matter what the particular crime may be, and in this particular case we have already got statutes on the books which cover the situation, and to add this to it is just adding insult to injury.

I ask the members of the House to vote "no" on this bill.

Mr. ANDREWS. Mr. Speaker and members of the House, the Law bill which the gentleman from Berks refers to, as I read the measure, was designed to punish applicants for relief who misrepresented their condition of their need.

This bill as I read it, is designed to punish members of relief organizations who conspire with relief applicants. The two bills cover, to my mind, entirely different fields. The gentleman from Berks, in attacking this measure, is making a plea in behalf of conspiracy, because that is what this bill does; it punishes the members of relief organizations who conspire for the purpose of defrauding the state, and it is to my mind a meritorious measure and should be passed.

Mr. HOOPES. Mr. Speaker and members of the House, I will ask the gentleman from Cambria who has just spoken to read the second paragraph of section one of the bill, which very definitely applies to persons who make application for relief. It is true that there has been an amendment added to the bill in Section 2 which covers the field he mentions, but so long as the first section, particularly paragraph two thereof, remains in the bill, it applies also to applicants who are already covered by the other bill. Even with all of that, regardless of whom the bill applies to, this is bad legislation to put through a measure which makes mandatory a minimum fine and a minimum jail sentence.

We have several such measures on the books at the present time with the result that the courts are continually confronted with the situation wherein the persons are technically guilty, they want to plead guilty, but they are compelled to say, "You had better not, because if you do I have got to give you so and so," whereas the crime is not serious enought to warrant a penalty to that extent. So long as the bill is in this form, including applicants that are covered in the Law bill, I think it should be defeated.

Mr. EBERHARTER. Mr. Speaker and members of the House, in my opinion in the way in which this bill is drawn, it should be defeated. In the second section of the bill, the reading of the act is such that if any charitable organization, whether or not that charitable organization is using public funds, gives money to a person who is not legally entitled to relief, the officers of that charitable organization whether it be a fraternal organization or a religious organization or any other sort of charitable organization, the officers would be liable to the mandatory penalty provided in this act. I ask the members of the House to vote down this bill.

Mr. LONG. Mr. Speaker and members of the House, last week I moved to place this bill on the postponed calendar, and when I did so I stated two very good reasons. The first was, then at that time we were under the impression that the Law bill was unsatisfactory to its author and would not become a law. Since that time the Law bill has been signed by the Governor covering the same subject.

I ask that this bill be defeated because we already have the Law bill upon the statute books, secondly, because obvious defects in this bill, which at the time of the postponement we intended to eradicate have not been eliminated. These defects have been pointed out to you by the gentleman from Allegheny, Mr. Eberharter, and by the gentleman from Berks, Mr. Hoopes.

Therefore, because of these two facts I ask you to vote "no" on this bill.

Mr. HALUSKA. Mr. Speaker and members of the House, sometime ago Robert L. Johnson issued orders that all relief chiselers shall be prosecuted. We found in some of our investigations where investigators have given as many as sixty pairs of shoes to one party. Should they be shielded? Should they be exempt? Why go after the chiseler? Why not go after the investigator himself?

We complain about expenditures. In order to be a relief investigator you must have a college education, you must have certain qualifications, and surely if you must have those qualifications you should have some penalty imposed upon you if you go out and issue money orders, food or clothing orders, to friends of yours that are not entitled to it.

SPECIAL ORDER ON THIRD READING AND FINAL PASSAGE

The SPEAKER. The Chair lays before the House the special order of business on third reading and final passage fixed for this hour, being House Bill No. 1373, Printer's No. 1337.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1373 as follows:

An Act relating to local taxation establishing an optional centralized system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of all county borough town and township and certain school and poor taxes except in certain cases through the county treasurer as county tax collector providing for a referendum to ascertain the will of the electors as to the acceptance of this act fixing discounts and

penalties and discount and penalty dates defining the powers and duties of the county tax collector and of counties boroughs towns townships and school and poor districts regulating date of certification of tax levies abolishing the office of county borough town township school and poor district tax collector upon the expiration of existing terms or in cases of vacancies defining offenses and imposing penalties and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second third fourth fifth sixth seventh and eighth classes a centralized county system for the collection of all county borough town township school and poor taxes may be established in accordance with this act

Section 2 Short Title This act shall be known and cited as "The County Tax Collection Law"

Section 3 Definition of Certain Words The term "corporate authorities" as used in this act shall be construed to mean (a) the county commissioners of any county (b) the burgess or council or both of any borough or town (c) the board of township commissioners of any township of the first class (d) the board of township supervisors of any township of the second class (e) the board of school directors of any school district and (f) the managers directors or overseers of any poor district

Section 4 Referendum Application of Act Where Accepted (a) At the municipal election in the year one thousand nine hundred and thirty-five there shall be submitted to the electors of each county except a county of the first class a question to determine the will of the electors of such county with respect to the acceptance of this act and the collection of county borough town township school and poor taxes under the centralized system of collection established by this act Such question shall be in the following form

Do you favor the abolition of the present system of collecting local taxes and the acceptance of Act No. approved 1935 which establishes a centralized county system for the collection of all local taxes (with certain exceptions) through the office of the county treasurer?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election In districts where voting machines are used such question shall appear on the face of the machine where the machine is properly equipped for such purposes

(b) The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used to the prothonotary of the county who shall lay the same before the return board for computation at the same time and in the same manner as other election returns The return board shall compute the vote for the entire county and certify the results thereof to the county commissioners the county treasurer and to the corporate authorities of each political subdivision within the county

(c) Such election shall be governed by the election laws of the Commonwealth and all penalties provided by said act shall apply to such elections

(d) If a majority of the electors voting on such question in any county shall vote "no" on question submitted then this act shall not apply to such county and the existing laws for the collection of such taxes shall be continued in force in such county and its various political subdivisions but if a majority of the electors voting on such question shall vote "yes" then the existing laws so far as the same are inconsistent with the provisions of this act shall be repealed when this act shall come into full force and effect in such county and shall subject to the schedule hereinafter provided apply to the collection of all county borough town township school and poor taxes except that this act shall not apply to (a) the collection of city and school taxes in cities of the first second and third class or to the collection of poor taxes in any such city where a poor tax is collected for such purposes only within such city but school taxes in cities except cities of the first class shall nevertheless be subject to sections twenty-one and twenty-two of this act or (b) the collection of county city school and poor taxes in cities of the second class A but county and school taxes within such cities of the second class A shall nevertheless be subject to the provisions of sections twenty-one and twenty-two of this act

Nothing contained herein shall be construed to prevent the county commissioners from appointing the city treasurer of any city of the third class as the collector of county taxes in such cities provided that he is paid for such collection by salary to be fixed by the county commissioners but if such appointment is not made then such county taxes shall be collected in such cities by the county tax collector as herein provided All county taxes in cities of the third class shall in either event be subject to the provisions of sections twenty-one and twenty-two of this act This act when accepted shall be construed as providing an exclusive method for the collection of all local taxes in said counties boroughs townships towns school districts and poor districts except as above excepted and taxes on unseated lands and except as to the return of property to county commissioners for the collection of delinquent taxes by county treasurers' sales and as to the filing and collection of tax claims in and through the office of the prothonotary

Section 5 Schedule of Tax Collections Until Expiration of Terms of Collectors Now in Office In counties where this act is accepted tax collectors of the various counties boroughs townships school and poor districts shall continue to perform the duties possess the powers receive the emoluments of office and be subject to the liabilities and penalties provided by existing laws but if any vacancy shall occur or exist in any of said offices of tax collector said vacancy shall not be filled In such cases the taxes in the unit where the vacancy occurs or exists except in units for which duplicates have already been issued at the effective date of this Act shall be collected by the county tax collector created by this act Provided That the salary hereinafter provided for shall not be payable to the county tax collector until such time as the system herein provided shall be in full and complete operation and pending such time he shall for the duplicates placed in his hands receive such compensation as the salary board hereinafter provided for shall fix which compensation plus other costs of collection and clerical hire shall be paid one-half by the county and one-half by the units for which he is so collecting taxes said one-half to be allocated according to the method provided in section fifteen of this act

Duplicates of taxes shall so long as said collectors of local taxes are in office be delivered to them and taxes collected by them as now provided by law After the expiration of the terms of the tax collectors now in office or when the office becomes vacant prior to the expiration of such terms the office of each such county borough town township school and poor district tax collector and of the county tax collectors in cities whether for the collection of current or delinquent taxes is hereby abolished and thereafter all such taxes shall be collected only by the county tax collector provided by the act but nothing herein contained shall be construed to abolish any such office in any unit to which this act does apply

Section 6 Levy of Taxes Publication of Notice The corporate authorities of each county borough town and township and of each poor district and school district other than those coextensive with or located wholly within cities shall annually fix their respective levies of taxes including the amount of any poll or per capita tax which

shall be certified to the board for the assessment and revision of taxes or county commissioners as the case may be not later than the fifteenth day of May of each year together with their respective warrants directed to the county tax collector authorizing him to collect taxes levied and assessed in their respective units as will appear upon the duplicates to be furnished to him

After the fifteenth day of May of each year the county commissioners or the board for the assessment and revision of taxes as the case may be shall give notice by consolidated statement of the respective tax levies which have been made and certified by the several taxing units Such notice shall state the rates of tax levied by each taxing unit and when taxes become due and payable the discounts for prompt payment when taxes are payable at face when the same shall become delinquent the rate of penalty imposed for delinquency and when interest will be added to the tax Said notice shall be published twice during the month of June in three newspapers of general circulation as defined by the Newspaper Advertising Act approved May sixteenth one thousand nine hundred and twenty-nine if so many newspapers are published in the county

Section 7 Duplicates Contents Until the expiration of the terms of the various tax collectors now in office duplicates for all county borough town township poor district and school district taxes shall be prepared as now provided by law and be delivered to such tax collectors Thereafter all such duplicates shall be prepared by the board for the assessment and revision of taxes or the county commissioners as the case may be and shall be delivered to the county tax collector not later than the first day of July of each year Duplicates shall be written for each taxing unit and shall show substantially (a) the name and residence of each taxable (b) the location and valuation of each parcel of real estate of such taxable (c) the valuation of personal property including intangibles taxable for county purposes only (d) the valuation of the occupation of each taxable (e) the amount of any occupation tax poll or per capita tax levied by any taking unit (f) the rates of taxation of the various taxing units and (g) the several amounts of taxes due by each person to each respective taxing unit Copies of such portion of the duplicate as pertains to each taxing unit shall be furnished to each unit

Section 8 Duplicates Public Records Form All duplicates shall be public records and shall be admissible in evidence in the same manner as other public records All duplicates shall be preserved in the office of the county tax collector at the county seat

It shall be the duty of the Department of Internal Affairs immediately after the passage of this act to prepare a model duplicate or duplicates arranged substantially in accordance with this act

Section 9 Preparation of Duplicates for Independent School Districts and Certain Poor Districts In the case of any independent school district or a poor district embracing territory in more than one municipal district the duplicates shall be prepared for each municipal district as hereinbefore provided but shall set forth specifically opposite the name of each taxable the school district or poor district to which the taxes charged in the duplicates are payable

Section 10 Tax Bills to Taxables Contents With the preparation of the duplicates the board for the assessment and revision of taxes or county commissioners as the case may be shall cause to be prepared a tax bill for each taxable whose name appears on the duplicates Such tax bill shall contain (a) the name of the county and the name of the city borough town or township in which the taxes are assessed (b) the rates of taxation levied by the county borough town township school district and poor district in which the person is taxable (c) the location and valuation of each parcel of real estate of the taxable (d) the valuation of the personal property taxable for county purposes only (e) the valuation of the occupation of the taxable (f) the occupation poll and per capita taxes levied by the respective taxing units (g) the full amount of county borough town township school and poor taxes for which the taxable is liable (h) if an installment system for tax payments has been established a statement when each installment of all of said taxes becomes due and delinquent and the additional percentage which will be added to the several installments as a penalty (i) if no installment system of tax payments has been established and as to those taxes not paid on the installment plan a statement of the discount and time before which the same may be secured the time during which taxes are payable at face and when the penalty will be added stating the same and (j) the places where such taxes are payable

Such tax bill shall be mailed by the county commissioners or board for the assessment and revision of taxes to the last known address of each taxable not later than the first day of July of each year

Model forms of such tax bills and of tax receipts shall be prepared by the Department of Internal Affairs The tax bill may be used for receipt purposes where a stub or duplicate is attached thereto showing substantially the same information which stub or duplicate may be detached from the bill for record purposes

Section 11 County Treasurer Designated as County Tax Collector Bond The county Treasurer of each county shall as the terms of the various tax collectors now in office expire become the collector of all county borough town township school and poor taxes levied and assessed by said units coming under the provisions of this act and shall be known as the county tax collector He shall give a fidelity bond within 60 days after he takes office and yearly thereafter to the Commonwealth in an amount to be fixed by the county commissioners and with surety corporate or personal to be approved by the court of quarter sessions Such bond shall contain a warrant of attorney to confess judgment thereon and shall be conditioned that such county tax collector shall well and truly collect and pay over or account for to the county and the several boroughs towns townships school and poor districts entitled thereto the whole amount of the taxes assessed in the duplicates delivered to him which have not been exoneratd or returned for non-payment or from the collection of which he has not been account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The county tax collector and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) certified to the proper taxing authorities for entry as liens in the office of the prothonotary or (3) returned to the county treasurer for sale or (4) in the case of occupation poll and per capita taxes a record of those which remain uncollected is filed with the proper taxing authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes Said bond shall be deposited with the controller of the county where such office exists and in all other cases with the county commissioners The cost of procuring said bond shall be an item of the cost of collection of taxes and shall be paid by the county and the several boroughs towns townships school districts and poor districts in the proportion hereinafter provided for

Section 12 Appointment of County Tax Collector in certain cases where any county tax collector is unable to furnish a proper bond within the time fixed by this act or fails to finally settle all duplicates in his hands for any year in accordance with this act a vacancy in the office of county tax collector shall exist and the county commissioners shall immediately appoint a citizen of the county as county tax collector who shall hold office until a new county treasurer is duly elected and qualified The county tax collector so appointed shall furnish bond in like manner and shall have all the rights powers privileges and emoluments conferred upon and be subject to all the liabilities and penalties of the county tax collector as provided by this act and by the laws of this Commonwealth Any such appointed tax collector in addition to the compensation herein fixed for the county tax collector shall receive such additional compensation as the salary board as provided for in section fourteen of this act shall fix Any further vacancy happening in said office after any

such appointment shall also be filled in the manner as herein provided

Section 13 Salary of County Tax Collector Each county treasurer in addition to the compensation which he receives for acting as such shall receive an annual salary as county tax collector of two thousand dollars ($2,000) in counties of the second class one thousand five hundred dollars ($1,500) in counties of the third class one thousand dollars ($1,000) in counties of the fourth class seven hundred and fifty dollars ($750) in counties of the fifth class five hundred dollars ($500) in counties of the sixth class three hundred seventy-five dollars ($375) in counties of the seventh class and two hundred and fifty dollars ($250) in counties of the eighth class

Section 14 Appointment of Clerks Salaries When the system herein provided shall be in full and complete effect the county tax collector shall have power with the consent of the salary board in counties where such board exists otherwise with the consent of the county commissioners to appoint such clerks as may be deemed necessary to carry into complete effect the provisions of this act one of said clerks to be designated as the deputy county tax collector The salary of such clerks shall be fixed by the salary board of the county In counties where no such board now exists the county commissioners and county treasurer shall act as a salary board for the purposes of this act The total amount expended in any year for the compensation of the deputy and clerks shall not exceed one-fourth of one per centum of the total amount of the duplicates placed in the hands of the county tax collector during such year Provided however That each county tax collector shall be allowed at least one deputy or clerk at such compensation as the salary board may fix notwithstanding the limitation hereinbefore fixed To assist the county tax collector in the collection of taxes the county commissioners with the consent of the board for the assessment and revision of taxes in counties where such board exists may assign to the county tax collector any of the subordinate assessors or clerks of said board when their services are not required by it but such assessors and clerks shall receive no additional compensation for such service

The additional salary of the county treasurer and the salaries of the clerks to the county tax collector including the salary of any assigned clerk during the time of assignment shall constitute an item of the cost of the collection of taxes and shall be apportioned as hereinafter provided

Section 15 Division of Cost of Preparing Duplicates Notices to Taxables and Collection of Taxes The board of county commissioners shall keep an accurate account of all moneys expended for books supplies stamps salaries including the salary of the county tax collector clerical hire and other expenses incidental to the preparation of duplicates the preparation and mailing of tax bills advertising costs and the collection of taxes One-half of such entire cost and expense shall be paid by the county The remaining one-half of such cost shall be paid by the several boroughs towns townships and school districts and poor districts which levy their taxes separately from the county tax levy in the proportion that the amount of the tax shown on the duplicate for the particular unit bears to the total amount of taxes on the duplicate for all of said units All of such costs and expenses shall be paid in the first instance by the county The county commissioners shall once each year certify the amount due by each of said unit and request payments thereof In case any such unit shall neglect to pay its proportion of such expense within ninety days after notice so to do the same shall upon certification by the county commissioners be deducted from the funds then or thereafter in the hands of the county tax collector belonging to such unit and the county tax collector is hereby directed to pay any such amount into the county treasury and the receipt of the county commissioners shall exonerate the county tax collector from the payment of such amount to the unit

Section 16 County Tax Collectors to be Responsible for Collections Life of Warrants Surrender of Duplicates to Successor The county commissioners shall charge the whole amount of taxes in the several duplicates to the county tax collector Each county tax collector shall be responsible for the collection of all taxes charged in the several duplicates delivered to him during his term of office except such as are legally returned for non-payment or abated or exonerated as herein provided The warrants attached to the several duplicates shall be effectual for the collection of taxes for a period of two years The executors and administrators of any county tax collectors shall not have power to enforce the collection of unpaid taxes but such taxes shall be collected by the successor to a deceased county tax collector with all the powers of the county tax collector The county tax collector upon the expiration of his term of office shall surrender all unsatisfied duplicates in his possession to his successor in office who shall continue and be responsible as herein provided for the collection of unpaid taxes charged in such duplicates in the manner provided by this act The tax accounts of the county tax collector with each district shall be adjusted and balanced to the satisfaction of the incoming tax collector and the taxing authority of each unit before any release of the bond of the outgoing tax collector shall be given Provided That if any surety on any such bond is of the opinion that the incoming tax collector or the taxing authority of any unit unreasonably refuses to signify his or their satisfaction with any such adjustment or balance such surety may apply to the court of common pleas of the county to have such bond released notwithstanding such refusal and if it shall appear to the court that such tax accounts have in fact been adjusted and balanced in a satisfactory manner it shall enter an order releasing the bond of such outgoing tax collector

Section 17 Delivery of Duplicates to County Tax Collector Warrants to be Attached The board for the assessment and revision of taxes or the board of county commissioners as the case may be shall not later than the first day of July of each year deliver to the county tax collector the several duplicates prepared by them showing the taxes to be collected for county borough town township school and poor purposes To such duplicates shall be attached the warrants issued by the corporate authorities of the county and the several boroughs towns townships school and poor districts authorizing the county tax collector to collect receive and receipt for all taxes levied within the respective units

Section 18 Lien of Taxes All county borough town township school and poor taxes levied and assessed upon real property and the penalties and interest thereon shall be a first lien upon such property from the time they become due and such lien shall continue and remain a valid lien in accordance with existing laws relating to tax liens

Section 19 Banks Authorized to Receive Taxes The county tax collector shall have authority to appoint any bank savings bank and trust company or trust company located within the county as a deputy county tax collector for the sole purpose however of receiving and receipting for taxes paid to it at its place of business The county tax collector shall not be held responsible for losses occasioned by the failure of a bank savings bank bank and trust company or trust company for moneys received as deputy unless he had knowledge of the unsound condition of the institution when it was appointed a deputy collector Each bank savings bank bank and trust company or trust company acting as a deputy county tax collector shall within five days after the last day of each month transmit to the county tax collector all tax moneys received during the preceding month ending with the last day of the month Each such transmittal of funds shall be accompanied by a statement itemized to show the individual tax payments included No bank savings bank bank and trust company or trust company shall be allowed any compensation or commission for acting as a deputy county tax collector other than expenses actually incurred in transmitting moneys and records of payments to the county tax collector All such expenses shall constitute an item of the cost of collection of taxes and shall be apportioned as hereinbefore provided

Section 20 Attendance of Collectors in Certain Districts Notice In any municipal district where no bank banking institution or trust company is located which has been designed as a deputy county tax collector the county tax collector his deputy or one of

his clerks shall sit to receive payment of taxes at least two days prior to the time when a penalty will be attached to any installment of taxes Public notice of the time and place of attendance of such collector shall be given once in one newspaper printed in or circulating generally in such district In lieu of advertisements in particular districts the county tax collector is authorized to advertise a list of the times and places when collectors will attend in the several districts of the county Such list shall be published two times in three newspapers if so many are published in the county circulating generally in the county The county commissioners may also print on the tax notices the dates when collectors will sit in the district if the information can be obtained from the county tax collector

Section 21 Collecting taxes Entry of Receipts Immediately after the delivery of the several duplicates the county tax collector shall proceed to collect the taxes therein charged The county tax collector or any bank savings bank bank and trust company or trust company legally authorized to act as a deputy county tax collector when receiving taxes shall issue a receipt for the taxes or the particular installment or installments of taxes paid by the taxable and if the tax is paid at any place other than the office at the county seat shall immediately forward a duplicate of such receipt or the stub attached to the tax bill to the county tax collector who shall cause to be entered upon the proper duplicate in his possession a record of the payments made

Section 22 Payment of Taxes Discounts Penalty and Delinquent Taxes All taxes collected under this act except those paid on the installment plan shall be subject to a discount of five per centum (5%) if paid on or before the first day of September of each year From the second day of September to and including the first day of November all such taxes shall be payable at face On the second day of November all such taxes shall become delinquent and one-half of one per centum (½%) penalty for each month or fraction thereof thereafter until the first day of May of the year following shall be added thereto and collected in the same manner as the tax

Beginning the first day of May of the year following the year of levy interest at the rate of six per centum (6%) per annum shall be added to the delinquent tax until the same is paid and such interest shall continue to run after the lands have been returned or after a lien for the tax has been filed in the office of the prothonotary No additional penalties or interest shall attach to said tax under the tax return or tax lien laws of the Commonwealth

Section 23 Installment System The county commissioners shall have authority to establish by resolution a system for the collection and payment of all taxes collected by the county tax collector under the provisions of this act at the option of the taxpayer on the flat rate basis in two or more equal installments No borough town township school district or poor district shall have power to require or permit payment of its taxes in installments different from those established by the county commissioners and all such existing ordinances or resolutions are hereby made void and of no effect immediately upon the taking effect of this act in any taxing unit

If the county commissioners establish an installment system for the payment of taxes they shall in their resolution set forth the number of installments in which taxes shall be paid and the dates when the respective installments become due and delinquent No discounts shall be allowed on any installments To each installment on the date when it becomes delinquent a penalty of five per centum (5%) shall be added which shall be collected in the same manner and with like powers and authority as in the case of taxes under existing laws

The payment of the first installment by a taxpayer before the same becomes delinquent shall conclusively evidence an intention to pay his or her or its taxes on the installment plan as provided by said resolution but of a taxpayer shall thereafter permit one-half or more of the total number of installments of taxes to become delinquent an additional penalty of three per centum (3%) shall be added to each such delinquent installment Where a taxpayer shall fail to evidence an intention to pay on the installment plan as hereinbefore provided his her or its taxes shall become due and payable and be collected subject to the discounts and penalties provided in the section immediately preceding No further penalties shall be added to any installment of taxes unless one or more installments remain unpaid and the lands upon which such installments are due are returned under existing laws to the county commissioners for non-payment of taxes or in case a lien for such unpaid installment or installments is filed under existing laws in the office of the prothonotary in either of which cases interest from the first day of May of the year following that for which the taxes were levied at the rate of six per centum (6%) per annum on the amount of the tax shall be added to and collected with such delinquent installment or installments and the penalties thereon No additional penalties or interest shall attach to such installments under the tax return or tax lien laws of the Commonwealth

Section 24 Payments by Mail Payments of taxes or of any installments of taxes may be made by money order or by check and forwarded by mail addressed to the county tax collector at the county seat In the case of any such payment the taxpayer shall enclose his tax bill or an identifying stub in order that the tax payment may be identified and proper receipt be entered by the county tax collector whereupon a receipt shall be returned to the taxpayer

Section 25 Proceedings to Collect Taxes A If any person shall fail neglect or refuse to make payment of taxes or of any one or more installments of taxes within thirty days after demand made the county tax collector or his deputy may levy the amount thereof together with the penalty and costs by distress and sale of the goods and chattels of the delinquent giving ten days notice of such sale by written or printed advertisement

The county tax collector may deputize any constable or constables resident within the county to collect by distress and sale of goods and chattels any taxes which are delinquent and for such purposes all the powers of the county tax collector are hereby conferred upon such constable For each such distress and sale of goods and chattels the constable shall be entitled to a fee of two dollars which fee shall be collected by the constable by such sale in addition to the taxes penalties and interest

No failure to demand or to collect any taxes by distress and sale of goods and chattels shall invalidate any return made or lien filed for non-payment of taxes or any sale had for the collection of such taxes

B In case any person neglects or refuses to pay his or her occupation poll or per capita tax as herein provided after having received ten days' notice or demand so to do the county tax collector shall notify any person copartnership association or corporation by whom or which such delinquent tax payer is employed that such taxpayer has failed or neglected to pay said tax as required and such collector may thereupon request payment from such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person copartnership association or corporation employing any such delinquent taxpayer shall deduct from any wages that are then or may thereafter become due and owing to the delinquent taxpayer the amount of such delinquent tax and pay the same over to such county tax collector and the proper receipt for such taxes paid to the county tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

If any person copartnership association or corporation receiving a notice from any county tax collector requesting the payment of any such tax of any employe shall fail or refuse to deduct from any wages then due and owing or that may thereafter become due and owing to such employe the amount of such tax or if such person copartnership association or corporation deducts the amount of such tax and fails to pay the same over to the county tax collector within thirty days after making such deduction such person copartnership association or corporation shall forfeit and pay a sum equal to the amount of such tax col-

lected from such employe or employes as aforesaid which sum together with costs may be recovered by the county tax collector in an action of assumpsit against said person copartnership association or corporation failing to pay over such tax as debts of like amount are now recoverable In the collection of any judgment recovered for any such delinquent tax against any person copartnership association or corporation the defendant therein shall not be entitled to the benefit of any exemption appraisement law or stay of execution

Section 26 Payment of Taxes by Tenants in Common and Coparceners Any tenant in common or coparcener of seated lands shall have the right to pay his or her or their proportionate part of the amount of taxes due thereon and it shall be the duty of the county tax collector to receive and receipt for the same and the interest of any such tenant in common or coparcener shall not be affected by any proceeding or sale to enforce payment of taxes on the other interests in said land

Section 27 Exonerations The Corporate authorities of the several counties boroughs towns townships school and poor districts shall have power to exonerate the county tax collector from the collection of any tax penalty and interest in whole or in part as to them shall appear just and reasonable They shall direct their clerk to enter in a book to be kept for that purpose (a) the names of all persons abated or exonerated together with (b) the reason therefor and (c) the amount and date when made and shall give to the county tax collector a certificate stating the nature of the tax and the amount exonerated in order that settlement may be made accordingly All such books shall be open to public inspection during business hours

Section 28 Returns and Payments The county tax collector shall make monthly returns in writing to the board of county commissioners and to the corporate authorities of the several boroughs towns townships school and poor districts showing the amounts of taxes collected during the preceding months and the amount of uncollected taxes upon the duplicate Each such return shall be accompanied by a list showing the individual tax payments received and indicating the amounts the date of payment and from whom received Such returns shall be made within ten days after the first day of each month for the preceding month ending with the last day of the month He shall at the same time pay over to the treasurer of the county and to the treasurers of the various taxing units the full amounts of taxes so collected

Any county tax collector failing to make any monthly payment as herein required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 29 Final Settlement The county tax collector shall make a complete settlement of all taxes charged upon his duplicate except such as may have been abated exonerated or held in the custody of the court pending a decision on an appeal from the assessed valuation of taxable property or such as may be charged upon real property which has been returned for non-payment of taxes as hereinafter provided or for which liens are to be filed and for which schedules have been furnished as hereinafter provided not later than the first Monday of June of the year following the one in which such taxes were payable On making final settlement the county tax collector shall make an oath or affirmation before the county commissioners that he has made a true and just return of all moneys by him collected Thereupon the tax collector and his sureties if such settlement has been adjusted to the satisfaction of the incoming tax collector and the taxing unit shall be discharged from further liability Provided that if the tax collector or his surety is of the opinion that the incoming tax collector or the corporate authorities of any taxing unit unreasonably refuses to signify his or their satisfaction with any such settlement or adjustment such tax collector or surety may apply to the court of common pleas of the county to have such bond released notwithstanding such refusal and if it shall appear to the court that settlement has been made and adjusted in a satisfactory manner it shall enter an order releasing the bond of such outgoing tax collector

Section 30 Collection After Expiration of Warrants Collection by Districts In all cases where taxes are due and unpaid to any county tax collector after the date fixed for final settlement and the collector has not been exonerated or the property upon which the taxes were levied has not been returned for non-payment of taxes the county tax collector may sue for the same

In addition to all other remedies provided by this act the several taxing units shall have power to collect unpaid taxes whether returned liened or otherwise from the owner or owners of the lands against which assessed by suit or other appropriate remedy To any judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit upon which judgment an execution may be issued without any stay or benefit of any exemption law

Section 31 Penalty for Embezzlement of Moneys If any person charged with the collection safekeeping or transfer of any county borough township school or poor taxes shall convert the moneys so collected or any part thereof to his own use or shall use by way of investment in any kind of property or merchandise any portion of the moneys so collected by him and shall fail to pay over the same or any part thereof at the time or place required and to the person authorized to demand and receive the same he shall be guilty of a felony Every such person and every person in any way accessory to such act upon conviction thereof shall be sentenced to undergo an imprisonment not exceeding five years or to pay a fine not exceeding five thousand dollars or both

Section 32 Taxes Exonerated or From Persons Not Assessed Not to be Received Penalty No county tax collector or any other person on his behalf shall receive payment or give any receipt for the payment of any taxes not assessed and return of such assessment made nor shall any such collector or other person in his behalf receive payment or give any receipt for the payment of any taxes from the payment of which the party assessed has been exonerated unless the party so exonerated shall himself appear in his own person and tender payment of such taxes If any county tax collector or other person on his behalf shall violate any of the provisions of this section he upon conviction be sentenced to pay a fine of one hundred dollars for the use of the county

Section 33 Returns of Unpaid Taxes on Real Property The county tax collector shall not later than the first Monday of May of each year following the one in which any taxes were due and collectible make a return to the county commissioners of all real property upon which any county borough town township school or poor taxes remain unpaid and the county commissioners shall immediately certify such return to the county treasurer then in office in order that sale of such properties may be made in the manner provided by law

If any taxing district shall notify the county tax collector in writing that it does not desire its delinquent taxes to be collected by return or sale but by liens filed in the office of the prothonotary then in that event he shall file with the taxing authority or its solicitor as may be required not later than said first Monday of May schedules of unpaid taxes in such form as may be required by the taxing unit

In case any county tax collector shall refuse neglect or fail to make any return as herein provided he shall become personally liable for the payment of all taxes upon the real property which should have been returned and recovery of such taxes may be had against the county tax collector but nothing herein provided shall prevent the filing of any lien for the collection of taxes in the prothonotary's office and the collection in the manner provided by law and wnere any such lien shall be filed the collector of taxes shall not thereafter be liable for failure to collect such taxes

Where real property shall be returned for non-payment of taxes the county tax collector shall add to the amount of each item of tax for which the same is returned the penalty which shall be due on such taxes which penalty shall be recovered and collected with such taxes

Section 34 Audit of Accounts of County Tax Collector The accounts of the county tax collector shall be audited

and settled by the county controller and in counties where there is no county controller by an auditor who shall be a competent accountant and who shall be appointed by the court of common pleas Each county controller and each such auditor shall receive for his services such compensation as the court of common pleas may fix which compensation shall constitute an item of the cost of collection of taxes and be paid and apportioned as hereinbefore provided Each such controller or auditor shall immediately after such audit is completed cause a brief summary of such audit to be published once in at least one and not more than three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) printed in the county and in the legal newspaper if any The advertising costs shall constitute an item of the cost of collection of taxes and be paid and apportioned as hereinbefore provided

Section 35 Constitutionality of Act The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 36 Effect of Act on Existing Laws The provisions of this act so far as they are the same as those existing laws shall be construed as a continuation of such laws and not as new enactments The repeal by this act of any act of assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded The provisions of this act shall not affect any act done liability incurred or any right accrued or vested nor affect any suit or prosecution pending or to be instituted to enforce any right or punish any offense under the authority of such repealed laws

Section 37 All acts and parts of acts general local and special inconsistent with or supplied by this act are hereby repealed It is intended that this act shall furnish a complete and exclusive system in itself in those counties which accept the provisions of this act

Section 38 This act shall take effect immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, my point of order is that House Bill No. 1373, Printer's No. 1337, is unconstitutional.

The SPEAKER. The gentleman from Dauphin, Mr. Woodside, raises the point of order that House Bill No. 1373, Printer's No. 1337, is unconstitutional. In accordance with the previous ruling of the Chair, this being a point of order on the constitutionality of a bill, the Chair submits the question to the House for its decision?

On the question,

Will the House sustain the point of order?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin, Mr. Moomaw, permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from Franklin, Mr. Moomaw, whether or not the amendments which were placed in this bill in the Committee on Counties before it was reported out the last time, were prepared by Mr. John H. Fertig of the Legislative Reference Bureau.

Mr. MOOMAW. They were, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from Franklin, Mr. Moomaw, whether or not Mr. Fertig has ever furnished him with a written opinion on the question of the constitutionality of the bill, as amended in the manner in which these amendments amend it.

Mr. MOOMAW. Mr. Speaker, in answer to the gentleman from Dauphin, Mr. Woodside, I will say that Mr. Fertig did give an opinion of what he possibly thought, but it was not pertaining to these particular amendments in their present form.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from Franklin, Mr. Moomaw, whether or not he has an opinion from the Attorney General concerning the constitutionality of the bill as it is now drafted and now before us.

Mr. MOOMAW. Mr. Speaker, the Department of Justice has carefully weighed some cases which can possibly be considered as parallel with this bill. The Department of Justice, however, only gives formal opinions as requested by the Governor on measures which have become law. They have, however, informally advised me that while there are several controversial features which can be considered, in their opinion they consider the bill as drafted with these amendments as constitutional.

However, they further state that regardless of what any legal head may say, in the final analysis, it is up to the Supreme Court and on any measure practically the Supreme Court can rule as they see fit, and their decision only is final.

Mr. WOODSIDE. Mr. Speaker and members of the House, Mr. John H. Fertig, who is the director of the Legislative Reference Bureau, is recognized throughout this Commonwealth as one of the most outstanding constitutional lawyers. I believe that it can be conceded without question that there is not another man in this Commonwealth who has had the experience, who has had the background, who has had the training to determine whether or not legislation is constitutional.

The bill which is before us in the form which it is now before us is unconstitutional according to the opinion of John H. Fertig, who drew the amendment and who drew the bill. I have spoken with him concerning that point.

I also have before me a written opinion, which was furnished by Mr. Fertig concerning the constitutionality of this bill as now amended. I am of the opinion that it is the same opinion which was furnished to the gentleman from Franklin, Mr. Moomaw. Then, Mr. Speaker, with the consent of the House. I desire to read into the record this opinion:

"I have your request to be advised whether House Bill No. 1373, proposing to establish a centralized county system for the collection of local taxes may be amended to make its operation in any county depend upon its acceptance by local action.

"It is necessary at the outset to note the distinctions between the proposal and so-called local option laws The existing local option laws operate in the field of the police power and are designed to give to a local community the right to determine certain facts for instance whether it wants liquors sold in the community or whether it favors

Sunday baseball or football. Under local option laws a community is never permitted to decide the basic question whether the law shall or shall not operate in the community the question here involved. The distinction is well explained by the Supreme Court in Locke's Appeal 72 Pa. 491, in which that court considered a local option liquor law. The court in considering the point whether the law delegated legislative power, said this, (quoting from page 498, bottom):

> 'Then the true distinction, I conceive, is this: The legislature cannot delegate its power to make a law: but it can make a law to delegate a power to determine some fact or state of things upon which the law makes or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which cannot be known to the law-making power, and must, therefore, be a subject of inquiry and determination outside the halls of legislation. * * * * If the power to determine the expediency or necessity of granting licenses to sell liquors in a municipal division can be committed to * * * * a court, which no one can dispute, why cannot people themselves be authorized to determine the same thing?"

"In the case of local option laws, the law comes complete from the legislative halls. It is in full force and in operation. The voters do not determine whether the act should apply in a given community. That point the legislature has decided for itself. The voters are given the power only to say whether or not liquor licenses shall be granted.

"The same is true of the Sunday baseball law. This law applied to the entire State when enacted. It prohibited Sunday baseball unless the electors voted for such games, and then declared that a favorable vote made the game on Sunday lawful. The law was in operation, but the voters decided the manner in which it should operate.

"Here we have an entirely different situation. This proposed law, if made optional, would not be in force anywhere. It would have no life whatever. It would require action of the people to bring it into being, not action on the part of the legislature. The difference is well illustrated by another excerpt from this same case, (quoting from page 487):

> 'If we admit the fact that the law now before us was of this character, an imperfect and unfinished act, a mere invitation, to the people to issue their mandate, and to breathe into it vitality, and thus give to it all its validity and binding efficacy as a law, we might concede the conclusion that there was a delegation to the people of the power to legislate.

II

"There is one illustration where a law may be passed the operation of which in a given community depends upon its acceptance, but this is also readily distinguishable.

"When cities were first classified in 1874 into three classes, this same act provided for the incorporation of cities of the third class. When passed, it did not apply to a single city, but any city of the third class thereafter incorporated had to come under its provisions. Certain cities, which by population belonged in the third class as established by the Act of 1874, had theretofore been created by special charters. These cities were given the option to surrender their special charters and to accept the Act of 1874. When this acceptance clause first came before the Supreme Court, it was held unconstitutional, but subsequently the court ordered a re-argument and the clause was upheld in Reading v. Savage, 124 Pa. 328. The court said, (quoting from page 336):

> When the requirements of the fifty-seventh section are complied with in any given case of a pre-existing city, such city enters into the third class of cities whose future incorporation has been provided for, and becomes a constituent part thereof. No city is prevented from doing this, and all have the opportunity of doing it. Those that do not embrace the opportunity simply remain as they were before, and all that do embrace it become members of a class whose existence and all elements of whose governments are regulated by general law. There is no possibility of any exercise of the powers or privileges, conferred by the 57th section, which can work affirmatively a local or special result. Whatever is done by virtue of this section simply converts that which was, or might be, local or special, into that which is general.

"When this law came from the legislative halls it was complete. It did not depend upon an acceptance to put it into operation. True, when passed, it did not apply to any city, but it did provide a manner for the incorporation of a city, which when incorporated became automatically subject to its provisions. Here again the people decided a fact, whether a city should be incorporated, and this decision having been made, the law passed by the legislature for its government, applied.

"The 57th section afforded those cities incorporated by special law, which came within the population basis of third class cities, the right to accept the act and to surrender their charters. This acceptance did not breathe life into the act,—it already had that—it simply extended the field of its operation, and this tended to produce a unified system of laws for these cities instead of having many of them acting under special charters. The result of this wise decision was that all cities in that class are now governed by a uniform law, including those incorporated under the general law and those accepting it. The one point which moved the court into holding this acceptance clause constitutional was that it produced uniformity.

III

"Here we have the converse situation. There is now a general system of laws providing for the collection of local taxes. True, in some territories this system does not apply in its entirety, but this is due wholly to the existence of local laws passed prior to 1874, which have not been surrendered or repealed. Since 1874, all laws adopted have uniformly applied to all local government or to complete classes of local government. Now if it were proposed that the local governments should surrender their local tax laws and accept the existing general laws, we would have the exact situation pointed to in discussing the Third Class City Law of 1874. Instead, we have the converse. Having a general system, it proposed to put on the books an additional system which, the instant it is placed into operation in one community, destroys the uniformity now existing. We are thus forced to the position which was held invalid in the case of Frost v. Cherry, 122 Pa. 417. In that case the legislature passed a law repealing the Fence Law of 1700, which applied throughout the Commonwealth, but provided that the repeal should not be effective until the voters of a county voted in favor of the repeal. While here, as pointed out in discussing the local option laws, there seems to be a clear case of the delegation of legislative power, the courts held the law unconstitutional on the theory that to put this act into operation resulted in local legislation. Having held the act invalid on this point, the court said 'we have not considered it necessary to discuss the question of the delegation of power.' Speaking of the effect of such an acceptance of the act producing a local law, the court said, (quoting from page 427):

> 'Is it a local law? Upon this point we are free from doubt. It is to be observed that the first section, repealing the Act of 1700, does not go into effect in any county by its own force. If it did, we might sustain it even if the rest of the act were unconstitutional. But the first section is tied to the second section by an umbilical cord. If we cut it they both perish. The first section (in our case the act) is only effective after a vote of the people in each county. If a majority of any county vote in favor of it, then the act takes effect in such county; if the majority should be against it, the act does not take effect. Thus, it may very well happen that Venango County may vote in favor of the repeal, and its adjoining

counties against it. We then have one law in Venango County regulating fences and a different law in the adjoining counties, both local laws prohibited by the Constitution.'

"This is exactly the situation which would result if this proposed tax collection law were made optional. The instant one county adopted it, there would be a local law in that county, and the existing general law would become local because it no longer applied uniformly.

IV

We need, however, not rely on the cases which I have cited before, since there is a case exactly in point—Schanton School District, 113 Pa. 176. In this case the court considered the Act of 1875, March 18, P. L. 15, which provided for the assessment, levy and collection of taxes in cities of the third class. A proviso to the fifth section of the act excluded it from operating until a city, by ordinance, accepted its provisions. The court construing the act said, (quoting from page 189):

'According to this all cities that do accept, will be subject to the methods of assessment and collection prescribed by the first five sections, and all that do not will not be subject, and as to them different methods, will prevail. Whether the methods prescribed by the act shall be the law, will depend. not upon the terms of the legislation, but upon the will of others who are not lawmakers at all; and what may be the law in one city of the third class may not be the law in another city of the same class. In other words, a majority of the members of the city councils in any one city of the third class may impose upon the inhabitants of that city a method of taxation which may not prevail in any other city of the Commonwealth. A law which authorizes this to be done is, in our judgment, clearly obnoxious to the seventh section of the third article of the Constitution, which prohibits the General Assembly from passing any local or special law regulating the affiairs of counties, cities, townships, wards, boroughs, or school district.'

"It seems to me that the proposal involved constitutes a delegation of legislative power, and I am convinced that the acceptance clause makes the act unconstitutional as a local law. There can be no doubt on this latter point.

Respectfully yours
J. H. Fertig
Director"

Now, members of the House, if this bill is clearly unconstitutional as it appears by the opinion of the most outstanding constitutional lawyer, whose opinion I think is available, who has given this matter very careful consideration, who has personally written an opinion on it, then I say that it is the duty of the members of this House under their oath to vote to sustain the point of order which I have raised, to vote "aye" on this point of order and to have this bill declared unconstitutional.

I have a great deal of respect for our Attorney General. He is one of the most outstanding lawyers in this state. However, his training and his background has not been that of a constitutional lawyer. I think that if he had set out in the beginning to be a constitutional lawyer, he probably would have ranked among the very first in this state. I think a great deal of his ability, but I submit, members of the House, that he has not furnished you a formal opinion. He has not been able in his office at the present time with all the work that is there, to give this matter the attention which it should have, and due to the fact that he is not in a position to come before this House as is the director of the Legislative Reference Bureau, and state definitely and conclusively that in his opinion this bill is constitutional, I submit that the authority which is before this House, and the best authority that is available, is that this bill is unconstitutional, and under the oath which we have taken to support this constitution it is our duty to vote "aye" on this point of order.

Mr. GATES. Mr. Speaker and members of the House, I would like very much to concur in the high opinion which Mr. Woodside has of Mr. Fertig. However, I would like to call the attention of the members of the House that when the President of the United States wished to form the NIRA, he called together the brain trust, which included possibly the finest lawyers in the United States, but the NIRA was declared unconstitutional by the highest tribunal in the United States. I do not think that this House has the right to take any one man's word or any one lawyer's advice on the constitutionality of any clause in this particular bill. If it is unconstitutional, let us pass the bill and take it up and find out.

Mr. MOOMAW. Mr. Speaker and members of the House, the opinion which the gentleman from Dauphin, Mr. Woodside, has read to you was drawn several days or probably two weeks before Mr. Fertig drew these amendments, and at the time these amendments were drawn he did not in one single instance mention to me in the discussion of them that these amendments as he has now drawn them would be unconstitutional.

I might further state, supplementing my remarks as to the informal opinion rendered by the Department of Justice, when they were going over this matter for several days, in fact from one Wednesday until the following Tuesday, they had in their possession this complete opinion from Mr. Fertig. Notwithstanding the fact that they had it and naturally considered it they still rendered that informal opinion which I set forth in my previous remarks.

I do not think that on a question which is so controversial as this particular question is and has been in the state of Pennsylvania for the past fifteen or twenty years, that we should stop with any single man's opinion but should carry it to the Supreme Court so that we may have a final decision by which we shall all abide.

We know that in thirty-seven states a system of centralized tax collection has worked out, and not in one instance have they ever attempted to go back to a system similar to that which we have in Pennsylvania, and to merely prohibit the people of the State of Pennsylvania from having the opportunity to vote on whether or not they desire to take advantage of a system similar to that practiced in other states successfully, I think we should at least carry it to the Supreme Court and get a final decision on the matter.

Mr. ANDREWS. Mr. Speaker and members of the House, as a member of the Committee that conferred with the Attorney General and his assistants I would state that the Attorney General's office said this, "that for every decision of the Supreme Court to the effect that amendments of this sort were unconstitutional, there was also another decision of the Supreme Court that amendments of this kind were constitutional. In other words, the Supreme Court has decided this issue both ways, and as the Attorney General's office states, this question could be decided either way in accordance with the precedents of the Supreme Court, and we were, therefore, advised that there was more than a fifty fifty chance for amendments of this kind—that the Supreme Court in its next

guess was altogether as likely to decide that they were constitutional as it was to decide that they were unconstitutional.

Mr. WOODSIDE. Mr. Speaker and members of the House, in answer to the two things that have been said, one by the gentleman from Franklin, Mr. Moomaw, the other by the gentleman from Cambria, Mr. Andrews, I wish to make this statement.

This opinion which I read was written on the tenth day of May, 1935, which was before the time when these amendments were drafted. I have spoken to Mr. Fertig since the time these amendments have been drafted and he says that his opinion has not been changed one iota. He said further that he would like very much to see any opinion, has one or two men draft this opinion and then a tendency to have this opinion reversed.

I wish further to state, Mr. Speaker, that the Attorney General's office, when it makes either a formal or informal opinion, officially makes a formal or an informal opinion, ha sone or two men draft this opinion and then that opinion is passed around the office so that each deputy attorney general reads that opinion and passes upon it. I have been advised that has not been done in this case, and I know that it is not the unanimous opinion of the Attorney General's Department that this bill could be declared constitutional.

Mr. CAPUTO. Mr. Speaker and members of the House, there is no doubt in my mind that this Assembly here has the right and the jurisdiction over constitutional questions. However, we must consider this fact, in the first place, this House is not composed of lawyers, and if it were composed of lawyers, there very possibly would be a division of opinion on questions of this kind.

It is also evident that if we pass upoon the constitutionality of this bill before this House and we should support the motion made on the point of order raised by the gentleman from Dauphin, Mr. Woodside, that the courts of Pennsylvania would not be given an opportunity to pass upon the question.

Therefore, I think that in view of the fact that this bill is very important that this House should defeat the point of order and give the people of Pennsylvania and the courts of Pennsylvania the chance to pass upon the question of the constitutionality of the act.

On the question recurring,

Will the House sustain the point of order?

YEAS—68

Altenburg,	Habbyshaw,	O'Neill,	Stewart,
Baldi,	Hamilton, R. S.,	Parks,	Stockham,
Barnhardt,	Hart,	Perry,	Stott,
Bernhard,	Hefferon,	Peters,	Surface,
Bradley,	Hermansen,	Phillips,	Terry,
Brennan,	Hoffner,	Rhys,	Trout,
Coakley,	Horst,	Roan,	Turner,
Coleman,	Jackson,	Schrock,	Wall,
Conner,	Jones,	Schwartz,	Wasserman,
Davies,	Kane,	Shortz,	Weidemann,
Denning,	Kelder,	Shreiner,	White,
Downey, J. J.,	McDevitt,	Simpson,	Wickersham,
Duffort,	Merrell,	Snyder, F. E.,	Winner,
Ferko,	Moore,	Sowers,	Wood,
Flynn,	Muir,	Spangler,	Woodside,
Forrest,	Munley,	Sproul,	Yeakel,
Green,	Nothnagle,	Stank,	Zimmerman,

NAYS—108

Achterman,	Diehl,	LaRue,	Ruffennach,
Alexander,	Dilley,	Long,	Ruth,
Allen,	Downey, G. E.,	Lovett,	Sarraf,
Andrews,	Eberharter,	Lynch,	Schropp,
Arnold,	Eroe,	Male,	Schwab,
Atkins,	Falkenstein,	McCreary,	Shaw,
Aukerman,	Finnerty,	McDermott,	Shepard,
Baine,	Fitch,	McElroy,	Shugarts,
Baker, F. T.,	Flanagan,	McKinney,	Simon,
Baker, J. J.,	Flinchbaugh,	Mentzer,	Sinwell,
Barber,	Furman,	Moomaw,	Sloan,
Boose,	Gates,	Mooney,	Smith, J. A.,
Boyer,	Haberlen,	Moran,	Smith, W. G.,
Brown, H. S.,	Hagerty,	Murrin,	Stevens,
Brown, J. E.,	Haluska,	Nagel,	Stone,
Brownfield,	Hamilton, F. P.,	O'Keefe,	Sumney,
Burke,	Harkins,	Ominsky,	Tronzo,
Caputo,	Harmuth,	Panton,	Tumelty,
Carr,	Hartman,	Patterson, C.,	VanAllsburg,
Carson,	Hirsch,	Patterson, J. W.,	VanSickle,
Chervenak,	Holland,	Pearson,	Walker,
Cochran,	Holstrom,	Pfaff,	Weiss,
Cohen,	Hoopes,	Piole,	Welliver,
Condon,	Kelso,	Powers,	Welsh,
Coolahan,	Kilroy,	Reising,	Westrick,
Cordier,	Kinney,	Rinn,	Yourishin,
Decker,	Klinger,	Robinson,	Zappala,
Dent,	Kobelak,	Rooney,	Sarig,

So the question was determined in the negative and the point of order was not sustained?

On the question recurring,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker and members of the House, this bill has been dressed up, painted, and masked to fool the people and to fool this Legislature. The proponents of this bill have carried on propaganda by radio, by bulletin, by press and by all the other means in order to lead the public and members of this House into thinking that this bill did certain advantageous things. When I refer to the proponents of this bill, I do not refer to the sponsors, who have been, I believe, perfectly honest in their motives and have been very fair in their dealings but I do refer to the outside interests who have carried on propoganda which is misleading to the public and which is misleading to the members of this House. I hope that I will be able in a short time to tear away from this hideous creature the mask so that it can be seen in all its hideousness.

The one thing that the proponents of this bill have been crying is that it will save three million dollars, until they have "couied" themselves into believing it. The thing that impresses me concerning this matter has been the entire lack of consideration of the human element. We talk about dollars as if there were no human values involved; we talk abaut dollars as if there was no fundamental governmental principle involved.

I am thinking now of a tax collector in my district in the borough of Lykens, who when he was a boy was shot in the back accidentally. He will never be able to walk, but he is earning and I use advisedly the word "earning",—he is earning an honest livelihood and rendering a service to his community as its tax collector.

I am thinking of another tax collector not five miles away from him, who for twenty-five years, although a cripple who has to crawl around on the floor, which is his desk, has been rendering a service to his community as its tax collector and has suported for these twenty-five years an aged mother.

Of course, those fellows are tax eaters; we are not to consider them; they are monsters; they are not to be taken into consideration in this matter.

Outside of the borough of Steelton there are thirty-eight of those in my district. What is the magnificent sum that those thirty-eight tax collectors are paid for the services which they render to their communities? The magni-

ficant sum of approximately $38,000, less than a thousand dollars a piece. We are to throw out of a job 2300 tax collectors in the Commonwealth of Pennsylvania, to save at the figures of the proponents of this bill, roughly twenty-three hundred thousand dollars.

Will the taxpayers benefit? Take my district, how much will it amount to that these tax collectors are paid? Does it amount to a mill of tax upon the real estate in any of the sub-divisions of the government? No. Does it amount to a half a mill? Possibly in a few districts. Does it amount to a quarter of a mill? In a good many districts it runs about that, and in a good many it runs less. What will be done with that quarter mill? Will that be passed on to the taxpayers? Well, I think to ask the question is to answer it. But I will yield. I will admit that these tax collectors are employes of the government, are being paid by the taxpayers, and that they are possibly not the primary consideration in this matter. I subscribe to the proposition of the greatest good to the greatest number. Let us take up what this bill is and what it does. In the first place, it is a centralization of power. It is taking away from the district and the people of the district the right to say who their tax collector is to be, and requires that they shall unite with a number of other districts in picking one tax collector.

Centralized power, centralized authority, so that in my district the people in the upper end of the county, living from twenty to forty-five miles away from the county seat will have their taxes collected in Harrisburg by clerks from Harrisburg.

I submit that it is a stab at home rule. I submit, members of the House, that fundamentally it is a step in the wrong direction.

Then, in the second place, let us consider the inconvenience it will cause the taxpayer. We talk a lot about the taxpayer. He is the one for whom the proponents of this bill suggest that it should be passed. How about the inconvenience that he will be put to? I have been told by one of the members of this House that he stood in line for two hours to pay taxes in the city of Pittsburgh. That is one of the effects of the centralized system. Of course, I do not suppose his two hours of time was worth anything to him. I do not suppose that the time involved in the paying of taxes by the taxpayer is worth anything to him.

Let me relate very briefly how taxes are collected in small communities. I do not need to do that for the members who are from small communities, but possibly some of the members here from the cities do not realize what the tax collector really does and what his work really is. When the tax collector gets his duplicate he sends out his notices, he sits at certain places, at certain times when they can come and pay their taxes. In the townships he may sit at three or four or five or six different places, so that it will convenient for everyone in the entire township to walk to where he sits and pay him in cash.

I am told upon investigation that approximately sixty-five per cent of the taxes are paid in cash. When the time for delinquency comes around the tax colector starts after his taxes. He goes to the home. He knows where the person works. He knows whether he has an automobile. He knows whether he has anything that can be levied upon, if he is trying to beat him. He knows when he is going to get his pay. He knows when he is going to sell his wheat, his corn. He is Johnnie on the spot. He knows when the sale is to be had, when he is going to dispose of something, and he is there to get his tax. He goes to the taxpayer and the taxpayer says to him, "I have got a dollar to apply on my five dollar tax." He says, "All right, I will take it and I will see you for the balance on the coming pay day." All that is done away with under this system. Instead we will have a system whereby the taxpayer will have to go and pay his taxes at the county seat or mail it or in some way or other go to the trouble and expense in order to get the money into the county seat. Maybe he will have to buy a money order, maybe he will have to go to the bank and buy a check and send it in by check. At any rate he will be put to considerable inconvenience and considerable additional expense. I submit to you that in most instances in the rural sections that will amount to considerably more than the amount he will save. It will also put to considerable inconvenience the municipal subdivisions who are levying the taxes. I happen to be the solicitor for the borough council and also for the school district at Millersburg. Within the past month I sat with both of those bodies; they sat with our tax collector and went over the exoneration list, and have gone over their mutual problems, to determine who is to be exonerated and how the tax money should be gotten.

I say to the members of this House, that had each one of you the opportunity to sit in at a meeting like that, I would not take the floor against this bill because it would not be necessary, for every member of this House, I feel confident, would vote against this measure.

Now, there is another question which is very important. We have efficiency experts in business. Their main idea is to get rid of a lot of jobs. And by so doing they think we will have "efficiency," regardless of the fact that by getting rid of a lot of those jobs we may greatly reduce the efficiency of the organization.

In Pensylvania we have a per capita tax and we have an occupation tax. In many of the rural districts, we use the per capita tax is a great deal, and I say to the members, of the House, if this bill is passed, we are going to have to abolish the per capita tax the year after it goes into effect.

What does that mean? We talk a lot about relief to the real estate tax payer. If the per capita tax in my own borough is abolished it means an additional rate of four mills a year for school taxes. You can not collect the per capita tax under the system which is set forth in this bill. I submit, members of the House, that this is a serious consideration.

Then we come to the only question that has been spoken about by the proponents of this bill, and that is the question of the three million dollar hooey. According to the latest statistics available from the Department of Internal Affairs the amount paid to tax payers in the boroughs and townships and school districts, everything outside the cities, in nineteen thirty-two was three million three hundred eighty-five thousand two hundred and fifteen dollars. In nineteen thirty-three it will be less than that, and in nineteen thirty-four, it will be still less—less, I submit, than three million dollars. Yet by some means or some hocus-pocus we are to save three million dollars. Let us use their own figures. They say, "Here in Ohio you can collect the duplicate in nineteen thirty-two for one million three hundred thousand dollars." I will admit, if taking their own figures, it will save

one million seven hundred thousand dollars or whatever it happens to be, that might offset several of the other evil effects of this measure. Where is the joker? There is a joker in that. I am reading now from the report given to the committee, by Mr. Becker, chief of the county affairs division of the Ohio Tax Commission. He says this: "The cost of collecting taxes from the same persons is approximately the same whether the amount levied is three hundred million dollars or whether it is two hundred million dollars."

What does it mean? It means this—you can not compare the cost of collection on the amount of the duplicate. You have to compare it on the number of taxables. There is a joker in the whole business. They come before you and they say, "Yes, it costs so much to collect a duplicate of this kind in Ohio; it costs so much to collect a duplicate of this kind in Pennsylvania; therefore Pennsylvania is extravagant."

But the cost of collection does not depend upon the duplicate. Down in Delaware county they collected transfer inheritance tax a year or two ago on a commission of slightly over one fourth of one per cent. Why? Because they had a big tax payment and they were well paid.

I submit, members of the House, it is not fair the way this matter has been submitted to you, the way we have been attempted to be fooled on this basis of comparison. There are many more taxables in Pennsylvania than there are in Ohio. We must not only compare it on the basis of population, but also in consideration of the fact that the per capita tax makes necessary the handling of a much more difficult situation in Pennsylvania than would exist in Ohio.

It is interesting to note that the amount of taxes collected in Ohio has dropped from three hundred twenty-four million dollars in nineteen hundred twenty-eight to two hundred and three million dollars in nineteen hundred thirty-three. How much of that has been the result of the failure of the system? I might go on indefinitely taking comparison after comparison and figure after figure and I believe truly that I can convince you that this will not save any money as a whole to the state of Pennsylvania or to the taxpayers of Pennsylvania.

Maybe that is the reason why in some of the counties of Pennsylvania, where a centralized collecting tax system was had, they abolished it. I want to call your attention to another fact that I think is important, and that we very frequently overlook and have not given much consideration in this matter. That is that under the law the legislature does not set the tax collector's salaries. The tax collector's salary is not fixed definitely and permanently. Each district, the school district, the borough council, the township commissioner, sets the amount the tax collector can receive for collecting its taxes. Now, if a tax collector is receiving too much; and he may be in some districts of Pennsylvania, then the district which is paying the bill, the district which is paying him, the school board which is spending the money can reduce the amount which he will receive.

How do they go about putting into this bill the saving? In the first place they change the bond provision. They find that under the bill as originally drafted it would be impossible to get any surety company to issue a bond at any premium that it would be possible to pay. So they change the provision so that the tax collector's surety in the county system will not be liable to the same degree as our present tax collector's surities. In Harrisburg, they pay seven or eight thousand dollars a year for tax collector's bonds, I believe. If we change the law relative to the provision for bonds of the present tax collectors, we can save as much and more money than could be saved by changing that provision in this bill.

Then, they say another thing. They say, "Oh well, we will get the bank to do the collecting free of charge." Maybe they will and maybe they won't. I do not believer they will. I have spoken to some of the banks in my district and they say they will not act as collector. I think perhaps Governor Earle would serve without pay. Maybe he would. I don't know. Why not reduce his salary to one dollar a year? I think it would be just as sensible and just as reasonable.

Then they have introduced another amendment which has just gone in, providing that the clerical hire will not exceed one fourth of one per cent of the tax duplicate.

I want to read from a statement of the proponents of the bill furnished to the committee: "Number and salary of clerks. After careful consideration of this question it was decided that it would not be possible to limit the number or fix the salaries of clerks to be used in tax collection work in advance of some definite experience with the requirements in counties of various sizes. It would be quite possible by doing so either to so cripple the operation of the act that it would be impossible to carry out its provisions effectively or to allow for assistants that may prove to be needed."

That careful consideration, I guess, is now changed. The answer to all this is going to be, "Oh, well, it is a local option matter. You are going to send it to the people and let the people decide it." You are arguing what should be argued to the people.

I have one thing to say, one more thing, and that is on this question of local option. In the cities of the third class they maintain their local tax collectors under this bill. The say, "oh, yes, it is all right for you fellows out in the rural sections, it is all right for the boroughs and townships to abolish your tax collector, we are going to keep ours, we are going to make our county treasurer our tax collector." We say more, we say, "Oh, yes, we are not going to stop there, we are going to give you the right under the provisions of this bill to decide whether or not rural sections are going to abolish their tax collectors."

The cities of the third class who refuse to give up their local tax collectors, who maintain their local system of tax collection, are to decide under this local option amendment whether or not the people outside the cities in the same county are to have their local tax collectors or whether they are to be collected in the county seat. That would have a considerable effect in a number of counties. In Allegheny County, Berks, Blair, Dauphin, Delaware, Lackawanna, Lawrence, Lycoming, Northampton, Venango, and others, the population of the cities in the counties in some cases will exceed and in others practically equal the population outside the cities, yet those people living in the cities are to decide, while maintaining their own tax collector, mind you, whether or not the people outside the cities are to have their tax collectors abolished.

I submit from beginning to end this bill has not been well considered. It is not proper legislation and should be voted down.

Mr. MOOMAW. Mr. Speaker and members of the House, while I have before me sufficient statistics and sufficient facts that I could refute in detail every argument that has been brought up by the gentleman from Dauphin, Mr. Woodside, I am only going to take a few moments of your time to answer a few of the points brought out by the gentleman.

I want to start in the main, where the gentleman from Dauphin terminated his argument, namely, that of third class cities. This measure does affect third class cities. in the collection of county taxes. The county taxes in the city of Harrisburg for the year 1932 were sixty-five percent of all the county taxes collected in Dauphin County, and more than twenty-five percent of the total amount of taxes of all kinds collected in Dauphin County. I can take other cities or counties which he has mentioned and that same percentage carries out in practically every one, and in some instances it goes as high as reaching seventy-four percent of the taxes.

I submit to you, why should we disfranchise the people of those cities, when their proportion of the taxes is as great as I have set forth, and these are figures of the 1932 collection? He spoke of the state of Ohio and some of the other states, naming in particular the state of Ohio. I have before me here the statistics of the number of different taxes that are collected in the state of Ohio and likewise in the state of Pennsylvania and Indiana.

In the state of Ohio they have seven separate classes of taxes which the county tax collector collects. In the state of Indiana they have six. In Pennsylvania they have five. In the instance of Indiana they not only collect one per capita tax but they collect two per capita taxes.

Of the number of states which have a centralized system of tax collection, twenty-three of those states have a per capita or a poll tax to be collected, and as I said previously, Indiana and I believe some others have more than one poll tax which is collected by the county tax collector.

He also mentioned that in Ohio the amount of taxes collected made quite a substantial drop. True, those figures are absolutely correct, which I presume he obtained from the official records, but he did not give you the reason for that. He merely inferred that it was due to a centralized tax collection system. If that were the case, why didn't those taxes drop in years previous to the year that he mentioned. I will give you the real true reason why the amount of taxes dropped in the state of Ohio. The same thing happened in the state of Indiana. It was because that whole system of assessed valuation in the state of Ohio was dropped possibly thirty percent with no increase in millage. That does not then indicate any drop in collection, in fact the amount of taxes did not drop thirty percent, but the assessed valuation did, with no increase. So, in reality, the tax collections went up, while the gentleman from Dauphin has tried to paint the picture that they have been reduced.

I am going to cite here some of the taxes that are collected in Ohio by the county tax collector. This is given by a man who spent forty-two years in the state of Ohio.. He states: "I know something about that state's tax collection scheme. Ohio does collect personal taxes. It collects taxes on automobiles (other than license fees), on furniture, watches, pianos, cows, horses, farm equipment, equipment of professional men, merchandise in stores equipment of manufacturing concerns, pole line, utility equipment such as central office equipment, wires, cables." I can name a dozen others that are on that list.

Those are all collected by the county tax collectors. The gentleman also spoke, and he answered what I intended to answer, that we are taking away, in effect, home rule. In the first instance, do we not elect our county officers? In the second instance, are we not putting this directly up to the people in those counties?

He also spoke of the reduction in the millage rate, speaking about one mill or half of a mill. I again submit to you that if we are going to bring about a reduction in the cost of local government, we cannot do it all by eliminating one particular branch of government. That would paralyze it. The reduction must be made in small proportional amounts in all of the different forms of local and state government. We cannot do it by taking one particular unit, but we must start somewhere. In this session of the Legislature, we have enacted many tax bills, but aside from the abatement bill I have failed to find where this Legislature has passed one real piece of legislation to help reduce local taxation in the various communities from which we come, and that, I believe, practically every member of the House so pledged himself when he came to Harrisburg. I think it is high time that we start somewhere, and I do not believe that there is any other measure that is better to start with than this particular bill. We are putting it directly up to the people as to whether or not they want to try it out the same as it has been tried out and found to be successful in thirty-seven other states of the Union.

Therefore, I ask you to vote "aye" on this bill.

Mr. WEISS. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Tumelty, Flinchbaugh, Furman, Pearson, Harmuth, George E. Downey, Pfaff, Dilley, Caputo, Nagel, Shaw, Baine, Frank P. Hamilton, Miss Brancato, Messrs. Shugarts, Brumbaugh, Murrin, Klingler, Kelso, Eroe and others.

On the question,

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. WOODSIDE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—117

Achterman,	Diehl,	Kobelak,	Rooney,
Alexander,	Dilley,	LaRue,	Ruffennach,
Allen,	Downey, G. E.,	Long,	Ruth,
Andrews,	Eberharter,	Lovett,	Sarraf,
Arnold,	Eroe,	Lynch,	Schwab,
Atkins,	Falkenstein,	McCreary,	Shaw,
Aukerman,	Finnerty,	McDermott,	Shepard,
Baine,	Fitch,	McElroy,	Shugarts,
Baker, J J.,	Flanagan,	McKinney,	Siegel,
Baldi,	Flinchbaugh,	Melchiorre,	Simon,
Barber,	Furman,	Mentzer,	Sinwell,
Boose,	Gates,	Moomaw,	Sloan,
Boyer,	Gerard,	Mooney,	Smith, J. A.,
Brancato,	Haberlen,	Moran,	Smith, W. O.,
Brennan,	Hagerty,	Moul,	Stevens,
Brown, H. S.,	Haluska,	Murrin,	Stone,
Brown, J. E.,	Hamilton, F. P.,	Nagel,	Sumney,
Brumbaugh,	Harkins,	O'Keefe,	Tronzo,
Burke,	Harmuth,	Ominsky,	Tumelty,
Caputo,	Hartman,	Panton,	Van Allsburg,

Carr,	Hetrick,	Parks,	Van Sickle,
Carson,	Hindman,	Patterson, C.,	Walker,
Chervenak,	Hirsch,	Patterson, J. W.,	Wall,
Coakley,	Holland,	Pearson,	Weiss,
Cochran,	Holstrom,	Pfaff,	Welliver,
Cohen,	Hoopes,	Piole,	Welsh,
Coolahan,	Kelso,	Powers,	Westrick,
Cordier,	Kilroy,	Reising,	Zappala,
Decker,	Kinney,	Robinson,	Sarig,
Dent,	Klingler,		

NAYS—69

Altenburg,	Hart,	O'Neill,	Stank,
Baker, F. T.,	Hefferon,	Perry,	Stewart,
Barnhardt,	Hermansen,	Peters,	Stockham,
Bernhard,	Hoffner,	Phillips,	Stott,
Bradley,	Horst,	Rhys,	Surface,
Brownfield,	Jackson,	Rinn,	Terry,
Coleman,	Jones,	Roan,	Trout,
Conner,	Kane,	Schrock,	Turner,
Davies,	Kelder,	Schrope,	Weidemann,
Denning,	Linderman,	Shortz,	White,
Downey, J. J.,	Male,	Shreiner,	Wickersham,
Duffort,	McDevitt,	Simpson,	Winner,
Ferko,	McHenry,	Snyder, F. E.,	Wood,
Flynn,	Merrell,	Snyder, J. L.,	Woodside,
Forrest,	Moore,	Sowers,	Yeakel,
Green,	Muir,	Spangler,	Yourishin,
Habbyshaw,	Munley,	Sproul,	Zimmerman,
Hamilton, R. S.,	Nothnagle,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

The SPEAKER. The House will now resume consideration of House Bill No. 2784, Senate Bill No. 144.

On the question recurring,

Shall the bill pass finally?

Mr. ANDREWS. Mr. Speaker, it is very difficult to defend a bill when the sponsors have walked away from it, but I want to call the attention of the members of the House to what has happened in this particular instance. It represents another triumph for the embattled social workers. The investigations that we have had in this state have barely touched the surface of the chiseling. Representatives of thousands of social workers on the state relief pay roll and the social workers on private agency pay rolls have certified friends, relatives and neighbors improperly on the pay roll, and they know it. The only measure that could allay that evil is the enactment of a bill something like this. I simply want to voice my protest against the second triumph that these social workers have to their credit.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Mr. HALUSKA. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—104

Allen,	Flinchbaugh,	Merrell,	Smith, W. G.,
Altenburg,	Forrest,	Moomaw,	Snyder, F. E.,
Andrews,	Furman,	Moore,	Sowers,
Atkins,	Gates,	Moul,	Spangler,
Aukerman,	Habbyshaw,	Nagel,	Sproul,
Baker, F. T.,	Haberlen,	Nothnagle,	Stevens,
Baldi,	Haluska,	Ominsky,	Stewart,
Barnhardt,	Hart,	Panton,	Stockham,
Bernhard,	Hefferon,	Parks,	Stone,
Blumberg,	Hermansen,	Patterson, C.,	Stott,
Boyer,	Hindman,	Pearson,	Sumney,
Burke,	Hirsch,	Perry,	Surface,
Cannon,	Hoffner,	Peters,	Terry,
Chervenak,	Holland,	Pfaff,	Trout,
Cohen,	Horst,	Phillips,	Van Sickle,
Conner,	Jones,	Roan,	Wasserman,
Cordier,	Kane,	Ruth,	Weidemann,
Davies,	Kelso,	Schrock,	Westrick,
Denning,	Kinney,	Schrope,	White,
Diehl,	LaRue,	Schwab,	Wickersham,
Downey, G. E.,	Lynch,	Shortz,	Winner,
Downey, J. J.,	Male,	Simon,	Wood,
Duffort,	McCreary,	Simpson,	Woodside,
Ferko,	McDevitt,	Sinwell,	Yeakel,
Finnerty,	McKinney,	Sloan,	Zimmerman,
Flanagan,	Mentzer,	Smith, J. A.,	Sarig,

NAYS—72

Achterman,	Decker,	Long,	Robinson,
Alexander,	Dent,	Lovett,	Rooney,
Arnold,	Dilley,	McDermott,	Ruffennach,
Baine,	Eberharter,	McElroy,	Sarraf,
Baker, J J.,	Eroe,	Mooney,	Shaw,
Barber,	Falkenstein,	Moran,	Shepard,
Boose,	Fitch,	Muir,	Shugarts,
Bradley,	Green,	Munley,	Siegel,
Brancato,	Hagerty,	Murrin,	Stank,
Brown, H. S.,	Harkins,	O'Keefe,	Tronzo,
Brown, J. E.,	Harmuth,	O'Neill,	Tumelty,
Brownfield,	Hetrick,	Patterson, J. W.,	Turner,
Brumbaugh,	Holstrom,	Piole,	Van Allsburg,
Caputo,	Hoopes,	Powers,	Weiss,
Cochran,	Kelder,	Reising,	Welliver,
Coleman,	Kilroy,	Reynolds,	Welsh,
Condon,	Klingler,	Rhys,	Yourishin,
Coolahan,	Kobelak,	Rinn,	Zappala,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 4, 1935.

Resolved (if the House of Representatives concur), that Senate Bill No. 712, Printer's No. 482, entitled, "An act to amend section thirteen of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 485) entitled 'An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination licensure and registration of persons and registration of corporations engaging in the care preparation and disposition of the bodies of deceased persons and providing penalties' by prohibiting the issuance of [corporate] licenses to the registration of the conducting of business by corporations not previously licensed and registered [and in active operation]" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 4, 1935.

Resolved (if the Senate concur), that House Bill No. 2129, Printer's No. 686, entitled "An act to amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled 'An act to establish

a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as amended by exempting in certain cases the security required of depositories for school funds," be recalled from the Governor for further consideration.

REPORT FROM COMMITTEES

Mr. HARKINS from the Committee on Education reported as committed, Senate Resolution Serial No. 125.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1935.

Whereas, June 14th is the anniversary of the adoption by the Continental Congress, June 14, 1777, of the Stars and Stripes as the emblem of the United States, and with that date began the history of our Flag as a symbol of our nationality; and

Whereas, Pennsylvania has the honor of giving birth on its soil to our National Emblem; and

Whereas, The American Flag Day Association, which for over forty (40) years has led the observation of "Flag Day" as a patriotic duty and their affiliated civic, educational, patriotic, fraternal, religious and other cooperating organizations which also annually observe Flag Day, have by their example, shown the citizens of Pennsylvania particularly and the Nation at large the influence for good which such observance may exert; and

Whereas, By such celebrations our pride in American citizenship may be emphasized, our faith in and devotion to American institutions strengthened, a stronger love of country shown, our patriotism rekindled and also to perpetuate this observance; therefore be it

Resolved (if the House of Representatives concur), That the Governor of our Commonwealth be and he is hereby authorized and empowered to designate June 14th of each year as Flag Day by proclamation, and to request our citizens to observe Flag Day, June 14th, as the anniversary birthday of "Old Glory" and that decorations in our National colors be made, and wherever possible in every community, the American Flag be displayed and worn as a badge of honor and distinction, that in schools and colleges and universities there be special patriotic exercises and societies, clubs, and other organizations have suitable programs, and also on the Sunday nearest June 14th, in all places of worship, public recognition be made, that we then give expression to our thoughtful love of America, our determination to make it greater with each generation, by loyal service and loyal living.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered. That the Clerk inform the Senate accordingly.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be a Democratic Caucus of all House members immediately after the recess in the House Caucus room.

ANNOUNCEMENT

COMMITTEE MEETINGS

The Committee on Federal Relations will meet immediately after this morning's session in room 324.

The Committee on Judiciary Special will meet immediately after this morning's session in room 323.

The Committee on Mines and Mining will meet immediately after this morning's session in the Conference Room.

The Committee on Labor will meet one half hour after this morning's session in room 326.

The Committee on Law and Order will meet at 3:00 P. M. today in room 325.

RECESS

The SPEAKER. If there are no objections the Chair is about in declare a recess until 4:00 P. M. Are there objections The Chair hears none and declares a recess until 4:00 P. M.

AFTER RECESS

The House reconvened at 4:00 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 1466. (HOUSE BILL No. 2946).

An Act to amend section seven hundred and eighteen of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (P. L. 359) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended permitting dogs to be trained on Sunday during the training season with the consent of owners of lands except in certain cases

Referred to the Committee on Game.

SENATE BILL No. 1320. (HOUSE BILL No. 2947).

An Act to further amend section eight of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" by permitting manufactures to import alcohol or alcoholic liquids for certain purposes

Referred to the Committee on Law and Order.

SENATE BILL No. 1321. (HOUSE BILL No. 1948).

A Supplement to the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importa-

tion and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided. prohibiting certain sales or practices in connections with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" providing for the granting by the Pennsylvania Liquor Control Board of special wine permits for the purchase bottling and sale of wine and authorizing the sale of wine by holders of licenses to sell malt liquor and the sale of wine by manufacturers to special wine permittees.

Referred to the Committee on Law and Order.

SENATE BILL No. 1352. (HOUSE BILL No. 2949).

An Act making an appropriation to the Department of Public Instruction for reimbursing school districts upon the salaries of members of the teaching and supervisory staffs of elementary schools and junior high schools.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Messrs COAKLEY and VanSICKLE (Concurrent)
RESOLUTION No. 164

In the House of Representatives, June 5th, 1935.

Whereas, The President of the United States shall have the administration of four billion eight hundred million dollars ($4,800,000,000) for the purpose of erecting certain public structures and improvements as a means of alleviating unemployment; and

Whereas, In the City of Easton, Pennsylvania, there are many crowded areas in which the children have no means of playing, except upon the streets and in the alleys; and

Whereas, It is agreed by all that part of the public works program shall include the elimination of slums. It is suggested that as a part of that program the establishment of playgrounds in these various areas be undertaken. therefore be it

Resolved, That the Mayor and Council of the City of Easton, Pennsylvania, petition the President to allocate a portion of the four billion eight hundred million dollars ($4,800,000,000) for the purpose of the establishment of playgrounds in the crowded and congested districts of the City of Easton, Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send a copy of this resolution to the Mayor and Council of the City of Easton, Pennsylvania.

Referred to the Committee on Cities.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1935.

Whereas, For a period of 25 years studies and surveys have been made by the U. S. Army Corps of Engineers and Engineers of the Flood Commission of Pittsburgh for a system of flood control reservoirs in the headwaters of the Allegheny and Monongahela rivers, the expense of which surveys were met by moneys appropriated by the Congress of the United States, the Commonwealth of Pennsylvania, the County of Allegheny, the City of Pittsburgh, and by the contributions of taxpayers both private individuals and industries; and

Whereas, Nine of the proposed reservoirs are in Pennsylvania and are part of a system of 14 reservoirs in Pennsylvania, West Virginia and Kentucky studied and approved by the Mississippi Committee of the National Resources Board, by the Corps of Engineers, U. S. A., by Major W. H. Gravell, P. V. A. Engineer for Pennsylvania and by the Tri-State authority, a voluntary organization of the mayors. burgesses and presidents of municipal council in 230 municipalities in the States of Pennsylvania, Ohio and West Virginia; and

Whereas, The first reservoir in the system is now under construction on the Tygart river in West Virginia, a tributary of the Monongahela, at a total cost of about $15,000,000. allocated entirely from Federal Public Works Emergency funds, and already giving employment directly and indirectly to about 4,000 men; and

Whereas, The construction of the remaining 13 reservoirs in the system at a total estimated cost of $70,117,000 will give employment to an estimated 60,000 men out of a total of 200,000 unemployed in the vicinity of the reservoir sites, besides consuming great quantities of construction materials such as sand, gravel, cement, steel, lumber, tools and machinery, thus furnishing employment to additional thousands; and

Whereas, The construction of these proposed reservoirs and the Muskingum Project in Ohio are estimated by the Mississippi Valley Committee of the National Resources Board in its report of Oct. 1, 1934 to reduce floods 5 to 6 feet at Pittsburgh, 4 to 6 feet at Cincinnati, 2 to 4 feet at Louisville, and ½ to 1 foot at Cairo (confluence of the Ohio and Mississippi rivers), affording flood protection to a population of several million people and their properties, occupations and pursuits and thus constituting a project national in scope and effects; and

Whereas, In addition to furnishing protection from floods the proposed reservoirs will improve navigation in the Allegheny, Monongahela and Ohio rivers in periods of low and high water, will benefit sanitary conditions of domestic water supplies to millions of population and provide possible future sources of hydro-electric energy; therefore be it

Resolved (if the House of Representatives concur), That the Senate of Pennsylvania memorialize the Federal Public Works Administration, through the Administrator, Secretary Harold L. Ickes, to procure allocation of Federal Public Works Emergency funds to begin at once construction of additional reservoirs in this system, of which the following have been located in Pennsylvania by the Corps of Engineers, U. S. A., the Allegheny reservoir, the Conemaugh, the French Creek, the Tionesta Creek, the Red Bank Creek, the Mahoning Creek, the Crooked Creek, the Loyalhanna Creek reservoirs, all on or tributary to the Allegheny river, and the Shenango river reservoir, tributary to the Ohio river at an estimated total cost of $54,900,000, all to be allocated out of Federal Public Works funds for temporary relief of unemployment, and for permanent social benefit to millions of population dwelling in the watersheds of the rivers referred to.

Resolved, That a copy of this resolution be transmitted to Secretary of the Interior Harold L. Ickes, the Secretary of War and the Chief of Engineers of the United States Army, by the Secretary of the Senate.

Ordered That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

UNEMPLOYMENT INDEMNITY.

A resolution from residents of Bucks County urging passage of House Bill No. 105—unemployment indemnity act.

Referred to the Committee on Appropriations.

METROPOLITAN CHARTER

A resolution from the Pennsylvania State Association of Township Commissioners advocating passage of Metropolitan Charter for a federated city in Allegheny county.

Referred to the Committee on Municipal Corporations.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follws:

HOUSE BILL No. 67.

An Act to amend section one of the act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 130) entitled "An act to provide civil rights for all people regardless of race or color" amplifying and extending the provisions of said act and increasing the penalties for violation thereof

HOUSE BILL No. 2053.

An Act to amend route seven hundred and sixty of the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

HOUSE BILL No. 2058.

An Act establishing certain public roads and streets in the city of Harrisburg and county of Dauphin as a State highway and providing for their construction and maintenance by the Department of Highways subject to certain terms and conditions.

HOUSE BILL No. 2495.

An Act designating the Department of Internal Affairs as the agency of the Commonwealth to approve or disapprove petitions to courts and plans for the readjustment of debts of political subdivisions under the act of Congress relating to the bankruptcy of political subdivisions and defining the powers and duties of said department in relation thereto.

HOUSE BILL No. 2576.

An Act to amend clause fifty-eight of section one thousand two hundred and two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to acquire maintain and operate bus feeder lines in connection with inclined plane passenger and vehicular traffic transportation facilities.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 609.

An Act authorizing the taking of oaths and affidavits by certain employes of the Department of Military Affairs for limited purposes.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section Two page one, line 12, by striking out at the beginning of line 12, the following section:

"Section 2 Any person who shall falsely swear or affirm to any oath or affirmation before any such employer shall be deemed guilty of perjury and upon trial and conviction thereof shall be sentenced for such offense as provided by law."

Amend Bill Page 2, line 3, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "2"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Eroe,	McCreary,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Simon,
Altenburg,	Finnerty,	McElroy,	Simpson,
Andrews,	Fitch,	McHenry,	Sinwell,
Arnold,	Flanagan,	McKinney,	Sloan,
Atkins,	Flinchbaugh,	Melchiorre,	Smith, J. A.,
Aukerman,	Forrest,	Mentzer,	Smith, W. G.,
Baine,	Furman,	Merrell,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moomaw,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Mooney,	Sowers,
Baldi,	Green,	Moore,	Spangler,
Barber,	Habbyshaw,	Moran,	Sproul,
Barnhardt,	Haberlen,	Moul,	Stank,
Bernhard,	Hagerty,	Muir,	Stevens,
Blumberg,	Haluska,	Munley,	Stewart,
Boose,	Hamilton, F. P.,	Murrin,	Stockham,
Boyer,	Hamilton, R. S.,	Nagel,	Stone,
Bradley,	Harkins,	Nothnagle,	Stott,
Brancato,	Harmuth,	O'Keefe,	Sumney,
Brennan,	Hart,	Ominsky,	Surface,
Brown, H. S.,	Hartman,	O'Neill,	Terry,
Brown, J. E.,	Hefferon,	Parks,	Tronzo,
Brownfield,	Hermansen,	Patterson, C.,	Trout,
Brumbaugh,	Hetrick,	Patterson, J. W.,	Tumelty,
Burke,	Hindman,	Pearson,	Turner,
Cannon,	Hirsch,	Perry,	Van Allsburg,
Caputo,	Hoffner,	Peters,	Van Sickle,
Carr,	Holland,	Pfaff,	Walker,
Carson,	Holstrom,	Phillips,	Wall,
Chervenak,	Hoopes,	Piole,	Wasserman,
Coakley,	Horst,	Powers,	Weidemann,
Cochran,	Jackson,	Reising,	Weiss,
Cohen,	Jones,	Reynolds,	Welliver,
Coleman,	Kane,	Rhys,	Welsh,
Condon,	Kelder,	Roan,	Westrick,
Conner,	Kelso,	Robinson,	White,
Coolahan,	Kilroy,	Rooney,	Wickersham,
Davies,	Kinney,	Root,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobezak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1886.

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 1, line 9, by striking out after the word "of" the word "two" and inserting in lieu thereof the word "any".

Amend section 2, page 2, line 5, by inserting after the word "card" the words "notice or"; also in line 6, by inserting after the word "to" the words "at least one of".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Forrest,	Mentzer,	Smith, J. A.,
Aukerman,	Furman,	Merrell,	Smith, W. G.,
Baine,	Gates,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Green,	Moore,	Sowers,
Baldi,	Habbyshaw,	Moran,	Spangler,
Barber,	Haberlen,	Moul,	Sproul,
Barnhardt,	Hagerty,	Muir,	Stank,
Bernhard,	Haluska,	Munley,	Stevens,
Blumberg,	Hamilton, F. P.,	Murrin,	Stewart,
Boose,	Hamilton, R. S.,	Nagel,	Stockham,
Boyer,	Harkins,	Nothnagle,	Stone,
Bradley,	Harmuth,	O'Keefe,	Stott,
Brancato,	Hart,	Ominsky,	Sumney,
Brennan,	Hartman,	O'Neill,	Surface,
Brown, H. S.,	Hefferon,	Parks,	Terry,
Brown, J. E.,	Hermansen,	Patterson, C.,	Tronzo,
Brownfield,	Hetrick,	Patterson, J. W.,	Trout,
Brumbaugh,	Hindman,	Perry,	Tumelty,
Burke,	Hirsch,	Peters,	Turner,
Cannon,	Hoffner,	Pfaff,	Van Allsburg,
Caputo,	Holland,	Phillips,	Van Sickle,
Carr,	Holstrom,	Piole,	Walker,
Carson,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Lovett,	Schwartz,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Shepard,	Zimmerman,
Eberharter,	McCreary,	Shortz,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2128.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporation associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill section 1, page 3, line 21, by inserting after the word "hundred" the word "and".

Also Section 1, page 4, line 16, by striking out after the word "more" the word "officers" and inserting in lieu thereof the word 'Offices", also page 5, line 4, by striking out after the word "Executive" the word "Committees" and inserting in lieu thereof the word "Committee" also page 9, line 18, by striking out after the word "incorporated" the word "institutions" and inserting in lieu thereof the word "institution" also page 14, line 14, by striking out after the word "the" the word "Department" and inserting in lieu thereof the word "department" also page 18, line 1, by striking out at the beginning of line the words "bank and trust companies participating in such a merger" also by adding on page 18, line 7, after the word "or" the words "bank and trust companies participating in such a merger" also page 18, line 21, by striking out after the word "plan" the word "or" and inserting in lieu thereof the word "of" also page 18, line 23 by striking out after the word "records" the word "as" and inserting in lieu thereof the word "or" also page 23, line 24, by striking out after the word "of" the word "Certificates" and inserting in lieu thereof the word "Certificate".

Amend bill page 24, by adding the following:

"Section 2 Effective DateThis act shall become effecitve immediately upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Forrest,	Mentzer,	Smith, J. A.,
Aukerman,	Furman,	Merrell,	Smith, W. G.,
Baine,	Gates,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gerard,	Mooney,	Snyder, J. L.,
Baker, J J.,	Green,	Moore,	Sowers,
Baldi,	Habbyshaw,	Moran,	Spangler,
Barber,	Haberlen,	Moul,	Sproul,
Barnhardt,	Hagerty,	Muir,	Stank,
Bernhard,	Haluska,	Munley,	Stevens,
Blumberg,	Hamilton, F. P.,	Murrin,	Stewart,
Boose,	Hamilton, R. S.,	Nagel,	Stockham,
Boyer,	Harkins,	Nothnagle,	Stone,
Bradley,	Harmuth,	O'Keefe,	Stott,
Brancato,	Hart,	Ominsky,	Sumney,
Brennan,	Hartman,	O'Neill,	Surface,
Brown, H. S.,	Hefferon,	Patterson, C.,	Terry,
Brown, J. E.,	Hermansen,	Patterson, J. W.,	Tronzo,
Brownfield,	Hetrick,	Pearson,	Trout,
Brumbaugh,	Hindman,	Perry,	Tumelty,
Burke,	Hirsch,	Peters,	Turner,
Cannon,	Hoffner,	Pfaff,	Van Allsburg,
Caputo,	Holland,	Phillips,	Van Sickle,
Carr,	Holstrom,	Piole,	Walker,
Carson,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Lovett,	Schwartz,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Shepard,	Zimmerman,
Eberharter,	McCreary,	Shortz,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitld as follows:

HOUSE BILL No. 181.

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the City of Pittston and Duryea Borough line

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 337.

An Act to amend section one hundred and forty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Commonwealth" extending the provisions of said act to fixtures hunting lodges cabins cottages and barns

HOUSE BILL No. 1724.

An Act to amend section three of the act approved the second day of May, one thousand nine hundred and thirty-three (P. L. 224), entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants; authorizing trial judges to require psychiatrists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation, except expenses payable by counties; providing for the commitment of defendants to certain institutions where the reports show the same to be advisable; and providing for the payment by individuals, counties, or the Commonwealth of the cost of admission, care and discharge of such defendants," providing for appeals in such cases.

HOUSE BILL No. 2173.

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

With the information that the Senate has passed the same without amendment.

ADDITIONAL APPOINTMENTS ON COMMITTEE TO INVESTIGATE LUZERNE COUNTY RELIEF BOARD

The SPEAKER. Pursuant to the provisions of the resolution amending Resolution No. 157 the Chair appoints the following additional members on said committee: Messrs: Jones, Hefferon and Rhys.

REPORTS FROM COMMITTEES

Mr. HOLSTROM from the Committee on State Government reported as committed, House Bill No. 1767, entitled:

An Act to amend sections one, two, three, and five of an act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand one hundred eighty-four), entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole," as amended by the act approved the eleventh day of May, one thousand nine hundred and thirty-one, (Pamphlet Laws, one hundred eight), entitled, "An act to amend section two of an act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand one hundred eighty-four), entitled 'An act conferring and imposing certain powers and duties upon

the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole,' by authorizing field parole agents to arrest parole violators," by conferring and imposing certain powers and duties thereby conferred upon and imposed upon the State Board of Pardons and the Department of Justice, upon the Department of Corrections and its field parole agents, and repealing section four of said act.

Mr. HOLSTROM from the Committee on State Government reported as committed, House Bill No. 1768, entitled:

An Act to amend an act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1183), entitled "An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon; and regulating the procedure when such persons violate the terms of paroles, and the effect of such violations," as amended by the act, approved the eleventh day of May, one thousand nine hundred and thirty-one (P. L. 109), entitled, "An act to amend an act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1183), entitled 'An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon; and regulating the procedure when such persons violate the terms of paroles, and the effect of such violation,' by authorizing field parole agents to arrest parole violators," by conferring certain of the powers, and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents, and by further defining the effect of such violations.

Mr. HOLSTROM from the Committee on State Government reported as committed, House Bill No. 1769, entitled:

An Act to amend an act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violations," as amended by the act approved the eleventh day of May, one thousand nine hundred and thirty-one (P. L. 111), entitled "An act to amend section one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled 'An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violations,' by authorizing field parole agents to arrest parole violators," by conferring certain of the powers and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents, and by further defining the effect of such violations.

Mr. HOLSTROM from the Committee on State Government reported as committed, House Bill No. 1770, entitled:

An Act providing for the recommitment of parolees who are convicted of crimes punishable by imprisonment during the period of such parole, providing for the reparole of convicts so recommitted, as well as convicts recommitted under section ten of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," and its amendments, providing for the release from the service of such period of recommitment of certain classes of convicts at the discretion of the authority which originally placed such convicts on parole, and repealing section ten of the said act approved the nineteenth day of June, one thousand nine hundred and eleven, as amended in so far as it relates to those at present or hereafter released on parole.

Mr. HOLSTROM from the Committee on State Government reported as committed, House Bill No. 1771, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended by the act approved the first day of June, one thousand nine hundred and thirty-one (P. L. 350), entitled "An act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions, shall be determined,' repealing certain sections; adding certain new sections; creating new administrative agencies; modifying the provisions regulating contracts for public work and purchases; and generally further reorganizing the conduct of the administrative work of the Commonwealth;" repealing certain sections; amending certain sections; adding certain new sections; creating a new administrative department to be known as the Department of Corrections, providing the powers and duties thereof, including the power to transfer inmates between State institutions of the Department, providing for the appointment of and fixing the compensation of, or prescribing the manner in which compensation shall be fixed, for certain administrative officers and of and for the deputies and other assistants and employes in the Department of Corrections; repealing certain acts; and generally further reorganizing the conduct of the administrative work of the Commonwealth.

Miss BRANCATO from the Committee on Cities, reported as committed, House Bill No. 2900 (Senate Bill No. 1346), entitled:

An Act to amend section one of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence.

Mr. ZAPPALA from the Committee on Counties, reported as amended, House Bill No. 2885 (Senate Bill No. 1262), entitled:

An Act to amend section two hundred and thirty-one of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the method of appointing clerks of the orphans' court in counties of the second class.

Mr. SURFACE from the Committee on Fisheries, reported as amended, House Bill No. 323, entitled:

An Act to amend section two hundred and two hundred two of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" providing additional penalties for killing fish by pollution or explosions.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1767, entitled:

An Act to amend sections one, two, three, and five of an act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1184), entitled "An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole" as amended by the act approved the eleventh day of May, one thousand nine hundred and thirty-one (P. L. 108), entitled "An act to amend section two of an act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1184), entitled 'An act conferring and imposing certain powers and duties upon the State Board of Pardons with respect to inmates of State penal and correctional institutions released on parole,' by authorizing field parole agents to arrest parole violators,' by conferring and imposing certain powers and duties thereby conferred upon and imposed upon the State Board of Pardons and the Department of Justice, upon the Department of Corrections and its field parole agents, and repealing section four of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1768, entitled:

An Act to amend an act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1183), entitled "An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon; and regulating the procedure when such persons violate the terms of paroles, and the effect of such violations," as amended by the act, approved the eleventh day of May, one thousand nine hundred and thirty-one, Pamphlet Laws, one hundred nine), entitled "An act to amend an act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1183), entitled 'An act relating to persons paroled from the Pennsylvania Industrial Reformatory at Huntingdon; and regulating the procedure when such persons violate the terms of paroles, and the effect of such violations' by authorizing field parole agents to arrest parole violators," by conferring certain of the powers, and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents, and by further defining the effect of such violations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1769, entitled:

An Act to amend an act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violations," as amended by the act approved the eleventh day of May, one thousand nine hundred and thirty-one, (P. L. 111), entitled "An act to amend section one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1182), entitled "An act providing the procedure and the powers of the State Board of Pardons and boards of trustees of penitentiaries where prisoners released on parole violate the terms of such parole; and fixing the penalty for such violation," by authorizing field parole agents to arrest parole violators," by conferring certain of the powers and imposing certain of the duties referred to in said acts upon the Department of Corrections and its field parole agents, and by further defining the effect of such violations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1770, entitled:

An Act providing for the recommitment of parolees who are convicted of crimes punishable by imprisonment during the period of such parole, providing for the reparole of convicts so recommitted, as well as convicts recommitted under section ten of the act, approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," and its amendments, providing for the release from the service of such period of recommitment of certain classes of convicts at the discretion of the authority which originally placed such convicts on parole, and repealing section ten of the said act approved the nineteenth day of June, one thousand nine hundred and eleven, as amended in so far as it relates to those at present or hereafter released on parole.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1771, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions,

and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended by the act approved the first day of June, one thousand nine hundred and thirty-one (P. L. 350), entitled "An act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof; including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing, or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions, shall be determined,' repealing certain sections; adding certain new sections; creating new administrative agencies; modifying the provisions regulating contracts for public work and purchases; and generally further reorganizing the conduct of the administrative work of the Commonwealth;" repealing certain sections; amending certain sections, adding certain new sections; creating a new administrative department to be known as the Department of Corrections, providing the powers and duties thereof, including the power to transfer inmates between State institutions of the Department, providing for the appointment of and fixing the compensation of, or prescribing the manner in which compensation shall be fixed, for certain administrative officers and of and for the deputies and other assistants and employes in the Department of Corrections; repealing certain acts; and generally further reorganizing the conduct of the administrative work of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2900 (Senate Bill No. 1346), entitled:

An Act to amend section one of the act approved the sixteenth day of May one thousand nine hundred thirty-five (Act number seventy-five) (P. L.) entitled "An act providing for the abatement under certain circumstances of tax penalties and interest on certain city taxes in cities of the first class and on certain school taxes in school districts of the first class" by changing the date on which the instalment payments provided therein shall commence.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION OF HOUSE.

Mr. YOURISHIN asked and obtained unanimous consent for the Committee on Labor to meet during the session of the House.

Mr. HARKINS asked and obtained unanimous consent for the Committee on Pensions and Gratitudes to meet upon the return to the House of the Committee on Labor.

BILL ON SECOND READING

Mr. DIEHL asked and obtained unanimous consent to call up out of order House Bill No. 1805, Printer's No. 1326, on Page 7 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1805, as follows:

An Act making an appropriation to aid certain school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five million dollars ($5,000,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

TIME EXTENDED ON BILL

Mr. McDEVITT. Mr. Speaker, I move that the time on House Bill No. 2709, Printer's No. 1053, entitled:

An Act to amend section six of the act approved the nineteenth day of June, one thousand nine hundred and eleven (P. L. 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended; by removing limitation on minimum term.

on page 41 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. BURKE. Mr. Speaker, I move that the time on House Bill No. 1342, Printer's No. 999, entitled:

An Act requiring every person registering a motor vehicle in the Commonwealth to furnish proof of financial responsibility with respect to liability for personal injury or death arising from the ownership, operation or use of such motor vehicle on the ways of the Commonwealth by the registrant or by any other person with his express or implied consent, providing the nature of public liability policy which may be used as such proof; providing for the regulation of the risk classifications underwriting rules,

premiums, rates and schedule or merit rating plans of insurance companies issuing such policies; providing penalties, and repealing all inconsistent acts and parts of acts.

on page 41 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. OMINSKY. Mr. Speaker, I move that the time on House Bill No. 2690 Printer's No. 1007 entitled:

An Act to regulate and control the use of the public highways of this Commonwealth by carriers operating motor vehicles for compensation or hire other than common carriers along and over the public highways of this Commonwealth defining private contract carriers requiring private contract carriers to procure permits empowering the Public Service Commission to grant, revoke and suspend permits empowering The Public Service Commission to fix minimum rates, fares and charges of private contract carriers, prescribe maximum hours of employment for drivers of private contract carriers, trucks requiring identification insignia to be displayed in or on private contract motor trucks, prescribing fees and penalties, increasing the jurisdiction of the Court of Common Pleas of Dauphin County and providing appeals from the orders of the Public Service Commission.

on page 41 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. FLINCHBAUGH. Mr. Speaker, I move that the time on House Bill No. 2464 Printer's No. 1112 entitled:

An Act to amend Article VI of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws" to define non-cancellable health and accident insurance and to define and regulate policies of group health and accident insurance.

on page 5 of today's calendar, bills on second reading be extended two weeks.

The motion was agreed to.

BILL ON SECOND READING

Mr. KOBELAK asked and obtained unanimous consent to call up out of order House Bill No. 1593, Printer's No. 1271, on page 6 of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1593 entitled:

An Act making an appropriation to the Department of Welfare for Old Age Assistance

The first section was read as follows:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of nineteen million eight hundred eighty thousand dollars ($19,880,000) or so much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Department of Welfare for expenditure during the biennium ending the thirty-first day of May one thousand nine hundred thirty-seven for Old Age Assistance in the manner provided by law

On the question,

Will the House agree to the section?

Mr. HOOPES. Mr. Speaker and members of the House, I realize it is unusual to speak on a bill when it is called up on second reading, but because of certain information which I have obtained concerning this measure I feel that I should briefly call the attention of the House to it. This is a measure in which every member of the House is vitally interested. It is the appropriation to the Department of Welfare for old age assistance. I think without doubt that every member of this House has had numerous of his constituents call upon him during the past few months wondering why they did not get their old age assistance or when they were going to get it, or whether the Legislature was going to make a sufficient appropriation. The answer that we have gotten so far, when complaints on this matter have come to our attention, have been either that there have been so many applications that the mother's assistance board which has had this additional duty thrown upon it, has not had time with their very limited force to make the investigations, or in case they have made the investigations and the allotment has been made to a particular person, as has been in many cases, we are told that for some reason or another the payments for January or February or March or April have not yet been made, and the blame is generally placed at the door of the Legislature on the ground that we haven't made a sufficient appropriation.

This bill appropriates for the biennium the sum of nineteen million eight hundred eighty thousand dollars, which is slightly less than ten million dollars a year for old age assistance to all the persons entitled thereto over the age of seventy in this Commonwealth.

I don't know how many of you have gone into this matter and made a study of it. I haven't done so very carefully, but I have tried to get some information on the subject and I have not been very successful. I asked the sponsor of the bill if he had information upon which they decided to ask for this particular amount, and he told me that he did not have it. He also told me that he tried to get it from the Appropriation Committee and they didn't have any detailed information, and that he went to the Department of Welfare and attempted to get definite information from them without very much result.

The Department has sent a letter in which they state they have approved thirty thousand applications, and that they estimate, not upon the experience from the number of applications that they have received during the six months that this law has been in effect in Pennsylvania, but from the experience in New York State under an entirely different law they estimate that the total number of people who will qualify under this act will be something over forty thousand. But they do not have any definite figures at all. I called up the person in charge of this particular bureau in the Department of Welfare this morning and I asked how many applications have been made for old age assistance under this act. "We don't

know, we don't have the figures here, they have them in the various counties and if it will be of advantage to the Legislature and they ask for it we will be very glad to get it for them." But they do not have the information. They don't know how many people have applied; they don't know what percentage of those who have applied and have been investigated have been granted relief; they don't know what percentage of those who have applied have been investigated at all. They tell us that there are some thirty thousand applications approved from those received from all over the state.

I called up the board in Berks County last Friday and asked, "How many applications have you." They said, "Twenty-six hundred." I said, "How many of these have you investigated and reported to Harrisburg"? They said "Only eight hundred." I said, "How many of them have been approved at Harrisburg?" They said, "Only 650." In other words, out of 2600 applications in Berks county, only one-quarter of them have been approved by the Department here in Harrisburg. Yet they say that they have approved thirty thousand and they are only allowing in this bill for slightly over forty thousand altogether. These figures don't gee up at all. If it is on a basis of forty-five thousand, according to this letter which we have they tell us that the average grant to persons under this relief throughout the state is $21.50, and on that basis the total grants would require an appropriation of twenty-four million six hundred and forty thousand dollars. Then they go on to say that the appropriation provided by House Bill No. 1593 of nineteen million eight hundred and eighty thousand dollars is therefore a very conservative figure. I would say that it was more than conservative; I would say it was an absolute insult to the aged of Pennsylvania.

Even on that very conservative estimate which they make, this appropriation is five million dollars short.

Do we, members of the Legislature, want to be confronted for the next two years with the problem that we faced during the past six or eight months, particularly with the continual stream of aged persons who are indigent and past seventy years of age, who are entitled to assistance under this act, but who will not get it because of an insufficient appropriation? Do we want to be put on the spot continually, as we are, because the Mothers' Assistance Board—and you cannot blame them—say that the reason is because the Legislature did not appropriate enough money? That is true, there is no doubt about it. We are to blame for it. Do we want to continue to put ourselves on that spot during the coming biennium? I do not think that we do. I think that we ought to have definite facts. The Department of Welfare can very easily obtain from each of the sixty-seven counties in Pennsylvania the following information:

First, the total number of applications that have been made.

Second, the number of those applications that have been investigated.

Third, the number which have been investigated and have been allowed.

From that, by taking the same percentage for those that have not been investigated, we can obtain a very accurate estimate from the experience in this State that we will actually need.

This bill, as far as I can learn, and I have earnestly sought to get information from the sources that should have it, is nothing more nor less than a pure simple guess, nothing else; it is not based upon any information which is available. We should have accurate information so that we can take care of the aged.

The members of this House, in fact I believe both of the major political parties went on record in the last campaign in favor of old age pension, not this paltry old age assistance which we have here. What kind of position are we going to be in, having advocated old age pensions, if we do not appropriate sufficient money to take care of those who qualify under this bill, the Old Age Assistance Act?

We will certainly be putting ourselves on the spot in the very worst kind of fashion. Therefore, Mr. Speaker and members of the House, I think the intelligent thing to do is to continue this bill on the postponed calendar and ask the Department of Welfare to give us information that I have outlined so that we can determine whether or not this bill contains the proper amount of money to be appropriated for old age assistance during the coming biennium.

Therefore, Mr. Speaker, I ask that the sponsor of this bill keep it on the postponed calendar until we are able to get that information. Certainly we should be able to get it by Monday. Every county in the State has it, and if the Department asks for it, they should have it by return mail. Then we will have something to base our estimates upon.

Mr. KOBELAK. Mr. Speaker and members of the House, I do not know whether there would be any useful purpose served in keeping the bill on the postponed calendar until Monday because in the Department they told us they could not give us the information. I inquired about it and wanted them to make me up a sheet like they did for the Mothers' Assistance Fund for the various counties and they said they didn't have that information available. They just tell us that this is a conservative amount. This is based on the amount that they appropriated in other states. Of course, that Bureau is a new bureau. It has only been in operation for several months. They said that they could not catch up with their work. I saw in the newspapers that last Friday was supposed to be the last day of appropriations, due to the fact that the money has run out. The Welfare Bureau denies this; they say the only reason why many of those old aged people were not paid was due to the fact that they have so much work to do in the Bureau that they cannot handle it all. I don't know whether there will be any use of postponing it until we get the information, because it is getting towards the end of the legislative session. I think we ought to take this at the present time as a Special Session is practically inevitable. Therefore, I think this amount will last until the Special Session of the Legislature. I do not believe there is any use of postponing this bill, because back home they are looking forward to the money and I think we ought to go along with this bill.

Mr. HOOPES. Mr. Speaker and members of the House, I realize that a special session is unavoidable, but this is an appropriation, as I understand it, for the biennium. There is no authority given to the Department of Welfare to expend that at a rate of more than one-twenty-fourth of the amount appropriated for each month during the biennium, and no matter if we are going to have a special sesion next year they will not be allowed to

spend it in that way. I do not think that we want to face this situation that we have been facing. Other members have told me that in their counties only one-quarter or one-third of the applications have been investigated. People who made application last October or November have not yet been reached for investigation. Yet they tell us they have approved thirty thousand applications and they are only allowing for a maximum of forty thousand. It is certainly obvious that the appropriation is grossly insufficient. We don't have the information that we ought to have. If we are going to make a decent job of it, we should have it. I know that the information is available in each of the sixty-seven counties. It is only a matter of writing for it. In fact, the head of the Bureau told me this morning, when we asked for it, she would get it for us. Why don't we ask for it? Let us get it.

MOTION FOR BILL TO REMAIN ON POSTPONED CALENDAR

Mr. HOOPES. Mr. Speaker, Under those circumstances, I move that this bill be kept on the postponed calendar until we get that information, or at least until next Monday. There will be no trouble about passing it then; everybody is in favor of it. It will go through without opposition, through both Houses. We want it to be enough, so we will not be on the spot every day and all the time during this coming biennium.

The SPEAKER. Will the gentleman repeat his motion?

Mr. HOOPES. The motion is that the bill be retained upon the postponed calendar until next Monday evening.

The SPEAKER. The motion must be that the bill be placed upon the postponed calendar.

BILL POSTPONED

Mr. HOOPES. Mr. Speaker, I move that this bill be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. COHEN. Mr. Speaker, I am informed by the sponsor of this bill that he is quite willing to concur in that motion to retain it on the postponed calendar until the information which has been asked for by the gentleman from Berks is available.

Further, I wish to call to the attention of the members of the House some patent errors made in the remarks of the gentleman from Berks. I quite admit that the information necessary to make an accurate appropriation for the old age is not available at the present time. However, the delay in the investigation, the responsibility is not one of the Department of Welfare but is rather the responsibility of the individuals who are making that particular investigation.

As, when and if the investigations are completed, the membership of this House must surely realize that the applicant is then given the money for the old age assistance, dating back to December of 1934. So in reality, while the applicants are not being given the money immediately, nevertheless there is accruing to their benefit the monies from December 1934.

In addition therefor I wish to call to the attention of the hospitals and every other state-aided function that is not of money that is appropriated by this bill, the aged, the a preferential government function, as defined by the decision under the Talbot act is not available to participate in the funds of the Commonwealth.

We have heard the very illuminating discourse on the condition of the state finances given by the gentleman from Delaware, my friend and colleague, Mr. Turner. However, this House must bear in mind that if the immediate cash funds which are going to accrue to the General Fund are not available, if our tax program of one hundred fifteen million dollars, rather than one hundred and twenty million dollars as indicated by the gentleman from Delaware, is not afforded to the General Fund during the instant year of this biennium and during the next year of the biennium, this old age mothers' assistance, the aid to the hospitals, the aid to the homes, the aid to the institutions, the aid to the universities must all be delayed until the actual cash is present in the General Fund and until the perferential applications of carrying on the functions of the government are paid. It is not merely a problem of whether or not we will appropriate nineteen million dollars to the aged or whether we appropriate twenty-five million or thirty million dollars. Our immediate problem is to get the cash money into the coffers of the treasury so we will be able to pay as much as has been appropriated.

I do, however, feel that the Department of Welfare should have available for this House the figures upon which the pensions to the aged are based.

And since the gentleman who sponsored that bill concured in that motion, I feel that we have ample time to allow this bill to remain on the postponed calendar, at least until Monday of next week. At that time I hope that accurate information will be available to the members of this House, and this House can vote upon the bill with a certain amount of knowledge.

I therefore ask the membership to concur in the motion of the gentleman from Berks to place the bill on the postpond calendar.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

TIME EXTENDED ON BILL

Mr. HEFFERON. Mr. Speaker, I move that the time on House Bill No. 57 Printer's No.759, entitled:

An Act revising and consolidating the laws relating to the time for filing reports of viewers to continuances to final confirmation of such report or portions thereof where no exceptions are led or appeals taken or reviews asked for and to the collection of damaegs in such proceedings

on page 39 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Mr. EBERHARTER. Mr. Speaker, I desire to call up at this time House Bill No. 1658 (Senate Bill No. 221), on page 42, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. EBERHARTER,

The House resumed the consideration on third reading of House Bill No. 1658 (Senate Bill No. 221), entitled:

An Act providing for appeals from assessments in counties of the second class and cities of the second class in years other than the triennial year.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Ferko,	McDermott,	Shreiner,
Alexander,	Finnerty,	McDevitt,	Shugarts,
Allen,	Fitch,	McElroy,	Simon,
Altenburg,	Flanagan,	McHenry,	Simpson,
Andrews,	Flinchbaugh,	McKinney,	Sinwell,
Arnold,	Forrest,	Melchiorre,	Sloan,
Atkins,	Furman,	Mentzer,	Smith, J. A.,
Aukerman,	Gates,	Merrell,	Smith, W. G.,
Baine,	Gerard,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Green,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Habbyshaw,	Moore,	Sowers,
Baldi,	Haberlen,	Moran,	Spangler,
Barber,	Hagerty,	Moul,	Sproul,
Barnhardt,	Haluska,	Muir,	Stank,
Bernhard,	Hamilton, F. P.,	Munley,	Stevens,
Blumberg,	Hamilton, R. S.,	Murrin,	Stewart,
Boose,	Harkins,	Nagel,	Stockham,
Boyer,	Harmuth,	Nothnagle,	Stone,
Bradley,	Hart,	O'Keefe,	Stott,
Brancato,	Hartman,	Ominsky,	Sumney,
Brennan,	Hefferon,	O'Neill,	Surface,
Brown, H. S.,	Hermansen,	Patterson, C.,	Terry,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tronzo,
Brownfield,	Hindman,	Pearson,	Trout,
Brumbaugh,	Hirsch,	Perry,	Tumelty,
Cannon,	Hoffner,	Peters,	Turner,
Caputo,	Holland,	Pfaff,	VanAllsburg,
Carr,	Holstrom,	Phillips,	VanSickle,
Carson,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Roan,	Welliver,
Condon,	Kelso,	Robinson,	Welsh,
Conner,	Kilroy,	Rooney,	Westrick,
Coolahan,	Kinney,	Root,	White,
Davies,	Klingler,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schrope,	Woodside,
Dilley,	Longaker,	Schwab,	Yeakel,
Downey, G. E.,	Lovett,	Schwartz,	Yourishin,
Downey, J. J.,	Lynch,	Shaw,	Zappala,
Eberharter,	Male,	Shepard,	Zimmerman,
Eroe,	McCreary,	Shortz,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL ON FINAL PASSAGE

Mr. ANDREWS. Mr. Speaker, I desire to call up at this time House Bill No. 932, Printer's No. 383, on page 11 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ANDREWS.

The House resumed the consideration on final passage of House Bill No. 932, entitled:

An Act to enable cities of the third class to adopt the city manager plan of government providing the procedure for the adoption or discontinuance thereof making suitable provisions for the conduct of city government thereunder and in connection therewith imposing certain duties on mayors city councils county commissioners and election officers

RECONSIDERATION OF VOTE

Mr. ANDREWS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend as follows: Section 105, page 3, line 17, by inserting after the word "people" the following: "Before this question can be considered as having carried, it shall be necessary that a majority of all of the registered voters approve the same."

Amend Section 302, page 12, line 10, by striking out the entire line and all of lines 11, 12, 13, 14, 15, 16 and 17.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. POWERS. Mr. Speaker, I desire to call up at this time House Bill No. 2394, Printer's No. 1106, on page 42 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. POWERS.

The House resumed the consideration on third reading of House Bill No. 2394, entitled:

An Act to amend sections five hundred and sixteen five hundred and thirty-one five hundred and thirty-five five hundred and forty five hundred and forty-five five hundred and forty-seven clause one of section nine hundred and five section one thousand one hundred and forty-one of and to add section one thousand one hundred and forty-seven to the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" conferring on supervisors power over streams changing the minimum compensation of the secretary-treasurer further regulating depositories imposing additional duties on the secretary fixing the place of meeting of the auditors and limiting the number of days for the completion of audits providing that the road tax shall be used for general township purposes decreasing the minimum widths of certain roads and providing for records of dedicated roads and streets and for the opening thereof and the acceptance of roads streets lanes and alleys heretofore dedicated

On the question,

Will the House agree to the bill on third reading?

Mr. POWERS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 8, line 13, by striking out the word "approval" and insert in lieu thereof "approved"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in acordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. FURMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read he amendments as follows:

Amend title, page 3, lines 1, 2 and 3 from top of page by striking out with dark-faced brackets the words "and providing for records of dedicated roads and streets and for the opening thereof"

Amend Sec. 1, page 8, lines 17 and 28, both inclusive, by striking out with dark-faced brackets all of said lines.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time House Bill No. 1552, Printer's No. 782 on page 40 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. YOURISHIN.

The House resumed the consideration on third reading of House Bill No. 1552 entitled:

An Act to amend section one thousand one hundred and three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providng revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended eliminating the provision which requires that county and district superintendents of schools shall have had three years experience in a supervisory or administrative capacity

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—110

Achterman,	Fitch,	Male,	Schwab,
Alexander,	Furman,	McCreary,	Shaw,
Andrews,	Gates,	McDermott,	Shepard,
Baine,	Habbyshaw,	McDevitt,	Shreiner,
Baker, J. J	Hagerty,	McHenry,	Shugarts,
Baldi,	Hamilton, R. S.,	McKinney,	Siegel,
Barber,	Harmuth,	Melchiorre,	Sinwell,
Bradley,	Hartman,	Moomaw,	Smith, J. A.,
Brancato,	Hefferon,	Mooney,	Smith, W. G.,
Brennan,	Hermansen,	Moran,	Sowers,
Brown, H. S.,	Hetrick,	Munley,	Spangler,
Brown, J. E.,	Hindman,	Nagel,	Stank,
Brownfield,	Hirsch,	O'Keefe,	Stone,
Brumbaugh,	Holland,	Ominsky,	Sumney,
Burke,	Holstrom,	O'Neill,	Tronzo,
Caputo,	Hoopes,	Patterson, C.,	Tumelty,
Coakley,	Horst,	Patterson, J. W.,	Van Sickle,
Cochran,	Jackson,	Pearson,	Walker,
Cohen,	Jones,	Piole,	Wasserman,
Coleman,	Kelso,	Powers,	Weiss,
Condon,	Kilroy,	Reising,	Welliver,
Decker,	Kinney,	Rhys,	Welsh,
Dent,	Klingler,	Rinn,	Westrick,
Dilley,	Kobelak,	Roan,	Wickersham,
Downey, J. J.,	LaRue,	Robinson,	Woodside,
Eberharter,	Long,	Ruffennach,	Yourishin,
Falkenstein,	Lovett,	Ruth,	Zappala,
Ferko,	Lynch,	Schrope,	

NAYS—29

Allen,	Haberlen,	Schwartz,	Stockham,
Aukerman,	Hoffner,	Simpson,	Surface,
Baker, F. T.,	Moore,	Snyder, F. E.,	Terry,
Bernhard,	Moul,	Snyder, J. L.,	Turner,
Davies,	Muir,	Sproul,	Witkin,
Denning,	Perry,	Stevens,	Wood,
Diehl,	Schrock,	Stewart,	Zimmerman,
Flinchbaugh,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO SIT DURING SESSION

Mr. SCHROPE asked and obtained unanimous consent for the Committee on Game to meet during the session of the House.

BILL ON SECOND READING

Mr. RUTH asked and obtained unanimous consent to call up out of order House Bill No. 2124, Printer's No. 1330, on page 8, of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2124, entitled:

An Act to amend section twenty-one as amended and section twenty-two of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ten) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" by providing for the collection of taxes on tickets of admission including reduced rate and complimentary tickets and permitting tickets to be given away or sold at a reduced price

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section twenty-one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ten) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions

establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" as amended by section nine of an act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws eight hundred sixty) is hereby further amended to read as follows

Section 21 Payments to State Every corporation or person holding any boxing sparring or wrestling match or exhibition under this act for which an admission is charged [and received] shall pay to the Commonwealth five per centum of the total value as printed on the face thereof of all tickets sold [total gross receipts] exclusive of any Federal and other state taxes paid thereon and a tax of like amount shall be paid on every ticket sold at a reduced rate or given away as a complimentary ticket Such payment shall be made within seventy-two hours after the holding of the contest All moneys received from such taxes shall be paid to the State Treasurer through the Department of Revenue

On the question,

Will the House agree to the section?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 9, by striking out with dark-faced brackets the word "of" and inserting in lieu thereor: "or"

Amend Sec. 1, page 2, line 12, by inserting after the word "Commonwealth" the following: "a tax of five dollars for holding such match or exhibition or a sum equal to"

Amend Sec. 1, page 2, line 14, by inserting after the word "sold" the following: "whichever sum shall be the greater"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section read and agreed to as follows:

Section 2 That section twenty-two of said act is hereby amended to read as follows

Section 22 Tickets to Indicate Purchase Price Admissions Not to Exceed Seating Capacity All tickets of admission to any such boxing sparring or wrestling match or exhibition shall bear clearly upon the face thereof the purchase of same and no such tickets shall be sold for more than such price as printed thereon Such tickets may be sold at a reduced price or given away as complimentary tickets provided the tax is paid therefor as for other tickets sold at their full face value It shall be unlawful for any such corporation or person to admit to such contest a number of people greater than the seating capacity of the place where such contest is held

The title was read as follows:

An Act to amend section twenty-one as amended and section twenty-two of the act approved the fourteenth day of June one thousand nine hundred and twenyt-three (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropration therefor and appropriating moneys received for monument and memorial purposes and prescribing penalties" by providing for the collection of taxes on tickets of admission including reduced rate and complimentary tickets and permitting tickets to be given away or sold at a reduced price

On the question,

Will the House agree to the title?

Mr. RUTH. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line, by inserting after the word "price" the following: "and fixing a minimum tax for each match or exhibition."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2469, entitled:

An Act to authorize cities, other than those of the first class, to construct or acquire waterworks, subways, underground railways or street railways and the appurtenances thereof, and to finance the construction or acquisition thereof by the issuance and sale of bonds payable from the revenue thereof, secured solely by liens upon the respective properties and imposing no municipal liability; providing the method of authorizing the issuance of such bonds and of determining the form and terms thereof, and the nature and extent of such lien; providing for the payment of such bonds and the rights of the holders thereof; and repealing acts and parts of acts in conflict therewith.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—186

Achterman,	Eroe,	Lynch,	Shaw,
Alexander,	Falkenstein,	Male,	Shepard,
Allen,	Ferko,	McDermott,	Shortz,
Altenburg,	Finnerty,	McDevitt,	Shreiner,
Andrews,	Fitch,	McElroy,	Simon,
Arnold,	Flanagan,	McHenry,	Simpson,
Atkins,	Flinchbaugh,	McKinney,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, F. T.,	Furman,	Merrell,	Smith, W. G.,
Baker, J. J.,	Gates,	Moomaw,	Snyder, F. E.,
Baldi,	Gerard,	Mooney,	Snyder, J. L.,
Barber,	Green,	Moore,	Sowers,
Barnhardt,	Habbyshaw,	Moran,	Spangler,
Bernhard,	Haberlen,	Moul,	Sproul,
Blumberg,	Hagerty,	Muir,	Stank,
Boose,	Haluska,	Munley,	Stevens,
Boyer,	Hamilton, F. P.,	Murrin,	Stewart,
Bradley,	Hamilton, R. S.,	Nagel,	Stockham,
Brancato,	Harkins,	Nothnagle,	Stone,
Brennan,	Harmuth,	O'Keefe,	Stott,
Brown, H. S.,	Hart,	Ominsky,	Sumney,
Brown, J. E.,	Hartman,	Parks,	Surface,
Brownfield,	Hefferon,	Patterson, C.,	Terry,
Brumbaugh,	Hermansen,	Patterson, J. W.,	Tronzo,
Burke,	Hetrick,	Pearson,	Trout,
Cannon,	Hindman,	Perry,	Tumelty,
Caputo,	Hirsch,	Peters,	Van Allsburg,
Carr,	Hoffner,	Pfaff,	Van Sickle,
Carson,	Holland,	Phillips,	Walker,
Chervenak,	Holstrom,	Piole,	Wall,
Coakley,	Hoopes,	Powers,	Wasserman,
Cochran,	Horst,	Reising,	Weiss,

Cohen,	Jackson,	Reynolds,	Welliver,
Coleman,	Jones,	Rhys,	Welsh,
Condon,	Kane,	Roan,	Westrick,
Conner,	Kelder,	Robinson,	White,
Coolahan,	Kelso,	Rooney,	Winner,
Davies,	Kilroy,	Root,	Witkin,
Decker,	Kinney,	Ruffennach,	Wood,
Denning,	Klingler,	Ruth,	Woodside,
Dent,	Kobelak,	Sarraf,	Yeakel,
Diehl,	LaRue,	Schrock,	Yourishin,
Dilley,	Linderman,	Schrope,	Zappala,
Downey, G. E.,	Long,	Schwab,	Zimmerman,
Downey, J. J.,	Lovett,	Schwartz,	Sarig,
Eberharter,			

NAYS—5

O'Neill,	Turner,	Wickersham,
Shugarts,	Weidemann,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1837, entitled:

An Act to amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes.

On the question,

Will the House agree to the bill on third reading?

Mr. FLINCHBAUGH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Page 2 by inserting after Line 12 ending with the word "mile" and before Line 13, the following:

"[Route 04008. Extending Route 04008. Beginning at a point on the Beaver Borough-Brighton Township line, thence in a southerly direction on Beaver Street extension and Beaver Street to an intersection with Route 243, at the junction of Beaver Street and River Road, in Beaver Borough, Beaver County, a distance of about .44 of a mile.]"

Amend Page 3 by inserting after Line 9 ending with the word "mile" and before Line 10, the following:

"Waterford Borough

Route 25013. Extending Route 25013. Beginning at a point on the Waterford Borough-Waterford Township line, thence in a northeasterly direction on West Third Street to West Park Row; thence southeasterly on West Park Row to South Park Row; thence northeasterly on South Park Row to [an intersection with Route 84, at South Park Row and High Street] East Park Row; thence northwesterly on East Park Row to Route 25056 at East Park Row and East Third Street, in the borough of Waterford, Erie County, a distance of about [.6] .7 of a mile.

Route 25056. Extending Route 25056. Beginning at a point on the Waterford Borough-Waterford Township line, thence in a southwesterly direction on East Third Street to East Park Row; thence [southeasterly] northwesterly on East Park Row to [South] North Park Row, thence southwesterly on [South] North Park Row to [an intersection with Route 84 at South Park Row and High Street] West Park Row, thence southeasterly on West Park Row to Route 25013 at West Park Row and West Third Street, in the borough of Waterford, Erie County, a distance of about [.6] .7 of a mile."

Amend Page 3 by inserting after Line 17 ending with the word "miles" and before Line 18, the following:

"Masontown Borough

Route 26008. Extending Route 26008. Beginning at a point on the Masontown Borough-German Township line, thence in a westerly direction on Church Street to an intersection with the continuation of State-aid Application 1022 at Chuch and Main Streets, thence continuing over Church Street to River Avenue: thence over River Avenue to the toll bridge over the Monongehela River, in the borough of Masontown, Fayette County, a distance of about [.1 of a mile] 1.61 miles."

Amend Page 28 by inserting after Line 2 ending with the word "mile" and before Line 3, the following:

"DAUPHIN COUNTY

Gratz Borough

Route 22063. Extending Route 22063. Beginning at the northern borough line of Gratz Borough, thence in a southeasterly direction to a point on Route 22034 about 0.2 of a mile north of the intersection of Routes 22034 and 339, in the borough of Gratz, Dauphin County, a distance of about 0.25 of a mile.

Lykens Borough

Route 22003. Extending Route 22003. Beginning at a point on the Jackson Township-Lykens Borough line, thence northerly to an intersection with Route 199, in the borough of Lykens, Dauphin County, a distance of about 0.6 of a mile.

Millersburg Borough

Route 22057. Extending Route 22057. Beginning at a point on the Millersburg Borough-Upper Paxton Township line, thence in a southerly direction to an intersection with Route 199, in the borough of Millersburg, Dauphin County, a distance of about 0.42 of a mile.

Steelton Borough

Route 509. Extending Route 509. Beginning at a point on the Swatara Township-Steelton Borough line, thence easterly on Harrisburg Street to an intersection with Route 22018 at Harrisburg and Pine Streets, in the borough of Steelton, Dauphin County, a distance of about 0.28 of a mile.

Route 22018. Extending Route 22018. Beginning on the Steelton Borough-Swatara Township line at Pine Street, thence in a southwesterly direction on Pine Street to a point on Route 129, in the borough of Steelton, Dauphin County, a distance of about 0.75 of a mile.

Route 22046. Extending Route 22046. Beginning at a point on the Steelton Borough-Swatara Township line at Gibson Street, thence southwesterly on Gibson Street to a point on Route 129, in the borough of Steelton, Dauphin County, a distance of about 0.05 of a mile.

Uniontown Borough

Route 22058. Extending Route 22058. Beginning at a point on the Lykens Township-Uniontown Borough line, thence over Market Street to an intersection with Route 33 at Market and Chestnut Streets, in the Borough of Uniontown, Dauphin County, a distance of about 0.15 of a mile."

Amend Page 28 by inserting after Line 3 ending with the word "County" and before Line 4, the following:

"Alden, Collingdale and Sharon Hill Boroughs

Route 23065-Spur. Starting at the intersection of Clifton Avenue and Springfield Road, Route 23065, thence in a southerly direction on Clifton Avenue, crossing Route 729, to its intersection with Route 180, in the borough of Alden, Collingdale and Sharon Hill, Delaware County, a distance of about 1.4 miles.

Darby Borough

Route 542-Spur. Beginning at a point on Route 180, at the intersection of Main and Eleventh Streets, thence southeasterly and easterly over Main Street to the Darby Borough-Philadelphia City line, in the borough of Darby, Delaware County, a distance of about 1.0 mile.

Darby and Colwyn Boroughs

Route 23047. Extending Route 23047. Beginning at the

intersection of Route 180 at Eleventh and Main Streets, in the borough of Darby, thence extending on Main Street to the city line of Philadelphia, in the boroughs of Darby and Colwyn, Delaware County, a distance of about 1.4 miles.

Glenolden Borough

Route 23091. Extending Route 23091. Beginning at the intersection of Route 729, thence in a southerly direction on South Avenue to its intersection with Route 180, in the borough of Glenolden, Delaware County, a distance of about 0.6 of a mile.

Upland Borough

Route 180-Spur. Extending Route 180-Spur. Beginning at the eastern Chester City-Upland Borough line, at the intersection of Twelfth Street in Chester, thence westerly over an unnamed street between the B. & O. Railroad and the southern borough line, when the same shall have been opened by the borough, to the western Upland Borough-Chester City line at a point where this line is intersected in Chester City by Twelfth Street, in the borough of Upland, Delaware County, a distance of about 0.35 of a mile."

Amend Page 28 by inserting after Line 7 ending with the word "mile" and before Line 18, the following:

"ERIE COUNTY

Girard Borough

Route 25094. Extending Route 25094. Beginning at the Girard Borough-Girard Township line, and extending over Haggerty Street to Hathaway Street; thence over Hathaway Street and over Church Street to Route 86 at the intersection of Church and Main Streets, in the borough of Girard, Erie County, a distance of about 0.8 of a mile."

Amend Page 30 by inserting after Line 26 ending with the word "mile" and before Line 27, the following:

"Mapleton Borough

Route 31084. Extending Route 31084. Beginning at a point on the Mapleton Borough-Brady Township line, thence in a southerly direction over Bridge Street to the intersection of Bridge and Main Streets; thence westwardly over Market Street to the intersection of Routes 31022 and 31027 at Campbell and Washington Streets, in the borough of Mapleton, Huntingdon County, a distance of about 0.2 of a mile.

Mount Union Borough

Route 44018. Extending Route 44018. Beginning at a point on the Huntingdon-Mifflin County line, thence in a westerly direction over Pennsylvania Avenue, Franklin Street and Water Street to a point on Route 121 at the intersection of Jefferson and Water Streets, in the borough of Mount Union, Huntingdon County, a distance of about 0.6 of a mile."

Amend Page 32 by inserting after Line 17, ending with the word "Borough" and before Line 18, the following:

"Route 322. Extending Route 322. Beginning at the intersection of State Highway Route 322 and Main Street in Blakely Borough, thence easterly over Keystone Avenue to River Street; thence northerly over River Street to a point where it intersects Route 33041 at River and Depot Street, in the borough of Blakely, Lackawanna County, a distance of about 0.5 of a mile."

Amend Page 32 by inserting after Line 25 ending with the word "mile" and before Line 26, the following:

"Blakely and Dickson City Boroughs

Route 168 Extension. Beginning at a point on the Blakely-Dickson City Borough line, known as Blakely Corners, and also at the intersection of a county road, thence in a northwesterly direction on West Lackawanna Street to a point of intersection with Route 533 also known as Scott Road, in the boroughs of Blakely and Dickson City, Lackawanna County, a distance of about 0.61 of a mile."

Amend Page 33 by inserting after Line 11 ending with the word "mile" and before Line 12, the following:

"Clarks Green Borough

Route 35054. Extending Route 35054. Beginning at a point on the Clarks Green Borough-South Abington Township line, thence in a westerly direction to a point of intersection with Route 953 and the road leading to Custus, known as Willow Brook Road, in the borough of Clarks Green, Lackawanna County, a distance of about 0.16 of a mile."

Amend Page 34 by inserting after Line 11 ending with the word "mile" and before Line 12, the following:

"Jermyn, Archbald and Blakely Boroughs

Route 648. Extending Route 648. Beginning at a point on Route 648 in Jermyn Borough, thence southwesterly over Washington Avenue to the Jermyn-Archbald Borough line; thence continuing is a southwesterly direction in Archbald Borough over Main Street to the Archbald-Blakely Borough line; thence southwesterly through Blakely Borough on Ridge Road to the intersection of Route 322 and Ridge Road, in the boroughs of Jermyn, Archbald and Blakely, Lackawanna County, a distance of about 3.3 miles.

Old Forge Borough

Route 35050. Beginning at a point on the county road at Main and Oak Streets, thence northwesterly on Oak Street; thence northerly on West Oak Street to a point where it intersects the Back Road at Back Road and West Street, in the borough of Old Forge, Lackawanna County, a distance of about 1.0 mile.

Taylor Township

Route 35051. Beginning at a point on the county road at Main and Union Streets, thence norwesterly on Union Street; thence northwesterly on Pyne Mountain Road to a point where it intersects the Back Road at Back Road and Pyne Mountain Road, in the borough of Taylor, Lackawanna County, a distance of about 1. 4 miles.

Taylor and Old Forge Boroughs

Route 35049. Beginning at the Scranton City line, at the intersection with Route 35015, Keyser Avenue, and the Back Road, thence southwesterly on the Back Road through Taylor Borough to the Taylor Borough-Old Forge Borough line; thence continuing on the Back Road through Old Forge Borough to Aldrich Street; thence on Aldrich Street to Drakes' Lane; thence on Drakes' Lane to Milwaukee Avenue; thence southerly on Milwaukee Avenue to a point where it intersects the county road at Main Street and Milwaukee Avenue, in Old Forge Borough, Lackawanna County, a distance of about 5.0 miles.

Throop and Olyphant Boroughs

Route 35052. Beginning at a point on Route 168-Extension of Dunmore and Sanderson Streets, in Throop Borough, and extending eastwardly over Sanderson Street and Marshwood Road through the boroughs of Throop and Olyphant to an intersection with Route 35041 in Olyphant Borough, Lackawanna County, a distance of about 4.25 miles.

Amend Page 35 by inserting after Line 20 ending with the word "County" and before Line 21, the following:

"Laflin Borough

Route 40044. Extending Route 40044. Beginning at a point in Laflin Borough at the intersection of Back Road and Route 515, thence northerly on Back Road to the Laflin Borough-Yatesville Borough-Jenkins Township line, in the borough of Laflin, Luzerne County, a distance of about 0.2 of a mile."

Amend Page 36 by inserting after line 21 ending with the word "mile" and before line 22, the following:

"MIFFLIN COUNTY

McVeytown Borough

Route 603. Extending Route 603. Beginning at the intersection of Holiday and Water Streets, thence over Holiday Street to an intersection with Route 33, in the borough of McVeytown, Mifflin County, a distance of about 0.03 of a mile."

Amend Page 37 by inserting after Line 20 ending with the word "County" and before Line 21, the following:

"Bath Borough

Route 48044. Extending Route 48044. Beginning at a

point on the East Allen Township-Bath Borough line at the end of Route 48044, thence westerly to an intersection with Application 3908, in the borough of Bath, Northampton County, a distance of about 0.01 of a mile."

Amend Page 37 by inserting after Line 26 ending with the word "mile" and before Line 27, the following:

"Route 48069. Extending Route 48069. Beginning at the Chapman Borough-Moore Township line, and extending in a southwesterly direction on Main Street to an intersection with State-aid Application 3908, in the borough of Chapman, Northampton County, a distance of about 0.75 of a mile.

Freemansburg Borough

Route 48011-Spur. Beginning at a point on Route 48011 at the intersection of Main and Washington Streets, thence southerly on Main Street to the Bethlehem City line, in the borough of Freemansburg, Northampton County, a distance of about 0.6 of a mile.

Glendon Borough

Route 48066. Extending Route 48066. Beginning at a point on Route 48010 at Station 411+00, thence in a general southerly direction to a point on the Glendon Borough-Williams Township line, in the borough of Glendon, Northampton County, a distance of about 0.44 of a mile."

Amend Page 38 by inserting after Line 5 ending with the word "miles" and before Line 6, the following:

"Nazareth Borough

Route 48070. Extending Route 48070. Beginning at a point on the Upper Nazareth Township-Nazareth Borough line, thence northeasterly on Spring Street to Mauch Chunk Road; thence easterly on Mauch Chunk Road and Belvidere Street to a point on Route 48045 at Belvidere and Broad Streets, in the borough of Nazareth, Northampton County, a distance of about 1.0 mile.

NORTHUMBERLAND COUNTY

Kulpmont Borough

Route 49085. Extending Route 49085. Beginning at a point at or near the intersection of the northern line of Kulpmont Borough and the western line of Marion Heights Borough, thence in a southerly direction on Eleventh Street to a point on Route 161, in the borough of Kulpmont, Northumberland County, a distance of about 0.03 of a mile.

Route 49087. Extending Route 49087. Beginning at a point on the Mt. Carmel Township-Kulpmont Borough line, thence northerly on Eighth Street to an intersection with Route 161 at Eighth and Chestnut Streets, in the borough of Kulpmont, Northumberland County, a distance of about 0.08 of a mile.

Marion Heights Borough

Route 49090. Extending Route 49090. Beginning at a point on the eastern limit of Marion Heights Borough, thence in a southwesterly direction on North Street to a point on Route 49085 at the western borough line, in Marion Heights Borough, Northumberland County, a distance of about 0.5 of a mile.

Turbotville Borough

Route 49095. Extending Route 49095. Beginning at a point on the Lewis Township-Turbotville Borough line, thence in a southerly direction on Church Street to an intersection with Route 240, in the borough of Turbotville, Northumberland County, a distance of about 0.1 of a mile."

Amend Page 39 by inserting after Line 1 ending with the word "County" and before Line 2, the following:

"Ashland Borough

Route 19082. Extending Route 19082. Beginning at a point on the Columbia County, Ashland Borough line, thence in a southerly direction to a point on Route 19018, immediately north of Nineteenth and Arch Streets, in the borough of Ashland, Schulykill County, a distance of about 0.1 of a mile.

Route 53084. Extending Route 53084. Beginning at a point on Center Street at the Butler Township-Ashland Borough line, thence in an easterly direction over Center Street to a point on Route 19018 at Center and Nineteenth Streets, in the borough of Ashland, Schulykill County, a distance of about 0.4 of a mile.

Route 53086. Extending Route 53086. Beginning at a point on the Ashland Borough-Butler Township line, thence in a northerly direction to an intersection with Route 718, in the borough of Ashland, Schuylkill County, a distance of about 0.02 of a mile.

Gordon Borough

Route 53086. Extending Route 53086. Beginning at a point on the northern borough line of Gordon Borough, thence in a southeasterly direction over McKnight Street to a point at the intersection of Routes 53050 and 53001 on Biddle Street, in the borough of Gordon, Schuylkill County, a distance of about 0.3 of a mile.

Palo Alto Borough

Route 53080. Extending Route 53080. Beginning at a point on the North Manheim Township-Palo Alto Borough line, thence in a general northeasterly direction on Bacon Street and northerly direction on Coal Street to a point on the Palo Also-Port Carbon Borough line, in the borough of Palo Alto, Schulykill County, a distance of about 1.6 miles.

Port Carbon Borough

Route 53080. Extending Route 53080. Beginning at a point on the Palo Alto-Port Carbon Borough line at Coal Street, thence in a northerly direction on South Coal Street to a point on Route 162 at the intersection of the River Road and South Coal Street, in the borough of Port Carbon, Schuylkill County, a distance of about 0.1 of a mile."

Amend Page 39, Line 16, by striking out after the word "Route" and before the word "Extending" the figures "308" and inserting in lieu thereof the following: "808"

Amend Page 39, Line 16, by striking out after the word "Route" and before the word "Beginning" the figures "308" and inserting in lieu thereof the following: "808"

Amend Page 39, Line 28, by insertiing after the word "over" and before the word "Yough" the following: "Petersburg Road"

Amend Page 39, Line 28, by striking out the word "Baxter" and inserting in lieu thereof the following: "Ross"

Amend Page 39, Line 29, by striking out the word "Baxter" and inserting in lieu thereof the following: "Ross"

Amend Page 39, Line 29, by striking out the word "Latrobe" and inserting in lieu thereof the following: "Hugart"

Amend Page 50 by inserting after Line 13 ending with the word "mile" and before Line 14, the following:

"Stewartstown Borough

Route 66119. Extending Route 66119. Beginning at a point on the Hopewell Township-Stewartstown Borough line, thence over Hill Street to an intersection with Route 66011 at Hill and Mill Streets, in the borough of Stewartstown, York County, a distance of about 0.43 of a mile."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objections? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. TURNER. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 2, page 28, by inserting between lines 17 and 18 the following: "Ridley Park Borough Beginning at a point at the intersection of Sellers Avenue and Route 180 thence in a northeasterly direction on Sellers Avenue, crossing Route 731, thence to the intersection of Sellers Avenue with Route 130 spur B in Ridley Park Borough, Delaware County, a distance of about 0.50 miles."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2105, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the Executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commisisons shall be determined," by adding thereto section one thousand two hundred and nine; providing for the preparation and furnishing by the Department of Internal Affairs to counties, (except counties of the first class), cities of the third class, boroughs, towns, townships, certain school districts and poor districts, of suitable blank forms for annual budget making and financial report purposes, and requiring the Department to compile comparative statistics therefrom.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—107

Achterman,	Coolahan,	LaRue,	Rinn,
Alexander,	Dent,	Long,	Robinson,
Allen,	Diehl,	Lovett,	Sarraf,
Altenburg,	Dilley,	Lynch,	Schrope,
Andrews,	Downey, G. E.,	McCreary,	Schwab,
Arnold,	Downey, J. J.,	McDermott,	Shaw,
Atkins,	Eberharter,	McElroy,	Shepard,
Aukerman,	Eroe,	McHenry,	Shugarts,
Baine,	Falkenstein,	Melchiorre,	Siegel,
Baker, J. J.,	Finnerty,	Mentzer,	Sinwell,
Barber,	Fitch,	Moomaw,	Smith, J. A.,
Barnhardt,	Flanagan,	Mooney,	Smith, W. G.,
Bernhard,	Flinchbaugh,	Moran,	Stank,
Bradley,	Furman,	Moul,	Stevens,
Brancato,	Haberlen,	Munley,	Stone,
Brown, H. S.,	Hagerty,	Murrin,	Sumney,
Brown, J. E.,	Harkins,	Nagel,	Tronzo,
Brownfield,	Harmuth,	O'Keefe,	Tumelty,
Brumbaugh,	Hartman,	Ominsky,	VanSickle,
Burke,	Hindman,	O'Neill,	Walker,
Caputo,	Holland,	Panton,	Weiss,
Carson,	Holstrom,	Patterson, C.,	Welliver,
Chervenak,	Kane,	Patterson, J. W.,	Welsh,
Coakley,	Kilroy,	Pfaff,	Westrick,
Cochran,	Kinney,	Piole,	Yourishin,
Cohen,	Klinger,	Powers,	Zappala,
Coleman,	Kobelak,	Reising,	Sarig,

NAYS—50

Baldi,	Hoopes,	Rhys,	Stockham,
Blumberg,	Jackson,	Schrock,	Stott,
Boose,	Jones,	Shreiner,	Surface,
Boyer,	Kelder,	Simon,	Turner,
Cordier,	Male,	Simpson,	Weidemann,
Duffort,	McDevitt,	Sloan,	White,
Ferko,	McKinney,	Snyder, F. E.,	Wickersham,
Gates,	Moore,	Snyder, J. L.,	Winner,
Habbyshaw,	Muir,	Sowers,	Witkin,
Hamilton, R. S.,	Pearson,	Spangler,	Wood,
Hart,	Perry,	Sproul,	Woodside,
Hetrick,	Peters,	Stewart,	Yeakel,
Hoffner,	Phillips,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2107, entitled:

An Act to amend sections five hundred forty-seven, eight hundred two, and nine hundred two of, and to add section nine hundred and two A to the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts and purchases by the township, and the making of the annual budget on a uniform form prepared by representatives of the township supervisors, the Department of Highways and the Department of Internal Affairs; requiring the supervisors to file the annual budget with the said department and the auditors to file an annual financial report with said department; and providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—91

Achterman,	Dent,	Long,	Reising,
Allen,	Diehl,	Lovett,	Robinson,
Andrews,	Dilley,	Lynch,	Ruffennach,
Arnold,	Downey, G. E.,	Male,	Ruth,
Aukerman,	Downey, J. J.,	McCreary,	Sarraf,
Baine,	Eberharter,	McDermott,	Schrope,
Baker, J. J.,	Eroe,	McElroy,	Schwab,
Barber,	Falkenstein,	McHenry,	Shaw,
Bradley,	Finnerty,	Melchiorre,	Shepard,
Brancato,	Fitch,	Mentzer,	Shugarts,
Brown, H. S.,	Flanagan,	Moomaw,	Siegel,
Brown, J. E.,	Furman,	Mooney,	Stevens,
Brownfield,	Haberlen,	Moran,	Surface,
Brumbaugh,	Hagerty,	Moul,	Tronzo,
Burke,	Haluska,	Munley,	Tumelty,
Cannon,	Hamilton, F. P.,	Murrin,	VanSickle,
Caputo,	Hartman,	Nagel,	Walker,
Carson,	Hindman,	Ominsky,	Weiss,
Chervenak,	Hirsch,	O'Neill,	Welliver,
Coakley,	Holland,	Patterson, C.,	Welsh,
Cochran,	Holstrom,	Patterson, J. W.,	Westrick,
Coleman,	Kilroy,	Pfaff,	Zappala,
Condon,	Kinney,	Powers,	Sarig,
Decker,	Kobelak,		

NAYS—67

Altenburg,	Hefferon,	Parks,	Sowers,
Atkins,	Hermansen,	Pearson,	Spangler,
Baker, F. T.,	Hetrick,	Perry,	Sproul,
Baldi,	Hofiner,	Peters,	Stewart,
Bernhard,	Hoopes,	Phillips,	Stott,
Blumberg,	Jones,	Piole,	Sumney,
Boose,	Kane,	Reynolds,	Terry,
Boyer,	Kelder,	Rhys,	Turner,
Coolahan,	Kelso,	Roan,	VanAllsburg,
Davies,	Linderman,	Schrock,	Wasserman,
Duffort,	McDevitt,	Shortz,	Weidemann,
Ferko,	McKinney,	Shreiner,	White,
Flinchbaugh,	Merrell,	Simon,	Wickersham,
Habbyshaw,	Moore,	Simpson,	Wood,
Hamilton, R. S.,	Muir,	Sloan,	Woodside,
Harkins,	Nothnagle,	Snyder, F. E.,	Yeakel,
Hart,	O'Keefe,	Snyder, J. L.,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

HOUSE BILL NO. 2859 MADE A SPECIAL ORDER

Mr. RUTH. Mr. Speaker, I move that House Bill No. 2859, (Senate Bill No. 31), Printer's No. 180, entitled:

An Act to amend section six as amended and section eight of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 719) entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to national party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" prohibiting candidates for more than one party nomination and requiring candidates affidavits from candidates for additional offices.

on page 21 of today's calendar, bills on third reading, be made a special order of business on third reading and final passage on Monday, June 10, 1935, at 10:00 P. M.

The motion was agreed to.

BILL ON THIRD READING

Mr. FURMAN. Mr. Speaker, I desire to call up at this time House Bill No. 2407, Printer's No. 1255, on page 15, of today's calendar, bills on third reading which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2407, as follows:

An Act establishing an unemployment compensation system and providing for the administration of the same by the Department of Labor and Industry imposing upon employers certain contributions to provide benefits for unemployed employes conferring powers and imposing duties upon the State Treasurer the Department of Justice employers and employes creating certain special funds and appropriating the moneys payable into such funds providing for the creation of certain agencies to assist in the administration of this Act and prescribing penalties

SHORT TITLE

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this Act shall be known and may be cited as the "Pennsylvania Unemployment Compensation Law"

DECLARATION OF PUBLIC POLICY OF THE COMMONWEALTH

Section 2 As a guide to the interpretation and application of this Act the public policy of the Commonwealth of Pennsylvania is declared to be as follows Economic insecurity due to unemployment is a serious menace to the health morals and welfare of the people of the Commonwealth of Pennsylvania Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the Legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family Social security requires protection against this greatest hazard of our economic life This can be provided only by application of the insurance principle of sharing the risks and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment thus limiting the serious social consequences of poor relief assistance The Legislature therefore declares that in its considered judgment the public good and the general welfare of the employes in the Commonwealth of Pennsylvania require the enactment of this measure for the compulsory payment of contributions as unemployment reserve to be used for the benefit of persons unemployed through no fault of their own

DEFINITIONS

Section 3 The following words and phrases as used in this Act shall have the following meanings unless the context clearly requires otherwise

(1) "Benefit" means the money payable to an employe as compensation for his wage losses due to unemployment as provided in this Act

(2) "Department" means the Department of Labor and Industry established by the Administrative Code of one thousand nine hundred twenty-nine and its amendments or its authorized representative

(3) "Contributions" means the money payments to the Pennsylvania Unemployment Compensation Fund required by this Act

(4) "Commonwealth" means the Commonwealth of Pennsylvania

(5) "Eligibility" An employe shall be deemed "eligible" for benefits for any given week of his partial or total unemployment occurring subsequent to any required waiting period only when he is not disqualified by any provision of this Act from receiving benefits for such week of unemployment

(6) "Employe" means any person employed by an employer subject to this Act and in employment subject to this Act

(7) "Employer" means any person partnership association joint-stock company corporation whether domestic or foreign or the legal representative trustee in bankruptcy receiver or trustee thereof or the legal representative of a deceased person including the Commonwealth and any political subdivision thereof but excluding the Federal Government and any instrumentality of the Federal Government who or whose agent or predecessor in interest has employed at least four persons in employment subject to this Act within each of thirteen or more calendar weeks in the year one thousand nine hundred thirty-five or any subsequent calendar year Provided That such employment in one thousand nine hundred thirty-five shall make an employer subject on January first one thousand nine hundred thirty-six and such employment in any subsequent calendar year shall make a newly subject employer subject for all purposes as of January first of the calendar year in which such employment occurs In determining whether an employer of any person within the Commonwealth employs enough persons to be an "employer" subject hereto and in determining for what contributions he is liable hereunder he shall whenever he contracts with any contractor or sub-contractor for any work which is part of his usual trade occupation profession or business be deemed to employ all persons employed by such contractor or sub-contractor on such work and he alone shall be liable for the contributions measured by wages to such persons for such work except as any

such contractor or sub-contractor who would in the absence of the foregoing provisions be liable to pay said contributions accepts exclusive liability for said contributions under an agreement with such employer made pursuant to general Department rules All persons thus employed by an employer of any person within the Commonwealth in all of his several places of employment maintained within the Commonwealth shall be treated as employed by a single "employer" for the purposes of this Act Provided however That any person partnership association joint-stock company corporation whether domestic or foreign or the legal representative trustee in bankruptcy receiver or trustee thereof or the legal representative of a deceased person who either directly or through a holding company or otherwise has a majority control or ownership of otherwise separate business enterprises employing persons within the Commonwealth shall be treated as a single "employer" for the purposes of this Act Any employer subject to this Act shall cease to be subject hereto only upon a written application by him and after a finding by the Department that he has not for any calendar week within the last completed calendar year employed four or more persons in employment subject hereto Any employer of any person within the Commonwealth not otherwise subject to this act shall become fully subject hereto upon filing by such employer with the Department of his election to become fully subject hereto for not less than three calendar years subject to written approval of such election by the Department

(8) "Employment" means any employment in which all or the greater part of the person's work within the United States and its territories and possessions is or was customarily performed within the Commonwealth under any contract of hire oral or written express or implied whether such person was hired and paid directly by the employer or through any other person employed by the employer provided the employer had actual or constructive knowledge of such contract Such employment shall include the person's entire employment within the United States and its territories and possessions In the case of all other persons employed partly in the Commonwealth and partly in the United States and its territories and possessions the term "employment" shall include the employment of such persons to the extent prescribed by general rules adopted by the Department Employment shall include employment in interstate commerce until such employment is included in another unemployment compensation system established by an Act of Congress

The term "employment" shall not apply to

(a) Employment on a governmental relief project which the Department has approved as being excluded from the Act

(b) Employment as an elected public officer

(9) "Employment office" means a free public employment office in the Commonwealth operated by the Department

(10) An employe's "full-time weekly wage" means the weekly earnings such employe would average from his employment if employed at the "hourly rate of earnings" and for the "full-time weekly hours" applicable to such employe

(a) The applicable "hourly rate of earnings" shall be determined by averaging the employe's wages during so much of the preceding three months as he worked for his most recent employers

(b) An employe's "full-time weekly hours" shall mean the full number of working hours per week in the employment in which he is usually engaged and shall be the hours scheduled by the employer of the customary hours of work whichever is the greater The Department shall determine what constitutes the employ's full-time weekly hours by such equitable method as it may by general rule prescribe for determining a full-time standard provided that such standard shall not be less than thirty weekly hours for benefit purposes In the case of any employe who is found by the Department at the time he becomes eligible for benefits to be unable by reason of physical disability or by reason of continuing personal obligations other than employment to work half the full-time weekly hours which prevail in such establishment for full-time employes the Department shall determine his full-time weekly hours for benefit purposes by averaging his weekly hours for all weeks in at least the past three months in which he worked

(11) "Fund" means the Pennsylvania Unemployment Compensation Fund established by this Act to which all contributions and from which all benefits required under this Act shall be paid

(12) "Partial unemployment" An employe shall be deemed "partially unemployed" in any calendar week of partial work if he fails to receive from wages or any other pay for personal services including net earnings from self-employment for such week at least two dollars more than the amount of weekly benefits for total unemployment he might receive if totally unemployed and eligible

(13) "Pay roll" means the total amount of all wages received by or due to the employes of an employer commencing with wages payable for employment occurring after the employer becomes newly subject to this Act

(14) "Total unemployment" An employe shall be deemed "totally unemployed" in any calendar week in which he performs no wage-earning services whatsoever and for which he earns no wages and no other pay for personal services including net earnings from self-employment and in which he cannot reasonably return to any self-employment in which he has customarily been engaged

(15) "Unemployment Administration Fund" means the Pennsylvania Unemployment Compensation Administration Fund established by this Act

(16) "Wages" means every form of remuneration for employment received by a person from his employer whether paid directly or indirectly by the employer including salaries commissions bonuses and the reasonable money value of board rent housing lodging payments in kind and similar advantages Whenever gratuities are received by the employe in the course of his employment from a person other than his employer the customary value of such gratuities shall be determined by the Department and be deemed and included as part of his wages received from his employer

(17) "Waiting-period unit" means a period for which no benefits are payable but during which the employe is in all other respects eligible consisting of either one week of total unemployment or two weeks of partial unemployment required as a condition precedent to the receipt of benefits for subsequent unemployment as prescribed in this Act

(18) "Week" means calendar week

(19) "Week of employment" means each calendar week occurring after contributions first become generally due under this Act within which the person in question performed any employment subject to this Act for any employer subject to this Act Provided however That any week occurring within the customary school vacation periods in which an employer employed an employe who attended a school college or university in the last preceding school term and returns to school college or university at the end of such vacation period shall not be counted as a "week of employment" in determining the benefit rights of such employe under this Act

(20) "Dependent relative" means a child under eighteen years of age a mother or stepmother a father or stepfather a brother or sister who because of age physical or mental disability is unable to work and is wholly or mainly supported by the employe

(21) "Manager" means the person in charge of an employment office

UNEMPLOYMENT COMPENSATION FUND

Section 4 (1) Fund There is hereby created the Unemployment Compensation Fund in the Treasury of the Commonwealth This fund shall consist of all contributions and money paid into and received by the fund as provided by this Act of property and securities acquired by and through the use of moneys belonging to the fund and of interest earned upon the moneys belonging to the fund all of the assets of the fund shall be mingled and undivided

(2) Withdrawals The fund shall be administered in trust and used solely to pay benefits upon vouchers drawn on the fund by the Department pursuant to gen-

eral Department rules Such rules shall be governed by and be consistent with any applicable constitutional and statutory requirements but the procedure prescribed by such rules shall be deemed to satisfy and shall be in lieu of any and all statutory requirements for specific appropriation or other formal release by state officers of state moneys prior to their expenditure which might otherwise be applicable to withdrawals from the fund

(3) Treasurer The State Treasurer shall be the custodian of the fund He shall have custodity of all moneys belonging to the fund and not otherwise held or deposited or invested pursuant to this Act The State Treasurer shall deposit and invest the fund not deposited and invested as provided in clause (4) of this section under the supervision and control of the Department subject to the provisions of this Act

(4) Deposit All contributions paid under this Act shall upon collection be deposited in or invested in the obligations of the "Unemployment Trust Fund" of the United States Government or its authorized agent provided said trust fund exists notwithstanding any other statutory provision to the contrary The Department shall requisition from the Unemployment Trust Fund necessary amounts from time to time

(5) Method of Paying Benefits All payments out of the fund shall be made by check of the Department signed by the Secretary of Labor and Industry or by someone by him duly authorized or bearing a facsimile of such Secretary's signature The Department shall determine the form and method of issuing such checks

CONTRIBUTIONS

Section 5 (1) Payments On and after the first day of January 1936 contributions shall accrue and become payable by each employer then subject to this Act Thereafter contributions shall accrue and become payable by any new employer on and after the date on which he becomes newly subject to this Act The contributions required hereunder shall be paid by each employer in such manner and at such times as the Department may prescribe

(2) Rate of Contributions The contributions payable by each employer with respect to employment during the calendar year 1936 shall be an amount equal to one per centum of his payroll with respect to employment during the calendar year 1937 shall be an amount equal to two per centum of his payroll and with respect to employment on and after January 1, 1938 shall be an amount equal to three per centum of his payroll

BENEFITS

Section 6 (1) Payment of Benefits After contributions have been payable under this Act for two years benefits shall become payable from the fund to any employe who thereafter is or becomes unemployed and eligible for benefits based on his weeks of employment as defined in this Act and shall be paid through the unemployment offices at such times and in such manner as the Department may prescribe

(2) Weekly Benefits for Total Unemployment An employe totally unemployed and eligible in any week shall be paid benefits computed to the nearest half-dollar at the following rate forty per centum of his full-time weekly wage an additional ten per centum if he has a dependent spouse and an additional 5 per centum for each dependent relative who is a member of his household but in no case shall his total benefits exceed fifteen dollars per week or sixty-five per centum of his full-time weekly wage whichever is the lower nor be less than five dollars per week

(3) Weekly Benefits for Partial Unemployment An employe partially unemployed and eligible in any week shall be paid sufficient benefits so that his week's wages and any other pay for personal services including net earnings from self-employment and his benefits combined will be two dollars more than the weekly benefit to which he would be entitled if totally unemployed in that week

(4) One-to-Four Ratio of Benefits to Employment The aggregate amount of benefits an employe may at any time receive shall be limited by the number of his past weeks of employment against which benefits have not yet been charged hereunder Each employe's benefits shall be thus charged against his earliest weeks of employment in the one hundred and four weeks preceding the close of his most recent week of employment Each employe shall receive benefits in the ratio of one-quarter week of total unemployment benefits or an equivalent amount as determined by general Department rules of benefits for partial unemployment or for partial and total unemployment combined to each week of employment of such employe occurring within the one hundred and four weeks preceding the close of the employe's most recent week of employment

(5) Maximum Weeks of Benefits in Any Year Benefits shall be paid each employe for the weeks during which he is totally or partially unemployed and eligible for benefits based on his past weeks of employment as provided in sub-sections (4) and (6) but not more than thirteen weeks of total unemployment benefits or an equivalent total amount as determined by Department rules of benefits for partial unemployment or for partial and total unemployment combined shall be paid any employe for his weeks of unemployment occurring within any fifty-two consecutive weeks except as provided in subsection (6)

(6) Additional Benefits One-to-Twenty Ratio An eligible employe who has received the maximum benefits permitted under subsection (5) shall receive additional benefits in the ratio of one week of total unemployment benefit or its equivalent to each unit of twenty aggregate weeks of employment occurring within the two hundred and sixty weeks preceding the close of the employe's most recent week of employment and against which benefits have not already been charged under this Act Such additional benefits shall be charged against the employe's earliest weeks of employment available for this purpose

BENEFIT ELIGIBILITY CONDITIONS

Section 7 (1) Employment Requirement An employe shall be deemed eligible for benefits for any given week of his unemployment only if he has accumulated seventeen weeks of employment subject hereto within the fifty-two weeks immediately preceding the close of his most recent week of employment

(2) Availability and Registration for Work An employe shall not be eligible for benefits in any week of his partial or total unemployment unless in such week he is physically able to work and available for work To prove such availability for work every employe partially or totally unemployed shall file claim for benefits at the employment office and shall register for work within such time limits and with such frequency and in such manner in person or in writing as the Department may by general rule prescribe No employe shall be eligible for benefits for any week in which he fails without good cause to comply with such registration and filing requirements A sufficient number of copies of the Department's rules covering such requirements shall be furnished by it to each employer who shall post a copy of the same on the premises in a conspicuous and easily accessible place and who shall furnish a copy to each employe when he becomes unemployed

(3) Waiting Period Benefits shall be payable to an employe only for his weeks of unemployment occurring subsequent to a "waiting-period" of three waiting-period units such waiting-period units need not be continuous but may be accumulated over the fifty-two weeks preceding the close of the employe's most recent week of employment

There shall not be counted toward an employe's required waiting period or periods any week of total or partial unemployment in which he is ineligible for benefits under this Section

(4) During Trade Disputes An employe shall not be eligible for benefits for any week in which his total or partial unemployment is directly due to a strike or jurisdictional labor dispute still in active progress in the establishment in which he is or was last employed

(5) Voluntary Leaving An employe who has left his employment voluntarily without good cause shall be ineligible for benefits for the week in which such leaving occurred and for not less than one nor more than the three next following weeks in the discretion of the

Department Such weeks shall be charged as if benefits for total unemployment had been paid therefor against the employ's earliest weeks of employment against which benefits have not previously been charged hereunder Provided however That the period thus charged shall not exceed the period of actual unemployment

(6) Discharge for Misconduct An employe who has been discharged for proved misconduct connected with his employment shall thereby become ineligible for benefits for the week in which such discharge occurred and for not less than the one nor more than the six next following weeks in the discretion of the Department The ineligible weeks thus determined shall be charged as if benefits for total unemployment had been paid therefor against the employe's earliest weeks of employment against which benefits have not previously been charged hereunder and shall also be counted against his maximum weeks of benefit per year Provided however That the period thus charged shall not exceed the period of actual unemployment

(7) Refusal of Suitable Employment If an otherwise eligible employe fails without good cause either to apply for suitable employment when notified by the employment office or to accept suitable employment when offered him he shall thereby become ineligible for benefits for the week in which such failure occurred and for the three next following weeks Such weeks shall be charged as if benefits for total unemployment had been paid therefor against the employe's earliest weeks of employment against which benefits have not previously been charged hereunder and shall also be counted against his maximum weeks of benefits per year Provided however that the period thus charged shall not exceed the period of actual unemployment occurring after such failure

"Suitable employment" shall mean any employment for which the employe in question is reasonably fitted which is located within a reasonable distance of his residence or last employment and which is not detrimental to his health safety or morals No employment shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible employe for refusing to accept new work under any of the following conditions (a) if the position offered is vacant due directly to a strike lockout or other labor dispute (b) if the wages hours and other conditions of the work offered are less favorable to the employe than those prevailing for similar work in the locality or (c) if acceptance of such employment would either require the employe to join a company union or resign from or refrain from joining any bona fide labor organization

SETTLEMENT OF BENEFIT CLAIMS

Section 8 (1) Filing Benefit claims shall be filed at the employment office pursuant to general Department rules

(2) Initial Determination The manager shall promptly determine whether or not the claim is valid and the amount of benefits apparently payable thereunder and shall duly notify the employe and his most recent employer of such decision Benefits shall be paid or denied accordingly unless either party requests a hearing within ten calendar days after such notification was delivered to him or was mailed to him at his last known address

(3) Appeals If such a request for a hearing is made in accordance with the rules and regulations of the Department the claim thus disputed shall be promptly decided after affording both parties reasonable opportunity to be heard by such appeal tribunal as the Department may designate or establish for this purpose The parties shall be duly notified of such tribunal's decision which shall be deemed a final decision by the Department except in cases where either party appeals to the Department or the Department on its own motion or pursuant to general rules initiates further appeal or review

(4) Appeal Tribunals To hear and decide disputed claims the Department shall establish one or more appeal tribunals consisting in each case of one full-time salaried examiner who shall serve as chairman and of two other members appointed by the Department namely an employer or representative of employers and an employe or representative of employes except that no person shall hear any case in which he is an interested party

(5) Procedure The manner in which claims shall be presented the reports thereon required from the employe and from employers and the conduct of hearings and appeals shall be governed by general Department rules without regard to common law or statutory rules of evidence and other technical rules of procedure for determining the rights of the parties A full and complete record shall be kept of all proceedings in connection with a disputed claim All testimony at any hearing shall be taken down by a stenographer but need not be transcribed unless the disputed claim is further appealed or unless the Department so requests

(6) Department Review The Department shall have the power to remove or transfer the proceedings on any claim pending before a manager or appeal tribunal and may on its own motion within ten days after the date of any decision by a manager or appeal tribunal affirm reverse change or set aside any such decision on the basis of the evidence previously submitted in such case or direct the taking of additional testimony

(7) Appeal to Courts Except as thus provided any decision shall unless appealed pursuant to general Department rules ten days after the date of such decision become the final decision of the Department and all findings of fact made therein shall in the absence of fraud be conclusive and such decision shall then be subject to judicial review solely on questions of law Such judicial review shall be barred unless the party plaintiff has used and exhausted the remedies provided hereunder and has commenced action for judicial review within thirty days after notice of the final decision notice of such action for judicial review shall be served upon the Department by the party taking such action

(8) Oaths and Witnesses In the discharge of their duties under this section any manager and any examiner shall have power to administer oaths to persons appearing before them take depositions certify to official acts and by subpoenas served in the manner in which subpoenas of the Court of Common Pleas are served to compel attendance of witnesses and the production of books papers documents and records necessary or convenient to be used by them in connection with any disputed claim Witness fees and other expenses involved in proceedings under this section shall be paid to the extent necessary at rates specified by general Department rules from the Unemployment Administration Fund

COURT REVIEW

Section (9) Within thirty days after notice of a final decision of the Department the employe or any other party affected may appeal questions of law involved in such decision to the Court of Common Pleas of the County in which the employe resides The Department may also in its discretion certify to such court questions of law involved in its decisions Such appeals and the questions so certified shall be heard at the earliest possible date and shall have precedence over all other civil cases in such court except cases arising under the workmen's compensation law An appeal may be taken from the decision of such court to the Superior Court in the same manner as is provided for other civil cases It shall not be necessary to enter exceptions to the rulings of the Department and no bond shall be required for entering an appeal Upon final determination of an appeal the Department shall enter an order in accordance with such determination

ADMINISTRATION

Section 10 (1) Duties and Powers of Department It shall be the duty of the Department to administer this Act and it shall have power and authority to adopt and enforce all reasonable rules and orders necessary or suitable to that end and to employ any persons make and expenditures require any reports and take any other action within its means and consistent with the provisions of this Act and deemed necessary or suitable to that end Annually not later than the last day of February the Department shall submit to the Governor a report covering the administration and operation of this Act during the preceding calendar year and making such recommendations as the Department deems proper Whenever the Department believes that a change in contribution or

benefit rates will become necessary to protect the solvency of the fund it shall at once inform the Governor and the Legislature thereof and make recommendations accordingly

(2) General Department Rules General rules for the administration of this Act and affecting all or classes of employers employes or other persons or agencies shall be adopted by the Department after consultation with the Pennsylvania Unemployment Compensation Advisory Council Such rules may be amended altered or repealed in the same manner as herein provided for their adoption

(3) Publication The Department may cause to be printed for distribution to the public this Act the Department's general rules and its annual report to the Governor and any other material the Department deems relevant and suitable and shall furnish the same to any person upon application therefor and such printing and such availability upon application shall be deemed a sufficient publication of the same

(4) Personnel The Department is authorized to appoint such officers accountants attorneys experts and other persons as are necessary for the administration of this Act and to fix their salaries The Department shall fix the duties and powers of all persons thus employed and may authorize any such person to do any act or acts which could lawfully be done by the Department The Department may in its discretion require bond from any of its employes

(5) Advisory Councils The Governor shall appoint a state wide advisory council to be known as the Pennsylvania Unemployment Compensation Advisory Council composed of three employer representatives and three employe representatives namely of persons who may fairly be regarded as thus representative because of their vocation employment or affiliation and of three members representing the public generally as the Governor may designate The members of the Pennsylvania Unemployment Compensation Advisory Council shall be residents of the Commonwealth and their term shall be for one two or three years from the date of their appointment and they shall serve until their successors are appointed Thereafter their successors shall be appointed for a term of three years The Pennsylvania Unemployment Compensation Advisory Council shall be provided by the Department with the necessary clerical and stenographic assistance Such Pennsylvania Unemployment Compensation Advisory Council shall assist the Department in drafting rules for the administration of this Act and in formulating policies and discussing problems relating to its administration and in promoting impartiality neutrality and freedom from political influence in the solution of such problems It shall have authority to recommend to the Department such changes in the Act as it deems necessary or desirable which recommendations shall be transmitted by the Department to the Governor in an annual report to be filed by the Department Each member of the Pennsylvania Unemployment Compensation Advisory Council shall be paid at the rate of $15 per day for each day of service and shall be reimbursed for any necessary expenses

The Department may appoint local advisory councils composed in each case of equal numbers of employer representatives and employe representatives namely of persons who may fairly be regarded as thus representative because of their vocation employment or affiliations and of such members representing the public generally as the Department may designate Such councils shall aid the Department in formulating policies and discussing problems related to the administration of this Act in promoting impartiality neutrality and freedom from political influence in the solution of such problems Such local advisory councils shall serve without compensation

(6) Employment Stabilization It shall be one of the purposes of this Act to promote the regularization of employment in the Commonwealth The Department with the advice and aid of the Pennsylvania Unemployment Advisory Council shall take all appropriate steps within its means to reduce and prevent unemployment to encourage and assist in the adoption of practical methods of vocational training retraining and vocational guidance to investigate recommend advise and assist in the establishment and operation by the Commonwealth and its political subdivisions of reserves for public works to be used in times of business depression and unemployment to promote the reemployment of unemployed workers throughout the Commonwealth in every way that may be feasible and to these ends to employ experts and to carry on and publish the results of investigations and research studies

(7) Records and Reports Every employer subject to this Act shall keep true and accurate employment records of all persons employed by him and of the weekly hours worked for him by each and of the weekly wages paid by him to each such person Such records shall be open to inspection by the Department or its authorized representatives at any reasonable time and as often as may reasonably be necessary The Department may require from any such employer any reports covering persons employed by him on employment wages hours unemployment and related matters which the Department deems necessary to the effective administration of this Act Information thus obtained shall not be published or be open to public inspection in any manner revealing the employer's identity and any Department employe guilty of violating this provision shall be subject to the penalties provided in this Act

(8) State-Federal Cooperation The Department is hereby authorized and directed to cooperate in all necessary respects with the appropriate agencies and departments of the Federal government in th administration of this Act and of free public employment offices and to make all reasonable reports thereon requested by any directly interested Federal agency or department and to accept any sums allotted or appropriated to the Commonwealth for such administration and to comply with all reasonable Federal regulations governing the expenditures of such sums

(9) Employment Offices The Department shall establish and maintain such free public employment offices as may be necessary for the proper administration of this Act All moneys made available by or received by the Commonwealth for the employment service shall be paid to and expended from the Unemployment Administration Fund

RECIPROCAL BENEFIT ARRANGEMENTS WITH THE STATES

Section 11 The Department is hereby authorized to enter into reciprocal arrangements with the proper authorities in the case of any unemployment compensation system established by any state law or by an Act of Congress as to persons who have after acquiring rights to benefits under this Act come under such other system or after acquiring rights to benefits under such other system come under this Act whereby liability to pay benefits or substantially equivalent benefits shall be assumed by the fund of the unemployment compensation system last applicable to such person Such reciprocal arrangements shall be adopted and published by the Department in the same manner as its general rules

PROTECTION OF RIGHTS AND BENEFITS

Section 12 (1) Waiver of Rights Void No agreement by an employe to waive his right to benefit or any other right under this Act shall be valid No agreement by an employe or by employes to pay all or any portion of the contributions payable by employers under this Act shall be valid No employer shall make permit or require any deduction from wages to finance the contributions required of him or require any waiver by an employe of any right hereunder Any employe claiming a violation of this section may have recourse to the method set up in this Act for deciding benefit claims and the Department shall have power to take steps necessary or suitable to correct and prosecute any such violation

(2) Limitation of Fees No employe shall be charged fees of any kind by the Department or its representatives in any proceeding under this Act Any employe claiming benefits in any proceeding or court action may be represented by counsel or other duly authorized agent but no such counsel or agents shall together charge or receive for such services more than ten per centum of the maximum benefits at issue in such proceeding or court action

(3) No Assignment of Garnishment of Benefits No

assignment of any benefits which are or may become due or payable under this Act shall be legal or enforceable Benefits when awarded adjudged or paid shall be exempt from all claims of creditors and from levy execution and attachment or other remedy now or hereafter provided for the recovery or collection of debt This exemption may not be waived

COLLECTION OF CONTRIBUTIONS

Section 13 (1) Interest on Tardy Payments If any employer fails to make promptly by the date it becomes due hereunder any payment required to be made by him under this Act he shall be additionally liable to the Unemployment Administration Fund for interest on such payment at the rate of one per centum per month from the date such payment became due until paid pursuant to general Department rules

(2) Bankruptcy In the event of an employer's dissolution bankruptcy adjudicated insolvency receivership assignment for benefit of creditors judicially confirmed extension proposal or composition or any analogous situation contribution payments then or thereafter due under this Act shall have priority over all other claims except taxes due the United States wage claims due for the last six months not exceeding however $250 for any individual employe and claims for rent due for the last six months

(3) Court Action Upon complaint of the Department the Attorney General shall institute and prosecute the necessary actions or proceedings for the recovery of any contributions or other payments due hereunder

PENALTIES

Section 14 (1) Whoever willfully makes a false statement or representation to obtain or increase any benefit or other payment under this Act either for himself or for any other person shall upon conviction in a summary proceeding be punished by a fine of not less than $20 nor more than $100 and in default of the payment of such fine and costs by imprisonment for not longer than sixty days and each such false statement or representation shall constitute a separate and distinct offense

(2) Any employer of any person within the Commonwealth or his agent who willfully furnishes a false record or makes a false statement or representation to avoid becoming or remaining subject to this Act or to avoid or reduce any contribution or other payment required of such employer under this Act or to deny or reduce payments of benefits to any employe or who wilfully refuses to make any such contribution or other payment or to furnish any reports duly required hereunder or to appear or testify or produce records as lawfully required hereunder or who makes permits or requires any deduction from wages to pay all or any portion of the contributions required from employers or who attempts to induce any employe to waive any right under this Act shall upon conviction in a summary proceeding be punished by a fine of not more than $300 and in default of the payment of such fine and costs by imprisonment for not longer than six months and each such false statement or misrepresentation and each day of such failure or refusal and each such deduction from wages and each such attempt to induce shall constitute a separate and distinct offense If the employer in question is a corporation the president the secretary and the treasurer or officers exercising corresponding functions shall in addition to the corporation each be subject to the aforesaid penalties

(3) Any violation of any provision of this Act for which a penalty is neither prescribed in this Act nor provided by any other applicable statute shall be punished in a summary proceeding by a fine of not more than $200 and in default of the payment of such fine and costs by imprisonment for not longer than ninety days

(4) On complaint of the Department the fines specified or provided in this section may be collected in an action for debt All fines thus collected shall be paid to the Unemployment Administration Fund

UNEMPLOYMENT ADMINISTRATION FUND

Section 15 (1) Administration Fund There is hereby created the Pennsylvania Unemployment Compensation Administration Fund in the Treasury of the Commonwealth to consist of all moneys received or allocated by the Commonwealth or by the Department for the administration of this Act The special fund shall be handled by the State Treasurer as other moneys of the Commonwealth are handled This administration fund shall be expended solely for the purposes herein specified and its unexpended balances shall not lapse at any time but shall remain continuously available to the Department for expenditure consistent herewith

(2) Federal Aids All Federal moneys allotted or apportioned to the Commonwealth for the administration of this Act shall be paid into the Unemployment Administration Fund

APPROPRIATIONS

Section 16 All moneys in the Unemployment Administration Fund at any time are hereby appropriated to the Department for the administration of this Act

SAVING CLAUSE

Section 17 The Legislature reserves the right to amend or repeal all or any part of this Act at any time and there shall be no vested private right of any kind against such amendment or repeal

SEPARABILITY OF PROVISIONS

Section 18 If any provision of this Act or the application thereof to any person or circumstance is held invalid the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby

EFFECTIVE DATE

Section 19 This Act shall take effect immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WITKIN. Mr. Speaker, in order that we may have some light on this bill may I ask the gentleman from Greene, Mr. Furman, to explain the bill.

Mr. FURMAN. Mr. Speaker and members of the House, this bill is what is commonly known as the unemployment compensation bill. It is modeled after the bill that has already passed the House in Washington and is now before the Senate. It provides for contributions to be made, starting January next year, at the rate of one per cent, and in 1937, of two per cent, and in 1938 of three per cent, of the pay roll of every employer in this state. This money goes into a fund that is to be used to relieve those that have been working and have become unemployed. I feel that it is necessary for us to pass this act at this session. There isn't much question but that a similar measure will be passed at Washington. In that case the assessments will be made against every employer in every state of this Union.

It appears on the surface that would be taxing employers' funds. But the Federal Government allows ninety per cent credit on the amount paid by the employers into the state fund. For this reason, if this bill is enacted at Washington our employers in this state are going to be required to pay this money, and those employes who become unemployed will be unable to receive any benefits in this state. That money will be all going out and no benefits coming back. The benefits are paid according to the time, the work and the wage paid. These benefits shall be forty per cent of the employe's full-time weekly wage, with an additional ten per cent for each dependent, and five per cent for each dependent relative who is a member of his household.

The total benefits shall not exceed fifteen dollars a week or 65 per cent of the full-time weekly wages, whichever is lower, nor be less than five dollars per week. It also provides for benefts for partial unemployment. The bill clearly defines the eligibility provisions in order to receive this benefit.

There are also set up appeal tribunals in case of dispute. If the employe does not agree with the decision of these tribunals, it can be taken to a county Court of Common Pleas for final decision.

The administration of this act is left with the Department of Labor and Industry. The Department is also attempting to provide ways and means for increasing employment in this state under this act.

There are a great many other provisions in this bill, but I believe that those are the most important ones at this time.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Ferko,	McDevitt,	Shepard,
Alexander,	Finnerty,	McElroy,	Shortz,
Allen,	Fitch,	McHenry,	Shreiner,
Altenburg,	Flanagan,	McKinney,	Shugarts,
Andrews,	Flinchbaugh,	Mentzer,	Siegel,
Arnold,	Forrest,	Merrell,	Simon,
Atkins,	Furman,	Moomaw,	Simpson,
Aukerman,	Gates,	Mooney,	Sinwell,
Baine,	Gerard,	Moore,	Sloan,
Baker, F. T.,	Gillette,	Moran,	Smith, J. A.,
Baker, J. J.,	Habbyshaw,	Moul,	Smith, W. G.,
Baldi,	Haberlen,	Muir,	Snyder, F. E.,
Barber,	Hagerty,	Munley,	Snyder, J. L.,
Barnhardt,	Haluska,	Murrin,	Sowers,
Bernhard,	Hamilton, F. P.,	Nagel,	Spangler,
Blumberg,	Hamilton, R. S.,	Nothnagle,	Sproul,
Boose,	Harkins,	O'Keefe,	Stank,
Boyer,	Harmuth,	Ominsky,	Stevens,
Bradley,	Hart,	O'Neill,	Stewart,
Brancato,	Hartman,	Panton,	Stone,
Brennan,	Hefferon,	Parks,	Stott,
Brown, H. S.,	Hermansen,	Patterson, C.,	Sumney,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Surface,
Brownfield,	Hindman,	Pearson,	Terry,
Brumbaugh,	Hirsch,	Perry,	Tronzo,
Burke,	Hoffner,	Peters,	Trout,
Cannon,	Holland,	Pfaff,	Tumelty,
Caputo,	Holstrom,	Phillips,	VanAllsburg,
Carr,	Hoopes,	Piole,	VanSickle,
Carson,	Horst,	Powers,	Walker,
Chervenak,	Jackson,	Reising,	Wall,
Coakley,	Jones,	Reynolds,	Wasserman,
Cochran,	Kane,	Rhys,	Weidemann,
Cohen,	Kelder,	Rinn,	Weiss,
Coleman,	Kelso,	Roan,	Welliver,
Condon,	Kilroy,	Robinson,	Welsh,
Coolahan,	Kinney,	Rooney,	Westrick,
Davies,	Klinger,	Root,	Wickersham,
Decker,	Kobelak,	Ruffennach,	Winner,
Denning,	LaRue,	Ruth,	Witkin,
Dent,	Linderman,	Sarraf,	Wood,
Diehl,	Long,	Scanlon,	Woodside,
Dilley,	Lovett,	Schrock,	Yeakel,
Downey, G. E.,	Lynch,	Schrope,	Yourishin,
Downey, J. J.,	Male,	Schwab,	Zappala,
Eberharter,	Mallen,	Schwartz,	Zimmerman,
Eroe	McCreary,	Shaw,	Sarig,
Falkenstein,	McDermott,		

NAYS—2

Duffort,	White,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. The Law and Order Committee has requested permission to hold a meeting in the House Caucus Room during the session of the House tonight at 8:30. Unless there are objections, the request will be granted. The Chair hears no objections and the request is granted.

It is important that every member of the Law and Order Committee be present at this committee meeting, and that every other member be present in the House. While the Law and Order Committee is discussing the bills before it we propose to pass a number of non-controversial bills until the committee returns to the House. If we do this we can avoid a session tomorrow. We expect to adjourn at the end of the night session for the week.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 371, entitled:

An act to amend an act approved the twenty-fifth day of July one thousand nine hundred thirteen (Pamphlet Laws one thousand twenty-four) entitled "An act to protect the public health and welfare by regulating the employment of females in certain establishments with respect to their hours of labor and the conditions of their employment by establishing certain sanitary regulations in the establishments in which they work by requiring certain abstracts and notices to be posted by providing for the enforcement of this act by the Commissioner of Labor and Industry and others by prescribing penalties for violations thereof by defining the procedure in prosecutions and by repealing all acts and parts of acts inconsistent with the provisions thereof" as amended by excepting from the provisions of the act certain occupations and professions and further regulating the hours of labor

Mr. HALUSKA. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE IN HOUSE BILL NO. 371

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 371, Messrs. Haluska, Hoopes and Peters.

Ordered, that the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. YOURISHIN, from the Committee on Mines and Mining reported as committed, House Bill No. 2762, entitled:

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines.

Mr. ROAN, from the Committee on Game, reported as committed House Bill No. 2438, entitled:

An Act to amend section one of the act approved the second day of June, one thousand nine hundred and twenty-three (P. L. 489), entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation" as amended, extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

Mr. COOLAHAN, from the Committee on Pensions and Gratuities reported as amended, House Bill No. 2068 (Senate Bill No. 147) entitled:

An Act providing for the granting of pensions by the Commonwealth to blind persons destitute of the sense of seeing creating and imposing duties upon the Board of Blind Pensions in the Department of Internal Affairs and providing penalties.

Mr. GATES, from the Committee on Labor, reported as amended House Bill No. 2929 (Senate Bill No. 19), entitled:

An Act to amend sections two four five eight eleven twelve seventeen twenty-one and twenty-two and to repeal section three as amended and sections thirteen sixteen and nineteen of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors: By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules of issuance re-issuance filing return and recording of the same by providing that the Industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions thereof and repealing all acts or parts of acts inconsistent therewith" by prohibiting employment of minors between fourteen and sixteen years of age except in certain types of work which will not interfere with school attendance further limiting the occupations in which minors between fourteen and eighteen years of age may be employed or permitted to work and the hours of labor further regulating employment certificates and requiring minors under eighteen to procure such certificates and imposing on school districts the duty to issue such certificates

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2762 entitled:

An Act requiring operators of anthracite coal mines to report shipments to the Department of Mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House procedeed to the first reading and consideration of House Bill No. 2438 entitled:

An Act to amend section one of the act approved the second day of June, one thousand nine hundred and twenty-three (P. L. 489) entitled "An act providing a method through which the Commonwealth may cooperate with individuals in building fences to protect farm crops and fruit orchards against damage from wild deer; and making an appropriation" as amended, extending the provisions of said act to include the protection of commercial nurseries where ornamental or fruit trees are grown for sale.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

BILL INTRODUCED

Mr. FURMAN asked and obtained unanimous consent to introduce a bill the title of which was read for the information of the House as follows:

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2490.

An Act to amend clauses six nine and ten of section one as amended clause nine of section eight as added section eleven as amended clause five of section twelve and clause two of section thirteen and sections fourteen and fifteen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" opening the system further for original members defining officers and employes of the Pennsylvania State College as State employes providing for the calculation of annuities where original and new members are retired before completing back payments defining certain members as new members providing for the calculation of annuities where members transferred from one class to another defining the rights of retired persons who return to State service and providing for the payment out of accumulated deductions and annuities due by the board in certain cases

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend bill Section 4, page 8, line 15, by striking out after the word "service" the word "subsequent" and inserting in lieu thereof the word "prior"

On the question,

Will the House concur in the amendment made by the Senate.

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott,	Shugarts,
Allen,	Finnerty,	McDevitt,	Simon,
Altenburg,	Fitch,	McElroy,	Simpson,
Andrews,	Flanagan,	McHenry,	Sinwell,
Arnold,	Flinchbaugh,	McKinney,	Sloan,
Atkins,	Forrest,	Melchiorre,	Smith, J. A.,
Aukerman,	Furman,	Mentzer,	Smith, W. G.,
Baine,	Gates,	Merrell,	Snyder, F. E.,
Baker, F. T.,	Gerard,	Moomaw,	Snyder, J. L.,
Baker, J J.,	Green,	Mooney,	Sowers,
Baldi,	Habbyshaw,	Moore,	Spangler,
Barber,	Haberlen,	Moran,	Sproul,
Barnhardt,	Hagerty,	Moul,	Stank,
Bernhard,	Haluska,	Muir,	Stevens,
Blumberg,	Hamilton, F. P.,	Munley,	Stewart,
Boose,	Hamilton, R. S.,	Murrin,	Stockham,
Boyer,	Harkins,	Nagel,	Stone,
Bradley,	Harmuth,	Nothnagle,	Stott,
Brancato,	Hart,	Ominsky,	Sumney,
Brennan,	Hartman,	O'Neill,	Surface,
Brown, H. S.,	Hefferon,	Patterson, C.,	Terry,
Brown, J. E.,	Hermansen,	Patterson, J. W.,	Tronzo,
Brownfield,	Hetrick,	Pearson,	Trout,
Brumbaugh,	Hindman,	Perry,	Tumelty,
Burke,	Hirsch,	Peters,	Turner,
Cannon,	Hoffner,	Pfaff,	Van Allsburg,
Caputo,	Holland,	Phillips,	Van Sickle,
Carr,	Holstrom,	Piole,	Walker,
Carson,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Longaker,	Schwartz,	Yourishin,
Downey, G. E.,	Lovett,	Shaw,	Zappala,
Downey, J. J.,	Lynch,	Shepard,	Zimmerman,
Eberharter,	Male,	Shortz,	Sarig,
Eroe,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 8:30 P. M. Are there objections? The Chair hears none and declares a recess until 8:30 P. M.

AFTER RECESS

The House reconvened at 8:30 P. M.

The SPEAKER (Wilson G. Sarig) in the Chair.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate, being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 55. (HOUSE BILL No. 2950).

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of the home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto section four hundred and eleven A; establishing the effect of medical examinations or the waiver thereof in applications for life insurance, and restricting defenses by insurance companies in such cases.

Referred to the Committee on Insurance.

SENATE BILL No. 659. (HOUSE BILL No. 2951).

An Act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (P. L. 434), entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendent and attachment execution or in the nature of attachment execution against trusts, including those commonly known as spend-thrift trusts, no matter when such trusts were created in cases where an order award or decree has been made against a husband for the support of his wife or children or both, making such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order, judgment or decree is paid in full with costs, and abolishing the benefit of the exemption law in such cases," by making such support orders, decrees and judgments liens against the real property of the husband.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1309. (HOUSE BILL No. 2952).

An Act authorizing the Department of Highways to enter into an agreement or agreements with the Department of Public Works of the state of New York for the construction reconstruction or maintenance under certain terms and conditions of free bridges across the Delaware River granting certain powers to the Department of Highways in connection with the construction and reconstruction or maintenance of such bridges and approaches thereto and making an appropriation.

Referred to the Committee on Highways.

SENATE BILL No. 1354. (HOUSE BILL No. 2953).

An Act to amend the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by defining additional game fish providing additional methods of taking game fish and changing the season and creel limits.

Referred to the Committee on Fisheries.

SENATE BILL No. 1416. (HOUSE BILL No. 2954).

An Act to amend section two hundred and six of the act approved the fifth day of May, one thousand nine hundred and thirty-three, (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations, requiring articles for the incorporation of certain cemetery corporations to be approved by the court of quarter sessions and the Department of Health.

Referred to the Committee on Corporations.

SENATE BILLL No. 1511. (HOUSE BILL No. 2955).

An Act making an appropriation to the Industrial Home for Crippled Children at Pittsburgh Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 718. (HOUSE BILL No. 2956).

An Act to carry into operation the provisions of Article XV, Section four of the Constitution of Pennsylvania by providing for a consolidated city and county in and of the county of Allegheny to be known as the City of Metropolitan Pittsburgh, and providing a charter for the government thereof; providing for the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny and the poor districts thereof and other powers and duties as provided herein; reserving substantial powers to the cities, boroughs and townships situated in the county of Allegheny; providing for the transfer to the consolidated city of the property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of the consolidated city; providing for an equitable adjustment and payment of such indebtedness and the issue and sale of bonds by the consolidated city in connection therewith; providing for the appointment or election as provided herein of the officers of the consolidated city, including a public administrator, and abolishing certain officers of the county of Allegheny; vesting in the consolidated city the exclusive power to assess property officers professions and persons for taxation by the consolidated city and the cities, boroughs and townships thereof; providing for a municipal court and abolishing the offices of magistrates, aldermen, constables and justices of the peace; providing for a special election for the submission of said charter to the electors of the county of Allegheny, and for the resubmission thereof; providing a schedule to carry the charter into operation, and repealing inconsistent laws.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 112. (HOUSE BILL No. 2957).

An Act relating to the relief of the burden of local taxation; making an appropriation out of the Motor License Fund; providing for the allocation thereof, to cities, incorporated towns, boroughs and townships; prescribing the time, manner, basis and purposes for and upon which said money shall be allocated and reallocated and paid, specifying the uses for which said moneys may be expended and imposing powers and duties upon the Department of Highways, the Auditor General, State Treasurer and on cities, boroughs, towns and townships and officers thereof and providing penalties.

Referred to the Committee on Highways.

BILLS INTRODUCED AND REFERRED

Mr. WASSERMAN. HOUSE BILL No. 2958.

An Act providing for and regulating, subject to certain restriction, limitations and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare; the trustees who administer mothers' assistance in the several counties or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties.

Referred to the Committee on Pensions and Gratuities.

Mr. FURMAN. HOUSE BILL No. 2959.

An Act making an appropriation for the payment of unpaid expenses and bills incurred by the House Committee created to investigate the various poor districts of Philadelphia.

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. YOURISHIN (Concurrent) RESOLUTION No. 165.

REQUESTING THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION

In the House of Representatives, June 5, 1935.

Whereas, The Supreme Court of the United States has declared that under the Constitution of the United States the Federal Government has no power to regulate and control hours of labor and wages in manufacturing, mining, building, construction and other businesses held to be intrastate transactions, on the grounds that such matters do not directly affect interstate commerce, and

Whereas, The national economy is unquestionably an interdependent whole wherein problems of minimum wages, maximum hours, right to collective bargaining, unemployment and social security, must be treated in a uniform manner throughout the nation through Federal legislation. Therefore, be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania request the Congress of the United States to call a Constitutional Convention for the purpose of proposing amendments to the Constitution of the United States to empower the Federal Government to regulate and control production and distribution of goods and services in intrastate commerce, as well as in interstate commerce, so as to permit necessary legislation dealing with minimum wage, maximum hours, collective bargaining, and social and economic security.

Referred to the Committee on Constitutional Amendments.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 181.

An Act to amend section two hundred and twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended permitting eel chutes on the north branch of the Susquehanna river to the City of Pittston and Duryea Borough line

HOUSE BILL No. 337.

An Act to amend section one hundred and forty-eight of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 382) entitled "An act to consolidate revise and amend the penal laws of this Comonwealth" extending the provisions of said act to fixtures hunting lodges cabins cottages and barns

HOUSE BILL No. 1724.

An Act to amend section three of the act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-four) entitled "An act providing for the deferring of sentences in certain cases pending the mental examination of defendants authorizing trial judges to require psychiarists employed by the Department of Welfare or county or State mental hospitals to examine certain such defendants without additional compensation except expenses payable by counties providing for the commitment of defendants to certain institutions where the reports show the same to be advisable and providing for the payment by individuals counties or the Commonwealth of the cost of admission care and discharge of such defendants" providing for appeals in such cases.

HOUSE BILL No. 1886.

An Act relating to criminal procedure imposing upon magistrates aldermen and justices of the peace conducting preliminary hearings the duty of obtaining two names of persons whom defendants desire notified of time of trial and imposing upon the district attorney the duty of notifying such persons

HOUSE BILL No. 2128.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

HOUSE BILL No. 2173.

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

Whereupon,

The SPEAKER, in the presence of the House signed the same.

RESOLUTION

INFORMATION FROM DEPARTMENT OF WELFARE.

Mr. HOOPES asked and obtained unanimous consent to offer the following resolution and for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, June 5, 1935.

Resolved, That the Department of Welfare be directed to furnish to the House of Representatives, not later than June 10th, 1935, the following information with respect to old age assistance:

(a) The number of persons applying for assistance in each of the 67 counties of the Commonwealth;

(b) The number of applications for old age assistance investigated in each of the 67 counties;

(c) The number of applications approved in each of the 67 counties; and

(d) The average grant to persons entitled to old age assistance.

The information herein required shall be tabulated by counties except that required by clause (d);

Resolved, That a copy of this resolution be forthwith transmitted to the Department of Welfare by the Chief Clerk of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1683.

An Act to amend section six of the act approved the eleventh day of June one thousand nine hundred and thirty-one (P. L. 497) entitled "An act regulating and licensing the sale transfer and possession of certain firearms prescribing penalties procedure and rules of evidence conferring powers and imposing duties on courts of quarter sessions sheriffs and heads of police departments and to make uniform the law with reference thereto" by exempting hunters and fishers and persons training dogs from the licensure provisions of the act under certain circumstances

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 3, line 15, by inserting after the word "season" the following: "Provided however That before any such exemption shall be granted to any person licensed to hunt or fish or who desires to train dogs such person shall at the time of securing his hunting or fishing license or any time after any such license has issued register with the county treasurer the make of the firearm he desires to carry and the calibre and number thereof on a blank to be furnished by the Secretary of the Commonwealth The original registration shall be delivered to the person registering such firearm and a copy thereof shall be forwarded by the county treasurer to the Secretary of the Commonwealth The county treasurer shall be entitled to collect a fee of fifteen cents for each such registration of a firearm The registration of a firearm as herein provided shall be good only for the year for which the hunting or fishing in connection with which it is granted is issued

Any such registration of a firearm may be revoked by the county treasurer issuing the same upon written notice to the holder thereof and any person aggrieved by the action of a county treasurer in revoking such registration may appeal from such action in the manner provided by section twelve of this act"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,

Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lyncn,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2054.

An Act to amend sections one and two of the act approved the seventh day of April one thousand nine hundred thirty-three (P. L. 27) entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases and to acquire by purchase or condemnation the necessary land therefor" by changing certain provisions as to State highways

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend bill Section 1, page 2, line 18, by striking out the light faced bracket after the word "That" also line 19, by striking out the light faced bracket after the word "occupied"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on the eleventh day of March, His Excellency, the Governor of this Commonwealth, in addressing this House, made the following statement:

"Legislation must be enacted which will effect a fair shifting of some of the burden of taxation from real estate.

Such legislation must be enacted to make our people secure in their homes in a time of national emergency—to make it impossible for passing adversity to put our families on the street.

I am for the American principle of fair play—which means an honest distribution of the burden of taxation as between the rich and the poor.

The soundest tax is that based on the principle of the ability to pay.

I know of no fairer method to effect a redistribution of the present tax burden on real estate than by the adoption of a graduated income tax, with exemptions, the proceeds of which shall be devoted entirely to reducing the school tax on real estate in every local community in this Commonwealth.

It has been questioned whether our present Constitution permits the enactment of a graduated income tax with exemptions. The Supreme Court of this Commonwealth, upon passage of this bill, followed by our application, will immediately decide its legality."

There is no question but that the constitutional revision bill and the graduated income tax are an expression of good intention, but promise no actual accomplishment.

In the rough and tumble of scrimmage it has been extremely difficult to keep one's eye on the ball of constructive accomplishment. We are now in the closing minutes of the game and the folks back home have packed the bleachers and with tense anxiety are awaiting the final score. The public who supported us in the first half last November is expecting us to score for them in the final showdown. In two more weeks we will go back to live with the folks who elected us. It is a pertinent question, therefore, to ask ourselves, "What do we have to take home?"

"Omnia Gallae in partes tres divisa est." To paraphrase the commentaries Pennsylvania is divided into three parts, the first of which the Philadelphians inhabit, the second the Alleghenians, and the third those who in their own language are called "Hicks," in our's "Rubes." All these differ among themselves in language, customs, and laws, Legislation must be distinctly classified in this manner.

We rural Members are pledged to two distinct purposes, namely; Adequate Milk Control and a fifty per cent reduction in real estate tax.

Having attained the one we must now diligently and asiduously apply ourselves to the accomplishment of the other.

In twenty years the average millage on real estate has advanced from .0184 to .029 while the millage on personal property has remained .004. Not only that, but personal property which outvalues real estate in Pennsylvania two to one has escaped taxation entirely either by exemption or neglect to the extent of six-sevenths of its volume.

The World's Almanac deduces the wealth of Pennsylvania to be $32,757,000,000; less than $10,000,000 of this wealth is in real estate which leaves approximately $22,000,000,000 as intangible personal property, and of this vast sum only $3,300,000,000 is reported for taxation. These figures are taken from the United States Census.

The tax load of real estate in supporting local government is $283,000,000 against a tax load on personal property of $13,000,000. Two thirds of the State's wealth pays one twenty-third of its governmental burden. Is it any wonder that 2900 farms are listed for tax sales in one of the agricultural counties of Pennsylvania. Is it any wonder that one-third of the homes of Philadelphia are facing foreclosure.

It is reasonable to assume that one-half the personal property of Pennsylvania is tax exempt. Assuming this to be true an efficient collection system should be able to find taxable personal property to the extent of $11,000,000,000. Should we increase our tax rate from .004 to .010 we could secure a net income of more than $100,000,000 which would pay the total cost of instruction in our public schools.

Contrary to general public opinion real estate has built most of our roads. During the eight years preceding 1931 the motorist paid only $4,000,000,000 out of the total of $19,000,000,000 expended on highways of the nation. All city streets have been built by real estate tax and many of you have high road and county taxes because of bond issues for road building. There is no equity in this situation. The users of the roads should pay for them and a two cent tax on gasoline would give us $22,000,000 which when allocated to cities, boroughs, and townships would wipe out every dollar of real estate tax for road and street maintenance in the State (except Debt Service Tax)

A fifty per cent reduction in real estate tax would therefore seem simple. A two cent gas tax would yield $22,000,000, and a ten mill personal property tax would yield $110,000,000, or a total of $132,000,000. If we deduct the total debt service from the real estate tax budgets of the State I am sure that this $132,000,00 will more than supply sufficient funds for a splitting of the $283,000,000 tax load on real estate. This would give us

15 Mills instated of 29 mills on real estate $142,000,000.

10 Mills on Personal Property $110,000,000 for teachers' salaries.

2 cents gas tax $22,000,000 for roads, streets bridges.

Property is property; Real or personal it expects the protection of government Real or personal it should pay an equal share of the cost of government.

MESSSAGE AND BILL TAKEN FROM TABLE.

Mr. RUTH. Mr. Speaker, I move that House Bill No. 147, together with the Senate Message which was laid upon the table be taken from the table.

Th motion was agreed to.

SENATE MESSAGE

SENATE INSISTS UPON AMENDMENTS NONCONCURRED IN THE HOUSE.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 147, entitled:

An Act relating to the preparation of a new or revised Constitution of the Commonwealth by convention and its adoption or rejection by the people providing for the nomination of delegates to the convention and for their election and for a vote of the electors on the question of calling such a convention with limited powers conferring jurisdiction on the Court of Common Pleas of Dauphin County and making an appropriation

Mr. RUTH. Mr. Speaker, I move that the House insist upon its nonconcurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 147.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 147, Messrs. Ruth, Eberharter and Woodside.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2106, entitled:

An Act to amend section five hundred and eleven, and section five hundred and sixty-three, as amended, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such

revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" providing for and regulating methods of making appropriations, expenditures, contracts and purchases by school districts, and the making of an annual budget on form prepared by representatives of the school directors of school districts throughout the Commonwealth, the Department of Public Instruction and the Department of Internal Affairs; and requiring a copy of the budget to be filed with the Department of Internal Affairs.

On the question,

Will the House agree to the bill on third reading?

Mr. WEIDEMANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 2, lines 21, 22 and 23, by striking out the words "no contracts" in line 21, and all of lines 22 and 23.

Amend Section 1, page 3, line 1, by striking out the words "exceeded shall be valid"

Amend Section 2, page 4, lines 5 and 6, by striking out the words "at least one public hearing has been held thereon"

Amend Section 2, page 4, line 13, by striking out the word "likewise"

Amend Section 2, page 4, lines 13, 14 and 15, by striking out the word "as" in line 13, all of line 14, and the words "school directors to arrange for and hold such hearing" in line 15.

Amend Section 2, page 4, line 20, by striking out the words "hearing. After such hearing the" and inserting in lieu thereof: "adoption of the budget. The"

Amend Section 2, page 5, lines 3 to 11, both inclusive, by striking out all of said lines.

Amend Section 2, page 5, line 16, by striking out the word "six" and inserting in lieu thereof: "nine"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreebaly to order,

The House proceeded to the third reading and consideration of House Bill No. 2109, entitled:

An Act to amend sections one thousand and three, one thousand one hundred and seven, one thousand seven hundred and one, and one thousand eight hundred and two of, and to add section one thousand seven hundred and one A to, the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating methods of making appropriations, expenditures, contracts, and purchases by townships and their agents, and the making of an annual budget on uniform form prepared by representatives of commissioners of townships of the first class and the Department of Internal Affairs; requiring a copy of the annual budget to be filed by the township commissioners with the Department of Internal Affairs; requiring the auditors or controller to make and file a financial report with the Department of Internal Affairs; and providing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. WEIDMANN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

Amend Sec. 1, page 5, line 4, by striking out with heavy-faced brackets the word "and".

Amend Sec. 1, page 5, line 16, by inserting after the word "until" the following "after".

Amend Sec. 1, page 5, lines 16 and 17, by striking out with heavy-faced brackets the words "one public hearing has been held thereon after".

Amend Sec. 1, page 5, lines 21 to 23, by striking out with heavy-faced brackets the words "It shall be the duty" in line 21, all of line 22, and the words "such hearing" in line 23.

Amend Sec. 1, page 5, line 25, by striking out with heavy-faced brackets the word "hearing" and insert in lieu thereof: "adoption of the budget".

Amend Sec. 1, page 5, line 26, by striking out with heavy-faced brackets the words "After such bearing the" and insert in lieu thereof: "The".

Amend Sec. 1, page 6, line 7, by striking out with heavy-faced brackets the word "six" and insert in lieu thereof: "nine".

Amend Sec. 1, page 6, lines 11 to 18, both inclusive, by striking out with heavy-faced brackets all of said lines.

Amend Sec. 1, page 7, lines 18 to 20, by striking out with heavy-faced brackets the words "or for which no ap-" in line 18, all of line 19, and the words "Propiation to be exceeded" in line 20.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2403, entitled:

An Act to amend section eight hundred and one of article eight of the act approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workman's Insurance Fund providing penalties and repealing existing laws," by prescribing the requirements of foreign mutual insurance companies, other than life, for admission to do business in this Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2377, entitled:

An Act to amend section three hundred and thirteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by establishing yearly minimum reserve ratio.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2828, (Senate Bill No. 614), entitled:

An Act to add section four hundred and forty-nine to the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing counties of the third class to appropriate money to county poor districts for hospital purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,

Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 689, entitled:

An Act authorizing the insurance of deposits of the funds of school districts with the Federal Deposit Insurance Corporation or other similar agency and prohibiting requiring further security for amounts so insured.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2795 (Senate Bill No. 890), entitled:

An Act to amend the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by exempting in certain cases the security required of depositories for school funds.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,

Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2869 (Senate Bill No. 1234), entitled:

An Act making it unlawful to tattoo a minor without the consent of the parents or guardian.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideraion of House Bill No. 2025, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by exempting municipalities and townships from paying any license fee on their service lines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,

Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruth,	Winner,
Decker,	Klingler,	Ruffennach,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1898, entitled:

An Act providing for the assessment of benefits against land adjacent to any land taken by a municipality for any municipal purpose including parks or playgrounds and providing for the making of such assessments by the Board of View and the entry of such assessments as liens.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	Melchiorre,	Sinwell,
Arnold,	Flinchbaugh,	Mentzer,	Sloan,
Atkins,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moran,	Sowers,
Baldi,	Green,	Moul,	Spangler,
Barber,	Habbyshaw,	Muir,	Sproul,
Barnhardt,	Haberlen,	Munley,	Stank,
Bernhard,	Hagerty,	Murrin,	Stevens,
Blumberg,	Haluska,	Nagel,	Stewart,
Boose,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Parks,	Surface,
Brown, H. S.,	Hartman,	Patterson, C.,	Terry,
Brown, J. E.,	Hefferon,	Patterson, J. W.,	Tronzo,
Brownfield,	Hermansen,	Pearson,	Trout,
Brumbaugh,	Hetrick,	Perry,	Tumelty,
Burke,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	VanAllsburg,
Caputo,	Hoffner,	Phillips,	VanSickle,
Carr,	Holland,	Piole,	Walker,
Castor,	Holstrom,	Powers,	Wall,
Chervenak,	Hoopes,	Reising,	Wasserman,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Jones,	Roan,	Welliver,
Coleman,	Kane,	Robinson,	Welsh,
Condon,	Kelder,	Rooney,	Westrick,
Conner,	Kelso,	Root,	White,
Coolahan,	Kilroy,	Ruffennach,	Wickersham,
Davies,	Kinney,	Ruth,	Winner,
Decker,	Klinger,	Sarraf,	Witkin,
Denning,	Kobelak,	Schrock,	Wood,
Dent,	LaRue,	Schrope,	Woodside,
Diehl,	Linderman,	Schwab,	Yeakel,
Dilley,	Long,	Schwartz,	Yourishin,
Downey, G. E.,	Lovett,	Shaw,	Zappala,
Downey, J. J.,	Lynch,	Shepard,	Zimmerman,
Eberharter,	Male,	Shortz,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2204, entitled:

An Act to amend section six and eleven of the act approved the tenth day of July, one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers; providing for the appointment of boards of trustees for the several counties of the Commonwealth, and for the appointment of a State supervisor and assistants, and fixing the salaries of such State supervisor and assistants; defining the powers and duties of boards of trustees, including the power of appointing assistants and investigators, and the distribution of funds at their disposal; providing for the apportionment of the State appropriation among the several counties, and requiring counties coming under the provisions of the act to appropriate certain moneys; and providing penalties," changing the qualifications of mothers entitled to the assistance provided by the said act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	Melchiorre,	Sinwell,
Arnold,	Flinchbaugh,	Mentzer,	Sloan,
Atkins,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moran,	Sowers,
Baldi,	Green,	Moul,	Spangler,
Barber,	Habbyshaw,	Muir,	Sproul,
Barnhardt,	Haberlen,	Munley,	Stank,
Bernhard,	Hagerty,	Murrin,	Stevens,
Blumberg,	Haluska,	Nagel,	Stewart,
Boose,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,

Brennan,	Hart,	Parks,	Surface,
Brown, H. S.,	Hartman,	Patterson, C.,	Terry,
Brown, J. E.,	Hefferon,	Patterson, J. W.,	Tronzo,
Brownfield,	Hermansen,	Pearson,	Trout,
Brumbaugh,	Hetrick,	Perry,	Tumelty,
Burke,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	Van Allsburg,
Caputo,	Hoffner,	Phillips,	Van Sickle,
Carr,	Holstrom,	Piole,	Walker,
Carson,	Hoopes,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klingler,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Lovett,	Schwartz,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Shepard,	Zimmerman,
Eberharter,	McCreary,	Shortz,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2854 (Senate Bill No. 900), entitled:

An Act to amend section nine of the act approved the thirty-first day of March, one thousand nine hundred and twenty-seven (P. L. 91), entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs, and the officers of counties, cities of the third class, boroughs, towns, townships, school districts of the second, third, and fourth classes and poor districts, in connection with proceedings to incur and increase indebtedness; and the establishing and maintaining of sinking funds; fixing the maximum maturity of refunding bonds; and providing penalties;" limiting existing indebtedness as covered by the section to bonded indebtedness.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2515, as follows:

An Act to amend the title and to amend sections three four six seven eight nine eleven and fifteen of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by including notice in the title that certain duties are imposed upon certain persons transporting liquid fuel revising certain penalties imposing filing fees on distributors eliminating certain discounts changing date for reports and payment further clarifying and defining the procedure under the act and imposing certain duties on persons transporting liquid fuel

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure

permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" is amended to read as follows

An Act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers [common carriers] persons transporting liquid fuel county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation

Section 2 That section three of the said act as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred and seventeen) is hereby amended to read as follows

Section 3 Liquid Fuels Permit Bond or Deposit of Securities (a) On and after the effective date of this act it shall be unlawful for any distributor to continue to engage in or thereafter to begin to engage in the use or sale and delivery of liquid fuels within this Commonwealth unless a liquid fuels permit or permits shall have been issued to him as hereinafter prescribed

Penalty Each day in which any distributor shall engage in the use or sale and delivery of liquid fuels within this Commonwealth without a liquid fuels permit or permits as required by this act shall constitute a separate offense and for each such offense such distributor shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than two hundred dollars ($200.00) and not more than two thousand dollars ($2000) and costs of prosecution or undergo imprisonment for not more than two years or both in the discretion of the court

(b) Every person desiring to operate as a distributor shall file an application for a liquid fuels permit or permits with the department which application shall be accompanied by a filing fee of twenty-five dollars ($25.00) The application for a liquid fuels permit or permits shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached written evidence of his authority

Upon approval of the application and the bond hereinafter required the department shall grant and issue to each distributor a liquid fuels permit for each place of business within the Commonwealth set forth in his application In the event that any application for permit shall be filed by a person whose permit shall at any time theretofore have been cancelled for cause by the department or in case the department shall be of the opinion that such application is not filed in good faith or that such application is filed as a subterfuge for the real person in interest whose permit shall theretofore have been cancelled for cause by the department then and in any of said events after a hearing of which the applicant shall have been given five days' notice in writing at which hearing said applicant shall have the right to appear in person or by counsel and present testimony the department shall have the right to refuse to issue to such person a liquid fuels permit Liquid fuels permits shall not be assignable and shall be valid only for the distributors in whose names issued and for the transaction of business at the place designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of May next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the secretary

(c) A liquid fuels permit shall not be granted and issued until the person applying therefor has filed with the department a surety bond payable to the Commonwealth of Pennsylvania in such amount as shall be fixed by the department except that the amount shall never be less than two thousand five hundred dollars ($2,500) Every such bond shall have as surety a duly authorized surety company to be approved by the department conditioned that the distributor will faithfully comply with the provisions of this act during the effective period of his permit The department may require any distributor to furnish such additional acceptable corporate surety bond as shall be necessary to secure at all times the payment by him to the Commonwealth of all taxes penalties and interest due under the provisions of this act If any distributor shall fail to file such additional bond within ten days after written notice from the department the department may forthwith suspend or revoke the permit or permits issued to him and collect all taxes penalties and interest due by him For the purpose of determining whether an existing bond or bonds are sufficient the department may at any time by written notice require any distributor to furnish a financial statement in such form as it may prescribe Upon failure of any distributor to furnish a financial statement within thirty (30) days of such written notice the department may forthwith suspend or revoke the permit or permits issued to him and shall collect all taxes penalties and interest due by him

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the Commonwealth accruing on such bond after the expiration of sixty (60) days from the date upon which surety shall have lodged with the department a written request to be released and discharged but this provision shall not operate to relieve release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty (60) day period The department shall promptly upon receiving any such request notify the distributor who furnished the bond and unless the distributor shall on or before the expiration of the sixty (60) day period file with the department a new bond with corporate surety approved by and acceptable to the department the department shall forthwith cancel the distributor's permit or permits Whenever a new bond shall be furnished by a distributor as aforesaid the department shall cancel and surrender the old bond of the distributor as soon as it and the Department of Justice shall be satisfied that all liability under the old bond has been fully discharged

(d) Permits issued under the provisions of this act may be renewed annually before the first day of June upon an application as aforesaid being made to the department but no permit shall be renewed until the applicant shall file with the department a new surety bond in such amount as shall be fixed by the department and conditioned that the distributor will faithfully comply with the provisions of this act

(e) Nothing contained in this act shall require the filing of any application or bond or the possession and display of a liquid fuels permit for the use or sale and delivery of liquid fuels in interstate or foreign commerce not within the taxing power of the Commonwealth or for the use of liquid fuels by the United States government

(f) Any person required by the provisions of this

section to file a surety bond may in lieu thereof deposit with the State Treasurer bonds of the United States or of the Commonwealth of Pennsylvania the par value thereof to be of the amount of the surety bond required of such person The treasurer shall issue to such person a certificate of such deposit which he shall file with the Department of Revenue Such securities deposited with the State Treasurer shall be held as a guarantee that the holder of the permit shall faithfully comply with the provisions of this act during the effective period of his permit The said securities shall be retained by the State Treasurer for a period of sixty (60) days after the termination of the permit of such person whether by his own act or by action of the department and such securities shall not be released from any liability to the Commonwealth already accrued or which shall accrue before the expiration of the sixty-day period At the end of such sixty-day period the said securities shall be returned to their owner only if all claims of the Commonwealth guaranteed by such deposit have been fully satisfied

Penalty Any person assigning or attempting to assign a liquid fuels permit or who shall fail to display conspicuously his permit at the place for which it is issued shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten days

Section 3 That section four of said act be amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commmonwealth excepting liquid fuels delivered to the United Etates government on presentation of a duly authorized United States government exempting certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

[Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of two per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month]

Section 4 That section six of said act be amended to read as follows

Section 6 Distributor's Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every distributor on or before the [last] tenth day of each month to [transmit to] provide the department [upon a form prescribed prepared and furnished by the department] with a report under oath or affirmation of the liquid fuels used or delivered by him within this Commonwealth during the preceding month upon a form prescribed prepared and furnished by the department Such report shall show the number of gallons of liquid fuels used or sold and delivered within the Commonwealth during the period for which it is made and such further information as the department shall prescribe A distributor having more than one place of business within this Commonwealth shall combine in each report the use or delivery of liquid fuels at all such separate places of business

Every distributor at the time of making every report required by this section shall compute and pay to the department the tax due to the Commonwealth on liquid fuels used or sold and delivered by him during the preceding month less a [two] one per centum discount if the report is filed and the tax paid on time The amount of all taxes imposed under the provisions of this act for each month shall be due and payable on the [last] tenth day of the next succeeding month and shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid

If any distributor shall neglect or refuse to make [any report and] payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided and in addition thereto the liquid fuels permit of such distributor may be suspended or revoked by the department

Section 5 That section seven of said act be amended to read as follows

Section 7 Determination and Redetermination of Tax Penalties and Interest Due (a) If the department is not satisfied with the report and payment of tax made by and distributor under the provisions of this act it is hereby authorized and empowered to make a determination of the tax due by such distributor based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such distributor Within thirty (30) days after the date of any such determination such distributor may file with the department a petition for redetermination of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the department within ninety (90) days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the distributor against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

(e) If any distributor shall neglect or refuse to [make any] provide the department with the report [and payment of tax] required by section six of this act the department shall estimate the tax due by such distributor and determine the amount due [by him] for taxes [penalties] and interest thereon [as prescribed herein] from which determination there shall be no right of review or

appeal and to the amount so due on account of taxes ten per centum thereof shall be added by the department as penalty and the department may [Upon] upon any such neglect or refusal suspend or revoke the liquid fuels permit or permits issued to such distributor and may [be suspended or revoked by the department and required to be surrendered] require the surrender to the department of such permit or permits

Section 6 That section eight of said act be amended to read as follows

Section 8 Examination of Records and Equipment The department or any agent appointed in writing by it is hereby authorized to examine the books papers records storage tanks meters pumps and any other equipment of any distributor dealer or any other person [pertaining to the use or sale and delivery of liquid fuels taxable under this act] to verify the accuracy of any report or payment made under the provisions of this act or to ascertain whether or not the tax imposed by this act has been paid but any information gained by the department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment of not more than one year or both but nothing herein contained shall be construed to prohibit the Secretary of Revenue at his discretion from furnishing to the taxing officials of the Federal government of other States foreign governments and the political subdivisions of the Commonwealth and other States such information obtained hereunder as the Secretary may deem proper

Section 7 That section nine of said act be amended to read as follows

Section 9 Retention of Records by Distributors and Dealers Each distributor shall maintain and keep for a period of two years such record or records of liquid fuels produced or purchased used or sold and delivered within this Commonwealth by such distributor together with invoices bills of lading and such other [pertinent] papers as may be required by the department

It shall be the duty of every person purchasing liquid fuels taxable under this act from a distributor for the purpose of resale to maintain and keep for a period of one year a record of liquid fuels received sold and delivered the amount of tax paid to the distributor as part of the purchase price together with delivery tickets invoices and bills of lading and such other records as the department shall require

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 8 That section eleven of said act be amended to read as follows

Section 11 Discontinuance or Transfer of Business Whenever a distributor engaged in the use or sale and delivery of liquid fuels ceases to be a distributor by reason of the discontinuance sale or transfer of his business or for any other reason it shall be his duty to notify the department in writing within ten days after the discontinuance sale or transfer takes effect His notice shall give the date of discontinuance and in the event of a sale or transfer of his business the name and address of the purchaser or transferee thereof It shall also be the duty of any such distributor within ten days after [the discontinuance sale or transfer takes effect] ceasing to be a distributor to make a report and pay all taxes interest and penalties that may be due by him and to surrender to the department the permit or permits theretofore issued to him by the department

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than fifty dollers ($50.00) nor more than three hundred dollars ($300.00) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 9 That section fifteen of said act be amended to read as follows

Section 15 Reports from [Common] Carriers Every person including railroad companies street suburban and interurban railway companies pipe line companies and water transportation companies transporting liquid fuels in any manner as a common carrier or otherwise either in interstate or intrastate commerce to a point within or without this Commonwealth from a point within or without the Commonwealth shall report under oath and affirmation to the department on or before the [last] tenth day of each month for the preceding month all deliveries of liquid fuels made to points within this Commonwealth The department shall have the discretion to remove such deliveries of liquid fuels as it may deem advisable from the requirement of this section

Every person required to make a report under this section shall plainly designate each carrier transporting liquid fuels in a fashion prescribed by the department and no liquid fuel shall be transported within the Commonwealth without being accompanied by delivery tickets setting forth such information concerning the origin and destination of such liquid fuel as shall be required by the department

Such reports shall be on forms prescribed prepared and furnished by the department and shall state the names and addresses of the consignor and consignee the number of gallons of liquid fuels transported and any other information which the department may require

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 10 Effective Date The provisions of this act shall be in force on and after the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Eroe,	Lynch,	Shepard,
Alexander,	Falkenstein,	Male,	Shortz,
Allen,	Ferko,	McCreary,	Shreiner,
Altenburg,	Finnerty,	McDermott,	Shugarts,
Andrews,	Fitch,	McDevitt,	Simon,
Arnold,	Flanagan,	McElroy,	Simpson,
Atkins,	Flinchbaugh,	McHenry,	Sinwell,
Aukerman,	Flynn,	Melchiorre,	Sloan,
Baine,	Forrest,	Mentzer,	Smith, J. A.,
Baker, J J.,	Furman,	Merrell,	Smith, W. G.,
Baldi,	Gates,	Moomaw,	Snyder, F. E.,
Barber,	Gerard,	Mooney,	Snyder, J. L.,
Barnhardt,	Green,	Moore,	Sowers,
Bernhard,	Haberlen,	Moran,	Spangler,
Blumberg,	Hagerty,	Moul,	Sproul,
Boose,	Haluska,	Munley,	Stank,
Bradley,	Hamilton, F. P.,	Murrin,	Stevens,
Brancato,	Hamilton, R. S.,	Nagel,	Stewart,
Brennan,	Harkins,	O'Keefe,	Stockham,
Brown, H. S.,	Harmuth,	Ominsky,	Stone,
Brown, J. E.,	Hart,	O'Neill,	Stott,
Brownfield,	Hartman,	Parks,	Sumney,
Brumbaugh,	Hefferon,	Patterson, C.,	Surface,
Burke,	Hermansen,	Patterson, J. W.,	Terry,
Cannon,	Hetrick,	Pearson,	Tronzo,
Caputo,	Hindman,	Perry,	Trout,
Carr,	Hirsch,	Peters,	Tumelty,
Carson,	Hoffner,	Pfaff,	Van Allsburg,
Chervenak,	Holland,	Phillips,	Van Sickle,
Coakley,	Holstrom,	Piole,	Walker,
Cochran,	Hoopes,	Powers,	Wall,
Cohen,	Horst,	Reising,	Wasserman,
Coleman,	Jackson,	Reynolds,	Weiss,

Condon,	Jones,	Rhys,	Welliver,
Conner,	Kane,	Roan,	Welsh,
Coolahan,	Kelder,	Robinson,	Westrick,
Davies,	Kelso,	Rooney,	White,
Decker,	Kilroy,	Root,	Wickersham,
Denning,	Kinney,	Ruffennach,	Winner,
Dent,	Klingler,	Ruth,	Woodside,
Diehl,	Kobelak,	Sarraf,	Yeakel,
Dilley,	LaRue,	Schrope,	Yourishin,
Downey, G. E.,	Linderman,	Schwab,	Zappala,
Downey, J. J.,	Long,	Schwartz,	Zimmerman,
Eberharter,	Lovett,	Shaw,	Sarig.

NAYS—10

Baker, F. T.,	Muir,	Turner,	Witkin,
Habbyshaw,	Nothnagle,	Weidemann,	Wood,
McKinney,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2583, as follows:

An Act to amend sections 102 203 as amended section 209 sections 402 410 411 as amended sections 505 602 712 section 716 as amended section 717 sections 719 722 801 802 as amended to add sections 802.1 802.2 802.3 802.4 to amend sections 803 804 807 808 811 812 sections 813 823 as amended section 824 sections 902 905 as amended section 906 sections 1002 1010 as amended section 1017 section 1020 as amended section 1023 sections 1026 1027 1103 1105 as amended section 1108 sections 1110 1201 1209 1212 as amended and section 1218 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by further regulating the registration of vehicles their operation on the highways and the licensing of operators changing and imposing certain fees and penalties and the procedure for enforcement affecting the powers duties and rights of political subdivisions of the Commonwealth and their officers including magistrates and peace officers and the Secretary of Revenue

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following definitions appearing in section one hundred two of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "For the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibusses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one Pamphlet Laws seven hundred fifty-one are hereby further amended to read as follows

"Commercial Motor Vehicle" Any motor vehicle designed for carrying freight or merchandise Provided however That a motor vehicle originally designed for passenger transportation [with] to which has been added a removable box body without materially altering said motor vehicle when owned and used by a farmer shall not be deemed a "commercial motor vehicle" for the purpose of this act And further provided That any motor vehicle of the bus type operated under contract with or owned by any school district of this Commonwealth for the transportation of school children shall be deemed a "commercial motor vehicle"

"Motor Cycle" Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground except any such vehicle as may be included within the term "tractor"

"Tractor" Every vehicle of the tractor type [excepting power shovels road rollers concrete mixers ditch diggers or vehicles used exclusively upon stationary rails or tracks] as defined in the Tractor Code

Section 2 That section one hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-two) is hereby further amended by adding the following definition

"Flammable Liquid" Any liquid which has a flash point of seventy degrees Fahrenheit or less as determined by a tabliabue or equivalent closed cup test device

Section 3 That subsection (b) of section two hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 203 Contents Delivery and Life of Certificate of Title

(b) Where there are no liens or encumbrances upon the motor vehicle the certificate of title shall be delivered to the owner but otherwise the certificate of title shall be delivered to the person holding the first lien or encumbrance upon said motor vehicle and be retained by such person until the entire amount of such first lien or encumbrance is fully paid by the owner of said motor vehicle Upon the final payment being made of any lien or encumbrance the certificate of title shall be delivered immediately to the owner of said motor vehicle with proper evidence of satisfaction of same A corrected certificate of title without statement of liens or encumbrances shall be issued by the department upon request of the owner when original certificate of title is returned with proper evidence that all said liens or encumbrances have been satisfied or when the original certificate of title cannot be returned and proper evidence is produced that all said liens or encumbrances have been satisfied

Penalty Any person failing to deliver upon demand a satisfied certificate of title as required by the provisions of subsection (b) of this section shall upon summary conviction before a magistrate for a first offense be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and for a second offense be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of

the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 4 That subsection (a) of Section two hundred nine of said act be and the same is hereby amended to read as follows

Section 209 Records of Stolen Motor Vehicles

(a) It shall be the duty of the secretary whenever he receives report of the theft of a motor vehicle whether the same has been registered or not and whether ownd in this or any other State together with the name and manufacturer's serial number thereof to make a distinctive record thereof and file the same in numerical order of the manufacturer's serial number with the records of the vehicles of such name already titled Such records may at the discretion of the Secretary be destroyed after three (3) years

Section 5 That subsection (a) of Section four hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 402 Application for Registration

(a) Application for the registration of a motor vehicle trailer or semitrailer shall be made to the department upon a form furnished by the department The application shall contain the full name and the actual or bona fide address of the owner or owners together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of commercial motor vehicles the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body if so constructed or the gross weight of the trailer or semitrailer exclusive of the load to be transported and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certificate of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by said corporation copartnership or association to sign the same and shall be accompanied by the fee provided in this act

Section 6 That section four hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 410 Registration Shall Be Refused

The department shall not register any vehicle in any of the following events

1 When the applicant therefor is not entitled thereto under the provisions of this act

2 When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department

3 When the fees required therefor by law have not been paid

4 When the vehicle is not constructed or equipped as required by this act

[5 When evidence of recent inspection and approval of a used motor vehicle by an official inspection station is not presented as required by this act]

Section 7 That subsection (c) of Section four hundred eleven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 411 Transfer of Registration

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horse power or seating capacity and in the case of a commercial motor vehicle the gross weight of the chassis as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross maximum weight of chassis battery body and load as given and certified to by the manufacturer and in the case of trailers and semitrailers the combined weight of the chassis and body and also such description of the motor vehicle trailer or semitrailer including lamps and other equipment [and in the case of transfer of ownership of a used motor vehicle shall include a certification of inspection and approval of such vehicle and its equipment by a duly authorized official inspection station] as the secretary shall require The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation copartnership or association by an executive officer thereof or some person specifically authorized by the said corporation copartnership or association to sign the same

Section 8 That subsection (d) of Section five hundred five of said act be and the same is hereby amended to read as follows

Section 505 Lost Defaced or Substituted Registration Plates

(d) Upon the receipt of new plate or plates it shall be the duty of the owner to return immediately to the department for cancellation the old registration plate or plates unless lost or destroyed

Penalty Any person violating any of the provisions of subsection (a) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 9 That section six hundred two and seven hundred twelve of said act be and the same is hereby amended to read as follows

Section 602 Persons Exempt from License

Every person in the service of the Federal Government or in the service of the Pennsylvania National Guard when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this act

Section 712. Lighting Equipment.

The fee for approval and registration of head lamps and auxiliary driving lamps shall be one hundred and fifty ($150) dollars for each type approved.

The fee for approval and registration of rear lamps, signal lamps, reflectors, and mechanical signal devices shall be fifty ($50) dollars for each type approved.

The fee for approval and registration, incident to the renewal of a certificate of approval for head lamps, shall be fifty ($50) dollars.

The fee for approval and registration, incident to the renewal of a certificate of approval for auxiliary driving lamps, rear lamps, signal lamps, reflectors, and mechanical signal devices, shall be twenty-five ($25) dollars.

Section 10 That section seven hundred sixteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 716 Certificates of Title Duplicate Certificates of Title

The fee for each certificate of title shall be two ($2) dollars except in the case where a certificate of title is issued in the name of manufacturer jobber or dealer then the fee shall be fifty ($.50) cents The fee for a duplicate certificate of title shall be [fifty ($.50) cents] one ($1) dollar

Section 11 That section seven hundred seventeen of said act be and the same is hereby amended to read as follows

Section 717 Certified Copies of Records

The fee for certified copy or certified photostat copy of any department record shall be one ($1) dollar for each form or supporting document comprising such record

Section 12 That section seven hundred nineteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pam-

phlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 719 Special Hauling Permits

The fee for a special hauling permit shall be five ($5) dollars [and] plus two ($0.02) cents [per] for each ton of two thousand (2,000) pounds or fraction thereof of gross weight of vehicle or combination of vehicles or vehicle and load or combination of vehicles and their load or loads for each mile or fraction thereof of length of haul payable to the authorities issuing such permit The fee for cancelling an unused special hauling permit shall be one ($1) dollar payable to and upon the approval of the authorities issuing the permit

Section 13 That subsection (e) of section seven hundred twenty-two of said act as amended by the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws eleven hundred thirty-seven) is hereby further amended to read as follows

Section 722 Exemptions From Fees.

(a) No fee shall be charged for a certificate of title or registration of motor vehicles trailers and semitrailers owned and used by (a) the Federal Government (b) any State other than Pennsylvania which issues titles or registrations to this Commonwealth without charge (c) the Commonwealth of Pennsylvania (d) and city borough incorporated town township county poor or school district of this Commonwealth (e) any duly authorized volunteer fire force hospital humane society or anticruelty society in this Commonwealth (f) [by] the American Red Cross (g) [by] churches (h) Girl Scouts of America (i) Boy Scouts of America (j) Salvation Army (k) duly chartered post or organization of the American Legion Veterans of Foreign Wars or Spanish War Veterans of this Commonwealth or La Societe Des Forty Hommes et Eight Chevaux (l) mine industrial ambulances (m) ambassadors ministers consular representatives and other diplomatic representatives who are entitled to exemption under the terms of a treaty but all such vehicles except those owned and used by the Federal Government shall be titled and registered and shall display registration plates as is now provided for privately owned motor vehicles trailers and semitrailers

(e) No fee shall be charged for special hauling permits issued to the Commonwealth of Pennsylvania any city borough incorporated town township county poor or school district of this Commonwealth or anyone entitled to exemption from fees under section seven hundred twenty-two (a) of this act or to anyone hauling equipment or materials for use on a Federal or State Emergency Relief Project

Section 14 That section eight hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 801 Required Lighting Equipment

(a) When Lights Must be Displayed Every vehicle upon a highway within this Commonwealth during the period from one (1) hour after sunset to one (1) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible [any person] persons and vehicles on the highway at a distance of [two] five hundred [(200)] (500) feet ahead shall be equipped with lighted [front and rear] lamps and illuminating devices as in this section respectively required for different classes of vehicles

(b) Head Lamps on Motor Vehicles Every motor vehicle other than a Motorcycle or Bicycle with motor attached shall be equipped with two (2) head lamps and no less at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of their use are approved by the secretary

(c) Head Lamps on Motorcycles Every motorcycle shall be equipped with at least one (1) head lamp and not more than two (2) which shall comply with the requirements and limitations set forth in this act and [except as to acetylene head lamps] shall be of a type which at the time of its use is approved by the secretary

(d) Rear Lamps and Illumination of Rear Registration Plate Every motor vehicle and every trailer or semitrailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles shall carry at the rear a lamp of a type which at the time of its use is approved by the secretary and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred (500) feet to the rear of such vehicle [and] Either such rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty (50) feet to the rear of such vehicle When the rear number plate is illuminated by an electric lamp other than the required rear lamp said two (2) lamps shall be turned on or off only by the same control switch at all times whenever head lamps are lighted

(e) [Clearance Lamps Every vehicle having a width at any part in excess of ninety (90) inches shall carry at least one (1) clearance lamp on the left side of such vehicle and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle and displaying a red light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle Provided That motorcycles having more than two (2) wheels or with side car equipment shall display a clearance lamp in such a manner as to indicate the right lateral extension of the vehicle Every combination of vehicles couples together having an overall length in excess of thirty-five (35) feet shall carry at least one (1) clearance lamp on both the right and left sides of such vehicles and displaying a white or green light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front and rear of such vehicles]

Reflectors Every motor bus motor omnibus commercial motor vehicle trailer or semi-trailer when operated on a highway shall display at the rear a red reflector meeting the following requirements

Whenever a red reflector is so used or whenever red or green reflectors are used as hereinafter provided it or they shall be mounted upon the vehicle at a height not to exceed forty-two (42) inches and not less than twenty-four (24) inches above the ground upon which the vehicle stands and every such reflector shall be of a type which at the time of its use is approved by the Secretary and shall be so designed and maintained as to be visible at night from all distances within five hundred (500) feet to fifty (50) feet from such vehicle when directly in front of or opposed to a motor vehicle displaying lawfully lighted head lamps as provided in this act

(f) Every commercial motor vehicle trailer or semitrailer or every motor omnibus or motor bus except motor buses or motor omnibuses operated entirely within municipalities when their interiors are illuminated shall display lighted lamps at the times mentioned in subsection (a) when and as required in this section except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of five hundred (500) feet

1 Clearance Lamps Every such vehicle having a width at any part in excess of eighty (80) inches shall be equipped with two (2) clearance lamps located on the extreme left side of such vehicle one located at the front and displaying a green light visible from a distance of five hundred (500) feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a red light visible from a distance of five hundred (500) feet to the rear of the vehicle and said rear clearance lamp shall be in addition to the red rear lamp hereinbefore required Provided however that vehicles equipped with acetylene headlamps may in lieu of such clearance lights be equipped with a green reflector in front and a red reflector in the rear which shall be so designed and maintained to meet the requirements as to reflectors provided in this section

2 Identification Lamps Front and Rear Every motor vehicle trailer or semitrailer or combination of such

vehicles having a length in excess of thirty (30) feet or a width in excess of eighty (80) inches shall be equipped with lamps on the front displaying three (3) green lights and lamps on the rear displaying three (3) red lights and the lights in each such group shall be evenly spaced not less than six nor more than twelve (12) inches apart along a horizontal line near the top of the vehicle and said lights shall be visible from distances of five hundred (500) feet to the front and rear respectively of the vehicle Provided however that vehicles equipped with acetylene headlamps may in lieu of such identification lamps be equipped with red and green reflectors

3 Side Marker Lamps Every such vehicle or combination of such vehicles which exceeds twenty (20) feet in overall length shall be equipped with at least four (4) side marker lamps one (1) on each side near the front and one (1) on each side near the rear Said lamps near the front shall display green lights and said lamps near the rear shall display red lights each visible from a distance of five hundred (500) feet to the side of the vehicle on which it is located If the clearance lamps on the left side of a vehicle as hereinbefore required display lights visible from a distance of five hundred (500) feet at right angles to the left of the vehicle they shall be deemed to meet the requirements as to left marker lamps in this paragraph In lieu of such side marker lamps any such vehicle may be equipped with four (4) reflectors two (2) on each side and otherwise meeting the requirements of this act

[(f)] (g) Lamps on Bicycles Every bicycle and every bicycle with motor attached shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least [two] five hundred [(200)] (500) feet in front of such bicycle or bicycle with motor attached and shall also be equipped with a [reflex mirror] red reflector or lamp on the rear exhibiting or reflecting a red light visible under like conditions from a distance of at least [two] five hundred [(200)] (500) feet to the rear of such bicycle or bicycle with motor attached

[(g)] (h) Lights on Other Vehicles All vehicles not required in this act to be equipped with specific lighted lamps shall carry one (1) or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front and with a lamp or lantern displaying a red light visible from a distance of five hundred (500) feet to the rear of such vehicles except for vehicles other than motor vehicles loaded with hay or straw in bulk

[(h)] (i) Lights on Parked Motor Vehicles Whenever a motor vehicle is parked or stopped upon a highway or shoulder adjacent thereto whether attended or unattended during the time when lights are required by this section may in lieu of the lighting equipment specified show one (1) white or green light carried on the left side of the motor vehicle visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred (500) feet to the rear Provided That local authorties may by ordinance establish zones within which motor vehicles may remain standing without lights Any lighted headlamps upon a parked vehicle shall be depressed or dimmed

Penalty Any person violating any of the provisions of subsection (a) (b) (c) (d) or (e) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days Any person violating any of the provisions of subsection (f) [or] (g) (h) or (i) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of two ($2) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than one (1) day

Section 15 That section eight hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 802 Additional Permissible Lights and Devices

(a) Spot Lamps Any motor vehicle or motorcycle may be equipped with not to exceed [two (2)] one (1) spot [lamps except that a motorcycle shall not be equipped with more than (1) spot lamp] lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the [center of the highway] prolongation of the extreme left side of the vehicle nor more than one hundred (100) feet ahead of the vehicle

(b) Auxiliary Driving Lamps Any motor vehicle may be equipped with not [less than two (2)] to exceed three (3) auxiliary driving lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands which lamps shall comply with requirements and limitations set forth in this act and shall be of types which at the time of their use are approved by the secretary

(c) Signal Lamps and Mechanical Signal Devices 1 Whenever a motor vehicle is equipped with a signal lamp or a signal device [the signal lamp shall be] so constructed and located on the vehicle as to give a signal of intention to stop or to turn right or left the signal shall be yellow or red [or green] in color [which] and shall be plainly visible in normal sunlight and at night from a distance of one hundred (100) feet to the front and rear of the vehicle but shall not project a glaring or dazzling light and all such signals shall be of a type which at the time of [its] their use [is] are approved by the secretary

2 When a vehicle is equipped with a mechanical signal the mechanical signal shall be [so constructed and located on the vehicle as to give a signal plainly visible from a distance of one hundred (100) feet to the rear of the vehicle] self illuminated when in use at the times mentioned in section eight hundred one (801) and shall be of a type which at the time of its use is approved by the secretary

[(d) Reflector Any vehicle may be equipped with a reflector so located as to reflect rays of light thrown upon such reflector]

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 16 That the said act is hereby amended by adding to Article eight the following section eight hundred two and one-tenth eight hundred two and two-tenths eight hundred two and three-tenths and eight hundred two and four-tenths

Section 802.1 Multiple Beam Road Lighting Equipment

Except as hereinafter provided the headlamps or the auxiliary driving lamps or combinations thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations subject to the following requirements and limitations

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading The maximum intensity of this uppermost distribution of light or composite beam one (1) degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand (8000) apparent candlepower and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand (75,000) apparent candlepower

(b) There shall be a lowermost distribution of light or composite beam so aimed that

1 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the

left of the prolongation of the extreme left side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of ten (10) inches below the level of the center of the lamp from which it comes

2 When the vehicle is not loaded none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme life side of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes

3 In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(c) Where one intermediate beam is provided the beam on the left side of the road shall be in conformity with subsection (b) one of this section except when arranged in accordance with the practice specified in subsection (e)

(d) All road lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead

(e) All road lighting equipment manufactured and installed on and after January first one thousand nine hundred thirty-six shall be so arranged that whenever any beam is used which is not in conformity with subsection (a) of this section two (2) white or yellow lights one (1) on each side of the vehicle visible to an oncoming driver and to the driver of said vehicle shall be lighted except that other suitable alternate means may be provided for indicating to the driver behind the light when such beams are on Indicator lights shall not be connected otherwise than as required in this paragraph Beam indicator lights and front parking lights shall be so connected that neither of said lights shall be lighted when a beam is in use which conforms with subsection (b) one of this section

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.2 Use of Multiple Beam Road Lighing Equipment

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section eight hundred one (801) the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle subject to the following requirements and limitations

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.3 Single Beam Road Lighting Equipment

Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one (1) year after the effective date of this act in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet

(c) Any motor vehicle may be operated under the conditions specified in section eight hundred one (801) when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps otherwise required Provided however that at no time shall be it operated at a speed in excess of twenty (20) miles per hour.

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 802.4 Number of Driving Lamps Required or Permitted

(a) At all times specified in section eight hundred one (801) at least two (2) lighted lamps shall be displayed one on each side at the front of every motor vehicle exceept when such vehicle is parked subject to the regulations governing lights on parked vehicles

(b) Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway

(c) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle

(d) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare

(e) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare

(f) Any motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp except that no such back-up lamp shall be continuously lighted when the motor vehicle is in forward motion

(g) No person shall operate or move any vehicle except fire department and fire patrol apparatus upon a highway with a red light displayed on the front thereof

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 17 That section eight hundred three of the said act is hereby repealed [Section 803 Requirements as to Head Lamps and Auxiliary Driving Lamps]

[(a) The head lamps or head lamp of motor vehicles shall be so constructed arranged adjusted and attached that except as provided in this act they will at all times mentioned in this act and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible all vehicles persons or substantial objects one hundred sixty (160) feet ahead but shall not project a glaring or dazzling light to persons in front of such head lamps or head lamp Provided That for motorcycles the distance at which vehicles persons or

substantial objects shall be clearly discernible shall be one hundred fifteen (115) feet]

[(b) Head lamps or head lamp shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if no part of the main bright portion of the headlamp beam rises above a horizontal plane passing through the lamp centers parallel to the level of the highway upon which the loaded vehicle stands and in no case higher than forty-two (42) inches at a distance seventy-five (75) feet ahead of the vehicle]

[(c) Whenever a motor vehicle is being operated upon a highway or a portion thereof which is sufficiently lighted to reveal vehicles persons or substantial objects on such highway at a distance of two hundred (200) feet ahead of motor vehicle it shall be permissible to dim the headlamps or headlamp or to tilt the beams or beams downward or to substitute therefor the light from side lights or auxiliary driving lamps subject to the restrictions as to tilted beams and auxiliary driving lamps as provided in this act]

[(d) Restrictions on Lamps Bulbs and Reflectors Any device other than lamps spot lamps or auxiliary driving lamps which projects a beam of light of an intensity greater than twenty-five (25) candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty (50) feet from the vehicle]

[Every electric lamp or bulb used in any head lamp or auxiliary driving lamp on any motor vehicle shall not exceed the mean spherical candlepower designated in certificate of approval as issued by the secretary]

[Every electric lamp or bulb used in any side light shall not exceed four (4) mean spherical candlepower]

[Every reflector which is used as a part of any head lamp shall have a highly polished silvered or glass or other reflecting surface and shall be free from dents rust and other imperfections]

[(e) Whenever a motor vehicle meets another vehicle an any highway it shall be permissible to tilt the beams or beams of the headlamps or headlamp downward or to substitute therefor the light from auxiliary driving lamps subject to the requirement that the tilted beams or beam or the beams from the auxiliary driving lamps shall give sufficient illumination under normal atmospheric conditions and on an approximately level highway to render clearly discernible vehicles persons or substantial objects seventy-five (75) feet ahead of the motor vehicle but shall not project a glaring or dazzling light to persons in front of the motor vehicle Provided That at all times required in this act at least two (2) lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle which shall display at least one (1) light as provided in this act]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10.00) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 18 That section 804 of the said act is hereby repealed [Section 804 Acetylene Lights]

[Motor vehicles may be equipped with two (2) acetylene headlamps of aproximately equal candlepower when equipped with clear plain glass fronts bright spherical or Mangan mirrors not to exceed six (6) inches in diameter and standard acetylene five-eights (⅝) foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching persons except that motorcycles may be equipped with one (1) acetylene headlamp of these specifications]

[Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days]

Section 19 That section 807 of said act is hereby amended to read as follows

Section 807 Revocation of Certificates of Approval of Lighting Devices

(a) Any certificate of approval however heretofore or hereafter issued may be revoked by the secretary after a hearing before the secretary or his representative of which the person named therein or his successor in interest shall be given reasonable notice or opportunity to hear or to be heard upon the ground that the lighting device reflector or mechanical signal device does not comply with the provisions of this act regulations adopted or is not being supplied in production in accordance with specifications original blueprint assemblies or sample devices originally submitted However revocation of certificates of approval of devices heretofore or hereafter approved shall not take effect until three (3) months after decision of the secretary revoking same

(b) The secretary may adopt uniform standard specifications for head lamps auxiliary driving lamps rear lamps signal lamps reflectors and may promulgate certain rules and regulations not inconsistent with this act to govern his decision in approving any lighting device reflector or mechanical signal device or revoking any certificate of approval issued for such devices

(c) Certificates approving each type of head lamp device hereafter issued by the secretary will expire and be void after [two (2)] four (4) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of such certificate furnishing two (2) pair of samples for test purposes in accordance with this act together with the fee provided in this act and new certificate of approval has been issued

(d) Certificates approving each type of auxiliary driving lamp rear lamp mechanical signal device reflector and signal lamp hereafter issued by the secretary will not expire [and be void after two (2) years from date of issue unless the manufacturer has prior to the expiration date made application for renewal of any such certificate furnishing two (2) samples for test purposes in accordance with this act together with fee provided in this act and new certificate of approval has been issued] until revoked for cause by the secretary

(e) When no renewal application is made and when an application for renewal of certificate of approval is refused the head lamp auxiliary driving lamp rear lamp mechanical signal device reflector or signal lamp will become illegal for use on motor vehicles after [two (2)] six (6) years from date of expiration of certificate Provided however new motor vehicles will not be title unless the lighting devices are of an approved type for which certificates of approval are in effect at the time of application for title

Section 20 That subsection (a) of section eight hundred eight of said act be and the same is hereby amended to read as follows

Section 808 Enforcement and Authority to Refuse Title or Registration

(a) A head lamp or auxiliary driving lamp arranged to provide a single distribution of light will be presumed to project a glaring or dazzling light if the top of any main beam of ligh projected by it is at a distance of twenty-five (25) feet ahead of the motor vehicle on an approximately level stretch of highway projected on the body of a person or on a motor vehicle or on any object at a height greater than the distance of the centers of the lamps from the highway A head lamp or auxiliary driving lamp arranged to provide a single distribution of light and mounted on a motor vehicle at a height higher than forty-two (42) inches above the highway will be presumed to project a glaring or dazzling light if the top of the beam of light projected by it on an approximately level stretch of highway be higher than forty-two (42) inches above the highway seventy-five (75) feet ahead of the vehicle

Section 21 That subsections (c) (d) (e) (f) (g) (h) and (i) of section eight hundred eleven of said act be and the same is hereby amended to read as follows

Section 811 Brakes

(c) [all such brakes shall be maintained in good working order and shall conform to regulations further provided in this act] Every trailer or semi-trailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle for at least fifteen (15) minutes and so designed as to be applied by the driver of the

towing motor vehicle from its cab and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied

(d) [On and after July first one thousand nine hundred and thirty-one all new motor vehicles titled or registered in this Commonwealth shall be equipped with brakes as respectively required in this act for different classes of motor vehicles capable of conforming to braking requirements further provided in this act] Every new motor vehicle trailer or semi-trailer sold in this Commonwealth on and after January first one thousand nine hundred thirty-six and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle except any motorcycle and except that any semi-trailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes

(e) On a dry hard approximately level stretch of highway free from loose material [the service brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet at or a rate which corresponds to such performance] where the grade does not exceed one (1) per centum the service brakes upon any motor vehicle or combination of vehicles except as herein provided shall be adequate to stop such vehicle or vehicles when traveling at a speed of twenty (20) miles per hour within a distance of thirty (30) feet or at a rate corresponding to such performance

(f) [On a dry hard approximately level stretch of highway free from loose material the emergency brake shall be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of seventy-five (75) feet or at a rate which corresponds to such performance] Under the above conditions the emergency brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet and said emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which operated

(g) [Commercial motor vehicles and truck tractors with semi-trailers attached exceeding seven thousand (7000) pounds gross weight shall be capable of stopping on a dry hard approximately level stretch of highway free from loose material within the following distances or at rates corresponding in each instance to the several performances specified

Within fifty (50) feet from twenty (20) miles per hour upon simultaneous application of the service and emergency brakes

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the service brake alone

Within seventy-five (75) feet from twenty (20) miles per hour upon application of the emergency brake alone] Under the above conditions the service brakes upon a motor vehicle equipped with two wheel brakes only and when permitted hereunder shall be adequate to stop the vehicle within a distance of forty (40) feet and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet

(h) [When any motor vehicle with trailer attached is operated in combination the application of brakes shall be construed to mean the application of all brakes on the motor vehicle and trailer which are normally capable of being operated simultaneously by the operator] All braking distances specified in this section shall apply to all vehicles mentioned whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act

(i) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 22 That section eight hundred twelve of said act be and the same is hereby amended to read as follows

Section 812 Brake Enforcement

(a) [The brakes on a motor vehicle will be presumed to be unsafe and to require immediate attention if on a dry approximately level stretch of highway free from loose material the service brake will not be capable of stopping the motor vehicle from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the emergency brake under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance except that the brakes on commercial motor vehicles and truck tractors with semi-trailers attached exceeding seven thousand (7000) pounds gross weight will be presumed to be unsafe and to require immediate attention if on a dry hard approximately level stretch of highway free from loose material both brakes applied simultaneously will not be capable of stopping such vehicles from a speed of twenty (20) miles per hour within a distance of fifty (50) feet and the service and emergency brakes applied separately under the same conditions within a distance of seventy-five (75) feet or at a rate which corresponds to such performance or when on a descending grade not exceeding ten (10) per centum motor vehicle will drift with either service or emergency brake applied singly] It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of this Commonwealth with brakes not conforming with the requirements of this act

(b) It shall be unlawful for any person to operate a motor vehicle without required number of brakes in good working condition The owner or operator of any motor vehicle who is notified by a peace officer that such brake or brakes are improperly adjusted or are unsafe or unfit or in need of correction adjustment or repairs shall be allowed forty-eight (48) hours within which to correct adjust or repair such brakes to conform with the requirements of this act To submit a certificate to the peace officer giving the notification issued or executed by an official brake adjusting station showing that within forty-eight (48) hours after such notification the brakes have been corrected adjusted or repaired to conform with the requirements of this act shall relieve the owner or operator from arrest Unless such certificate is received by the peace officer within five (5) days from the date of notification showing that the brakes have been corrected adjusted or repaired as required in this act information for arrest will be made Provided That when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this act or hold a motor vehicle or combination of vehicles [on a descending grade not exceeding ten (10) per centum] stationary on any grade upon which operated the owner or operator may be required to make temporary correction adjustment or repairs before being permitted to proceed with the motor vehicle or combination of vehicles

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 23 That subsections (f) (g) (h) and (i) of section eight hundred thirteen of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 813 Official Inspection Stations

(f) It shall be unlawful for any [such designated official inspection station] person to furnish give or sell to any owner or operator of a motor vehicle trailer or semi-trailer or to place in or on any motor vehicle trailer or semi-trailer a certificate of inspection and approval unless an official inspection of its mechanism and equipment shall have been made and the motor vehicle trailer or semi-trailer with the provisions of this act It shall be unlawful for any such designated official inspection station to furnish loan give or sell a certificate or certificates of inspection and approval to any other such designated official inspection station or any other persons

expenditures entitled to receive them under the provisions of this act

[(g) It shall be unlawful in case of transfer of ownership of any used motor vehicle for the owner to submit with his application for registration a certificate of inspection and approval unless an official inspection shall have been made and the vehicle found to conform with the provisions of this act]

[(h)] (g) Any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle trailer or semi-trailer and require the owner or operator to demonstrate that such vehicles conform with the provisions of this act If such demonstration discloses the necessity for corrections adjustments or repairs to such vehicle the owner shall be notified that unless a certificate issued or executed by a representative of an official inspection station is submitted within five (5) days to the peace officer indicating that the necessary corrections adjustments or repairs have been made information for the arrest of the owner or operator will be made for the specific violation or violations of this act noted at the time of modification Provided That when service and emergency brakes applied simultaneously will not stop a motor vehicle trailer or semi-trailer within distance defined in this act or hold a motor vehicle trailer or semi-trailer on a descending grade not exceeding ten (10) per centum or when the lighting equipment is glaring or insufficient or not in operation or is not equipped with a mirror or windshield wiper as defined and required in this act the owner or operator may be required to correct the faulty condition before being permitted to proceed with the vehicle and may be prosecuted for the specific violation of this act

[(i)] (h) An official inspection station and the records thereof shall be open for inspection by any peace officer or department employe The owner of an official inspection station shall file with the department on a form prescribed and furnished by the department such information relating to daily inspections as the secretary may require

Section 24 That subsections (b) and (g) of section eight hundred twenty-three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) are hereby further amended to read as follows

Section 823 Official Inspections

(b) If such inspections disclose the necessity for adjustments corrections or repairs in order to bring the motor vehicle in conformance with the provisions of this act it shall be compulsory upon the owner to have such adjustments corrections or repairs made within the [period designated in the hereinbefore mentioned proclamation] periods required in this act

(g) During the period designated in the hereinbefore mentioned proclamation any peace officer who shall be in uniform and shall exhibit his badge or other sign of authority may stop any motor vehicle and require the owner or operator to display an official certificate or other satisfactory proof of inspection for the motor vehicle being operated It shall be unlawful for any such certificate to be displayed on a motor vehicle or by the owner or operator unless an official inspection of its mechanism or equipment shall have been made and the motor vehicle conforms to the provisions of this act

Section 25 That section eight hundred twenty-four of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand sixty-four) is hereby further amended to read as follows

Section 824 Danger and Caution Signals

(a) Every motor bus and every motor omnibus for the carriage of passengers for hire except taxicabs and every commercial motor vehicle having a carrying capacity of two tons or over when operated upon a highway outside of a business or residence district at any time from one (1) hour after sunset to one (1) hour before sunrise shall be equipped with [at least two red or yellow burning danger or caution signals with friction cap ignition similar in type to a time-burning railway fusee signal and so constructed as to burn with a brilliant red or yellow light for not less than fifteen (15) minutes

Whenever any such vehicle becomes disabled while within the limits of the traveled part of a highway to such an extent that it cannot proceed under its own power and its lighting is so disabled that it constitutes a menace to other vehicular traffic the operator thereof shall cause to be continuously displayed on the surface of the highway the red or yellow-burning danger or caution signals as herein required in such manner as to prevent personal injuries loss of life and damage to property by collision a sufficient number of flares not less than three (3) or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred (500) feet for a period of at least eight (8) hours except that vehicles transporting flammables may carry red reflectors in place of the other signals hereinbefore mentioned

Every such flare lantern signal or reflector shall be of a type approved by the secretary and he shall publish lists of those devices which he has approved as adequate for the purposes of this section

(b) Whenever any such vehicle and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such vehicle cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district or if the lighting equipment on any such vehicle is not disabled but due to its position upon the highway or by reason of contours or curves in such highway it may constitute a menace to other vehicular traffic the operator or other person in charge of such vehicle shall cause such flares lanterns or other signals to be lighted and placed upon the highway one (1) at a distance of approximately one hundred (100) feet in advance of such vehicle one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle and the third upon the highway side of the vehicle except that if the vehicle is transporting flammables three (3) red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle

(c) No person shall at any time operate a vehicle transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the highway when and as required in this section

Penalty Any owner or operator who shall fail to comply with any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 26 That subsection (f) of Section nine hundred two of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 902 Size of Vehicles and Loads

(f) It shall be unlawful for any person to transport on a motor vehicle trailer or semi-trailer operated for the carriage of passengers for hire a load [in excess] of twenty-five (25) per centum in excess of the registered seating capacity or for any person to cause or permit any such operation Provided however That a child under the age of six years shall not be counted as a person when computing load on any such vehicle

Section 27 That subsection (a) of Section 905 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 905 Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a

vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size [and] or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules [and] regulations [and any other] restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit [including] The movement of any vehicle or load requiring a permit shall impose the obligation on the [part of the] permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not [the same was] such damage may be attributable to negligence on the part of the permittee [as shall be deemed necessary by the authority granting such permits] Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 28 That section 906 of said act be and the same is hereby amended to read as follows

Section 906 Special Limitations

(a) No vehicle shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when appropriate signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and mentioned in the posted signs erected and maintained in accordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of [ten ($10)] fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [five (5)] ten (10) days

Section 29 That subsection (b) and (c) of Section 1002 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1002 Restrictions as to Speed

(b) Subject to the provisions of subsection (a) of this section speeds in excess of the maximum limits hereinafter provided shall be unlawful

1 Ten (10) miles an hour speed limit

All vehicles when passing any interurban or street car taking on or discharging passengers at an intersection where a safety zone has been established or where traffic is controlled by a peace officer or a traffic signal

2 Fifteen (15) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds when passing a school building during school recess or while children are going to or leaving school during opening or closing hours

3 Twenty (20) miles an hour speed limit

All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the [proper] Department of Highways or local authorities on the righthand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (⅛) of a mile An additional sign shall be placed at intervals not greater than one-eighth (⅛) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where sign erected by the proper authorities is displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height

All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officers or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

4 Forty (40) miles an hour speed limit

All vehicles except those otherwise restricted by this act to lower maximum speeds

(c) Subject to the provisions of subsections (a) and (b) of this section it shall be unlawful for the following kinds of types and classes of vehicles to [exceed the maximum speed limits] be operated at a greater speed than hereinafter provided

For determining the maximum speed of a combination of vehicles the lower speed provided for either of the vehicles in the combination shall govern

[1 Ten (10) miles an hour speed limit

Tractors

Commercial motor vehicles and truck tractors with solid rubber tires Class Z VZ WZ YZ and ZZ]

[2 Twelve (12) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class Y]

[3 Fifteen (15) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class V W and UZ]

[4 Eighteen (18) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class U SZ and TZ]

[5 Twenty (20) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class S T and RZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class W Y Z UZ VZ WZ YS and ZZ]

[6 Twenty-four (24) miles an hour speed limit

Commercial motor vehicles and truck tractors with solid rubber tires Class R

Commercial motor vehicles and truck tractors with pneumatic tires Class Y Z VZ WZ YZ and ZZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class U V SZ and TZ]

[7 Thirty (30) miles an hour speed limit

Motor buses and omnibuses with solid rubber or cushion rubber tires Class B C D and E

Commercial motor vehicles and truck tractors with pneumatic tires Class V W SZ TZ and UZ

Commercial motor vehicles and truck tractors with cushion rubber tires Class R S T and RZ]

[8 Thirty-five (35) miles an hour speed limit

Commercial motor vehicles and truck tractors with pneumatic tires Class R S T U and RZ

Motor buses and omnibuses with pneumatic tires Class C D and E]

CLASS OF VEHICLES Commercial Motor Vehicles and Truck Tractors	MILES PER HOUR When Equipped With Solid Rubber Tires	Cushion Rubber Tires	Pneumatic Tires
(Four-Wheeled) (2 Axles)			
R	24	30	35
S	20	30	35
T	20	30	35
U	18	24	35
V	15	24	30
W	15	20	30
Y	12	20	24
Z	10	20	24
(Six-Wheeled) (3 Axles)			
RZ	20	30	35
SZ	18	24	30
TZ	18	24	30
UZ	15	20	30
VZ	10	20	24
WZ	10	20	24
YZ	10	20	24
ZZ	10	20	24
(Semitrailer)			
(Two-Wheeled)			
A	24	30	35
B	20	30	35
C	20	30	35
D	20	30	35
E	18	24	30
F	18	24	30
G	15	24	30
Trailer or Semitrailer (Four-Wheeled) (2 Axles)			
A	24	30	35
B	20	30	35
C	20	30	35
D	18	24	30
E	15	20	30
F	12	20	24
G	10	20	24
Trailer (Six-Wheeled) (3 Axles)			
AZ	20	30	35
BZ	18	24	30
CZ	15	20	30
DZ	10	20	24
EZ	10	20	24
FZ	10	20	24
GZ	10	20	24
Motor Buses and Omnibuses			
B	30	30	
C	30	30	35
D	30	30	35
E	30	30	35

Section 30 That subsection (b) of section 1010 of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1010 Following too Closely

(b) The operator of any motor bus motor omnibus commercial motor vehicles truck tractor or tractor not being part of any military convoy in the military service of the United States or of this Commonwealth when traveling upon a highway outside of a business or residence district shall not follow another such vehicle within five hundred (500) feet but this shall not be construed to prevent one such vehicle overtaking and passing another such vehicle

Section 31 That subsection (b) of section one thousand seventeen of said act be and the same is hereby amended to read as follows

Section 1017 Passing Street Cars

(b) No operator of a vehicle who meets or overtakes a street passenger car or school bus that has stopped for the purpose of taking on or discharging passengers shall pass said car or school bus on the side on which the passengers get on or off until the car or school bus has started and until any passengers who may have alighted have reached the side of the highway except that where a safety zone has been established or at an intersection where traffic is controlled by a peace officer or a traffic signal a vehicle need not be brought to a full stop before passing any such railway interurban [or] street car or school bus but may proceed past such car or school bus at a speed not greater than is reasonable or proper and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians

Section 32 That section one thousand twenty of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended by adding thereto paragraph fifteen

Section 1020 Parking Prohibited in Specified Places

15 Except when necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted the operator of a vehicle shall not stop stand or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway headed in the direction of traffic and with the curb side of the vehicle within six (6) inches of the edge of the highway or curb Vehicles which because of type or construction cannot load or unload parallel to the curb shall be exempt while loading or unloading only from the requirements of standing parallel to the curb

Section 33 That subsection (c) of Section 1023 of said act be and the same is hereby amended to read as follows

Section 1023 Persons Tampering with Vehicles

(c) No person shall throw any missile circular or pamphlet at the occupants of any vehicles or throw or place any substance upon any public highway injurious or damaging to the highway or a vehicle or the tires thereof

Section 34 That subsection (g) of section one thousand twenty-six of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1026 Traffic Signal Interpretation

(g) Flashing Red Signal In cities boroughs incorporated towns or townships a signal when illuminated by rapid intermittent red flashes shall require the operators of all vehicles and street cars and trackless trolleys to observe the same regulations as for through traffic stop signs and signs at stop intersections as provided in this act

Section 35 That section one thousand twenty-seven of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1027 Certain Vehicles to Stop at Railway Grade Crossings

All motor buses and motor omnibuses engaged in the transportation of passengers for compensation and all motor vehicles used in the transportation of school children either on contract with the school district authorities or owned by school districts and vehicles transporting explosives or flammable liquids as a cargo or part of a cargo shall come to a complete stop immediately before crossing a railway grade crossing

Section 36 That subsection (a) of Section one thousand one hundred three of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1103 Powers of Local Authorities

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace or traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of

vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 37 That subsection (c) of Section one thousand one hundred five of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1105 Uniformity and Control of Signs and Markings

(c) The Secretary of Highways and local officials in their respective jurisdictions shall have the authority to cause the removal of all colored or flashing light signs or other lights [or] signs or marking so located as to interfere with traffic or to be confused with or to obstruct the view or effectiveness of official signs traffic signals or markings

Section 38 That Section one thousand one hundred eight of said act be and the same is hereby amended to read as follows

Section 1108 Defacing signs

It shall be unlawful for any person to deface damage knock down [or] remove obstruct or interfere with any sign posted as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five ($25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 39 That section one thousand one hundred ten of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signals

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain traffic signals Before local authorities in counties or townships shall erect or cause to be erected traffic signals on a State Highway they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Traffic signals electrically operated shall conform to the following

1 Where a three-color system is used the yellow light following the red light shall not exceed three (3) seconds in length The timing of all lights shall be determined by the volume of traffic and other conditions

2 Where three colored lights are used the yellow shall be in the center

3 The light shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of not less than eight (8) feet above the pavement to the bottom of the signal if on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January [the] first [nineteen] one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

(c) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "Stop" plainly visible thereon and the go vanes a green field with the word "Go" plainly visible thereon

2 When used at night they shall be equipped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

(d) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated

(e) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top or left side the yellow lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it shall be located below or to the right of the green lens

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operated a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 40 That section one thousand two hundred one of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1201 Limitations of Actions

(a) Informations charging violations of any of the summary provisions of this act shall be brought before [the magistrate nearest to the point where the alleged violation occurred or] a magistrate within the city borough incorporated town or township where the alleged violation occurred within fifteen (15) days after the commission of the alleged offense and not thereafter except that where an information is filed against a person prima facie guilty of a summary offense and it subsequently appears that a person other than the person named in the information was the offender an information may be filed against such other person within fifteen (15) days after his or her identity shall have been discovered

(b) Where the offense committed is designated a felony or misdemeanor information may be filed as now provided by law

Section 41 That section one thousand two hundred nine of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1209 Registration Number Prima Facie Evidence

In any proceeding for a violation of the provisions of this act or any local ordinance rule or regulation the registration plate displayed on such [motor] vehicle shall be prima facie evidence that the owner of such [motor] vehicle was then operating the same If at any hearing or proceeding the owner shall testify under oath or affirmation that he was not operating the said [motor] vehicle at the time of the alleged violation of this act or any local ordinance rule or regulation and shall submit himself to an examination as to who at that time was operating such motor vehicle and reveal the name of the person if known to him or if the information is made in a county other than that of his own residence shall forward to the magistrate an affidavit setting forth these facts then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted

Section 42 That subsection (b) of section one thousand two hundred twelve of said act as amended by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws seven hundred fifty-one) is hereby amended to read as follows

Section 1212 Enforcement of Local Ordinances

(b) Prosecutions brought under any local ordinance rule [or] regulation or for common law offenses which are

based on a violation for which there is a specific penalty provided in this act shall be deemed and considered as having been brought under this act and the disposition of the fines and forfeitures shall be so governed

Section 43 That section one thousand two hundred eighteen of said act is amended by adding thereto a subsection (d) as follows

Section 1218 Signals and Investigation by Officers

(d) It shall be unlawful for any operator of a vehicle to refuse to comply with any lawful order signal or direction of a peace officer who shall be in uniform and shall exhibit his badge or other sign of authority

Section 44 Constitutional Construction

The provisions of this act are severable and if any provision thereof is held to be unconstitutional the decision so holding shall not be construed as affecting or impairing any other provision of this act or the act as a whole It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 45 Effective Dates

(a) The following amendments shall become effective on and after January one one thousand nine hundred thirty-six

The definition of "commercial motor vehicle" as amended by section 1 of this amending act the provisions of section 14 insofar as they affect subsections (e) and (f) of section 801 of the act to which this is an amendment the provisions of section 15 insofar as they affect subsection (d) of section 802 of the act to which this is an amendment the provisions of sections 16 and 17 the provisions of section 21 insofar as they affect subsections (c) and (d) of section 811 of the act to which this is an amendment the provisions of sections 25 and 32

(b) All other provisions of this act shall be effective immediately upon the approval of this act by the Governor

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, J. A.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2184 as follows:

An Act to amend the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as amended by changing certain routes and adding certain new routes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following routes established by the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws five hundred ninety-four) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" are hereby amended to read as follows

[Route 04008 Beginning at a point on the Beaver Borough line about 0.25 of a mile east of the Dutch Ridge Road thence in a northwesterly direction to an intersection with Farmers Lane thence in a westerly direction across the Dutch Ridge Road to an intersection with Two-mile Run Road near Klingelhoffer farm in Beaver County a distance of about 1.0 mile]

Route 06116 Beginning at a point on Route 157 near the north borough line of Temple Borough thence in a southerly direction in Muhlenberg Township for a distance of about 0.07 of a mile on the Kutztown Road to the Temple Borough-Muhlenberg Township line beginning again at a point on the easterly boundary line of Temple Borough thence easterly through Muhlenberg and Alsace Townships to a point of road intersection about 0.5 of a mile east of the Muhlenberg-Alsace Township line thence southeasterly through Alsace Township to a point of road intersection about 0.5 of a mile southwest of the Ruscombmanor-Alsace Township line and about 1.8 miles northwest of Basket in Berks County a distance of about 3.7 miles

Route 06122 Beginning at a point of road intersection on the Ontelaunee-Maiden Creek Township line on Legislative Route 06002 about .3 of a mile northwest of its intersection with Legislative Route 506 thence northeasterly northwesterly northeasterly and easterly through Maiden Creek Township to a point of road intersection [about .4

of a mile northeast of South Evansville] with Legislative Route 06123 approximately 3,400 feet west of Evansville Station thence beginning again at Evansville Station thence southeasterly through Maiden Creek Richmond and Ruscombmanor Township by way of Molltown and crossing Route 157 about .4 of a mile southwest of its intersection with the Richmond-Maiden Creek Township line and thence by way of Walnuttown to a point of road intersection about .4 of a mile south of the Ruscombmanor-Richmond Township line thence southerly southwesterly and southeasterly through Ruscombmanor Township to a point of road intersection about one mile southwest of the northern terminus of State Aid Application 7202 in Ruscombmanor Township in Berks County a distance of about [8.7] 8.1 miles

Route 06123 Beginning at a point of road intersection with Legislative Route 06122 in Maiden Creek Township approximately 3,400 feet west of [near] Evansville Station northerly northeasterly and northwesterly through Maiden Creek and [Richmond] Perry Townships to a point of road intersection with Legislative Route 06124 approximately 8,700 feet west of [near] Moselem Station [in Richmond Township] in Berks County a distance of about [2] 2.1 miles

Route 08019 Beginning at a point on State Highway Route 17 about 1.25 miles south of the Monroeton Borough line thence easterly through Monroe Township about [three] 3.5 miles [thence northeasterly through Monroe Township] to the Asylum Township line [thence southeasterly through Asylum Township about one mile] thence northeasterly through Asylum Township about 0.6 of a mile to a road intersection thence southeasterly through Asylum Township about [one mile] 0.5 of a mile thence northeasterly through Asylum Township along Bennett's Creek to the intersection of State Highway Route 13 at Durell in Bradford Couny a distance of about [6.8] 7.3 miles

Route 10047 Beginning at a point [on Route 72 at Graham Terrace] at the Butler City Line on Roosevelt Boulevard thence [northeasterly] southeasterly and easterly via McQuiston School to State-aid Application 405 at a point about 100 feet south of the Butler City line in Butler County a distance of about [1] 1.5 miles

Route 11007 Beginning at a point on the west borough line of Ferndale approximately .25 of a mile south of the city line of Johnstown in Upper Yoder Township thence northwesterly through Upper Yoder Township to a point on State aid Application 5802 on the Southmont Borough and Upper Yoder Township line thence easterly through Upper Yoder Township on Hershberger Street and Hershberger Road to a point on the west line of Johnstown City in Cambria County a distance of about [1.9] 2.65 miles

Route 11011 Beginning at a point on State-aid Application 5802 on the Southmont Borough-Upper Yoder Township line in Southmont Borough and Upper Yoder Township thence northerly through Upper Yoder Township to the intersection of Elknud Lane and Crystal Way thence through Upper Yoder Township on Crystal Way to a point on the south line of Westmont Borough in Cambria County a distance of about 0.8 of a mile

Route 11028 Beginning at a point [on Route 276 approximately 0.5 of a mile north of Lilly Borough] on the north line of Lilly Borough at Portage Street in Washington Township Cambria County thence [easterly] northerly through Washington Township to a point on the Washington-Cresson Township line thence northeasterly through Cresson Township to the village of Dysartown thence northeasterly to a point on Route 53 [to] in the village of Summit thence northeasterly to [a point on the Cresson-Gallitzin Township line thence northerly through Gallitzin Township to a point on the southern borough line of Gallitzin and Tunnelhill] Union Cemetery approximately 0.3 of a mile north of Route 53 in Cambria County a distance of about [5.5] 3.6 miles

Route 15057. Beginning at a point [of road intersection in East Marlboro Township] about [one mile east of Upland] 1.5 miles west of Unionville; thence northerly through East Marlboro and Newlin Townships about [two] 1.1 miles [crossing Route 360 near Station 440,] to a point of road intersection; thence northeasterly and northerly through Newlin Township to a point of road intersection on the south bank of Brandywine Creek; thence westerly through Newlin Township along the Brandywine Creek to a point of road intersection about .25 of a mile west of Laurel; thence northwesterly through Newlin and East Fallowfield Townships, following the Brandywine Creek, to a point on the eastern boundary line of Modena Borough, in Chester County, a distance of about [8] 6.56 miles.

Route 18020. Beginning at the north end of State-aid Application 5551 near Gleasonton; thence north through Chapman Township to [connect with the Forestry road] Elk's Country Club along Young Woman's Creek, in Clinton County, a distance of about [1.5] 5.46 miles.

Route 19070 Beginning at a point on the northern borough line of Stillwater Borough thence northeasterly through Fishing Creek and Benton Township along Raven Creek to the intersection with State Highway Route 235 about 2.5 miles west of the Luzerne Couny line in Columbia Couny a distance of about [2.7] 3.1 miles

Route 22003. Beginning at a point on Route 1 in Halifax Township, 1.5 miles north of Matamoras; thence easterly and northerly through Halifax, Wayne [and] Jefferson and Jackson Townships, via Waynesville, Enterline, Carsonville, to a point [in Jefferson Township at the intersection of two township roads approximately three and one-half miles east of Jefferson-Wayne Township line] on the south line of Lykens Borough, in Dauphin County, a distance of about [12.66] 18.91 miles

Route 22018. Beginning at a point [in] on the Steelton Borough-Swatara Township line at Pine Street, thence in a general northeasterly direction intersecting Route 618 about one mile northwest of Oberlin; thence easterly through Swatara Township to a point intersecting Route 139 about one mile west of Hummelstown Borough; thence from a point intersecting Route 139 about one and one quarter miles west of Hummelstown Borough, northerly through Swatara, South Hanover, and Lower Paxton Townships, to a point intersecting Route 140 about one mile west of the Lower Paxton-West Hanover Township line, in Dauphin County, a distance of about [10.13] 10.78 miles.

Route 22021 Beginning at a point in Swatara Township [about one-half mile east of Rutherford Station] on Route 139 near Boyd Station thence easterly and northerly through Swatara and Lower Paxton Townships to a point intersecting Route 22008 thence from a point in Lower Paxton Township intersecting Route 22008 northerly to a point intersecting Route 140 about one mile east of the Lower Paxton-Susquehanna Township line thence from a point intersecting Route 140 about one-half mile east of the Lower Paxton-Susquehanna Township line northerly through Lower Paxton Township to a point intersecting Route 22006 about one mile east of the Lower Paxton-Susquehanna Township line in Dauphin County a distance of about [6.65] 8.69 miles

Route 22026. Beginning at a point in Middle Paxton Township intersecting Route 1 about one-half mile northwest of Speeceville; thence easterly through Middle Paxton Township to a point intersecting Route 22004 about two miles north of Dauphin Borough; thence from a point intersecting Route 22004 about one mile north of Dauphin Borough; easterly through Middle Paxton [Township for a distance of 1.54 miles, from the last named intersection] and Bush oTwnships to a point opposite the water company's dam on Clark Creek, in Dauphin County, a distance of about [5.18] 13.18 miles.

Route 25001. Beginning at a point in the Erie-Crawford County line about 2.5 miles east of the Ohio State line; thence northerly in Conneaut [Township] and Springfield Townships through Tracy to a point on Route [709 at Richard's Corners, about 0.75 of a mile east of Ackerly's Corners] 85 near its intersection with Route 25003, in Erie County, a distance of about [2.8] 5.9 miles.

Route 25010. Beginning at a point on the north line of Crawford County, being the Pageville-Crossingville Road; thence northwesterly and northerly in Elk Creek Township through Pageville [to a point on Route 709 at] and Murphy's Corners, [about one mile northwest of Pageville] to the intersection of Routes 25011 and 25012, in Erie County, a distance of about [2.2] 4.7 miles.

Route 25025. Beginning at a point on Route 272 about .3 of a mile west of Walnut Creek, being the Dutch road; thence north approximately parallel with Walnut Creek in Fairview Township to a point on Route 86 at Manchester School, thence northwesterly, northerly and southeasterly to a point on Route 86, about .25 of a mile [west] east of Walnut Creek, in Erie County, a distance of about [1.2] 2.6 miles.

Route 25044. Beginning at Darrow's Corners, and extending east in Concord Township to Haynes School Corners; thence north to Drake's Corners; thence northeast to a point on Route [567 near Casey farm] 25076 about [.6] .4 of a mile south of the Corry City line, in Erie County, a distance of about [3.4] 4.6 miles.

Route 25079. Beginning at a point on Route 85 about 2.5 miles south of Albion Borough, at Cross Corners; thence westerly through Conneaut Township, by way of Pennside, for about 2.0 miles; thence northerly, through Conneaut and Springfield Townships, by way of Carter's Corners, [to an intersection with Route 85 at] Knapp's Corners, [about 2.0 miles west of Albion Borough] and Kidder's Corners to a point on Route 25004 near Sherman's Corners, in Erie County, a distance of about [5.0] 7.7 miles

Route 27007 Beginning at the east borough line of Tionesta being the German Hill Road extending easterly in Tionesta Township to a point on the Tionesta-Green Township line thence northeasterly in Green Township through Kiser's Corners and continuing eastwardly in Green Township to a point on the dividing line between Green and Kingsley Townships and continuing in a northeasterly direction in Kingsley Township by way of Starr to intersecting road about 0.8 of a mile northeast of Starr [,] and continuing in a northeasterly direction crossing Ross Run to a point of intersection with Route 27009 at Whig Hill Corners in Forest County a distance of about [6.2] 10.3 miles

Route 30001 Beginning at the West Virginia State line approximately [.5 of a] one mile southwest of Ned in Springhill Township thence northerly through Springhill Aleppo and Richhill Townships by way of Deep Valley Aleppo Ryerson Station Durbin and Crabapple to the line between Greene and Washington Counties at Majorsville in Green County a distance of about 25.0 miles

Route 30037 Beginning at intersection of Bissett Run Road and Barger Road thence easterly by way of Barger School House to [the New Freeport Borough line] a point on Route 111 also from a point on [this route] Route 30037 near the Pleasant Hill Church south to the West Virginia State line in Greene County a distance of about [1 mile] 4.05 miles

Route 31007. Beginning at a point on the Huntingdon-Fulton County line approximately one-half mile west of the Clay-Wood Township line, in Wood Township, Huntingdon County; thence northerly through Wood [Township] and Todd Townships along Sideling Hill Creek to a point on [the Wood-Todd Township line] Route 31081 approximately one-half mile west of the Wood-[Clay] Todd Township line, in Huntingdon County, distance of about [4.1] 5.0 miles.

Route 35018 Beginning at a point on State Highway Route 9 at Chinchilla in South Abington Township thence in a westerly and southerly direction in South Abington Township [crossing] to a point on State Highway Route 671 about 0.9 of a mile southwest of the southwest borough line of Clarks Summit Borough beginning again on Route 671 about 0.5 of a mile southwest of the aforesaid borough line thence through South Abington and Newton Townships to a point where it intersects State Highway Route 440 approximately 0.5 of a mile southwest of Scranton Poor Farm in Lackawanna County a distance of about 3.2 miles

Route 36084 Beginning at a point in [Manor] Conestoga Township at the New Safe Harbor Station of the Columbia and Port Deposit Branch of the Pennsylvania Railroad thence northerly to a point intersecting Route 36005 [about one-eight mile west of the Manor-Conestoga Township line] in Lancaster County a distance of about [.94] .35 of a mile

Route 38001 Beginning at a point in South Londonderry Township on the Lebanon-Lancaster County boundary line about three miles [west] east of the Lebanon-Dauphin County line thence northwesterly through South Londonderry Township to a point intersecting Route 624 at Upper Lawn thence from a point intersecting Route 624 about one-half mile west of Upper Lawn northerly by way of Plainville to a point intersecting Route 501 at Campbellstown thence from a point intersecting Route 501 about one-half mile east of Campbellstown through South Londonderry and North Londonderry Township to a point on the southern boundary line of Palmyra Borough thence from a point on the northern boundary line of Palmyra through North Londonderry and North Annville Townships to a point intersecting Route 651 about one mile south of Bellegrove thence from a point in North Annville Township intersecting Route 651 at Bellegrove northerly through North Annville and East Hanover Townships by way of Harpers Tavern Indiantown and Indiantown Gap to a point intersecting Route 38039 [near] about one mile east of Saint Joseph Springs in Lebanon County a distance of about 20.8 miles

Route 38003 Beginning at a point in North Londonderry Township on Route 38001 about one-half mile east of the eastern line of Palmyra Borough thence westerly to a point on the eastern boundary line of Palmyra Borough thence from a point on the northen boundary line of Palmyra Borough through North Londonderry and East Hanover Townships by way of Valley Glen thence northeastwardly from a point 1.4 miles north of Valley Glen intersecting Route 140 at a point about .5 of a mile west of East Hanover thence from a point intersecting Route 140 about one and one-half miles east of the Lebanon-Dauphin County line northerly and easterly through East Hanover Township to a point intersecting Route 38001 about 0.1 of a mile north of Murray School thence over Routes 38001 and 38023 to a point about 0.6 of a miles west of the East Hanover-Union Township line thence easterly and northeasterly through East Hanover and Union Townships [by way of Rankstown] to a point intersecting Route 141-Spur at Bordnersville in Lebanon County a distance of about [15.9] 15.5 miles

Route 38021 Beginning at [a point in Heidelberg Township intersecting] the Lebanon-Lancaster County line at the end of State-aid Application 7069 thence in a northerly direction through Heidelberg Township to an intersection with State-aid Application 6893 about one mile south of Schaefferstown thence northerly to a point intersecting Route 38002 at Schaefferstown in Lebanon County a distance of about [1.0] 3.29 miles

Route 38023 Beginning at a point in East Hanover Township intersecting Route 38001 about one-half mile southwest of East Hanover-Union Township line thence northeasterly through East Hanover [and Union Townships to a point intersecting Route 38003 about one-half mile east of Rankstown] Township to a road intersection about 0.4 of a mile southwest of East Hanover-Union Township line in Lebanon County a distance of about [1.0] 0.4 of a mile

Route 40044. Beginning at a point on the present northerly end of county road in Jenkins Township approximately one mile southeast of Laflin Borough line; thence northerly through Jenkins Township to [the southeasterly borough line of Yatesville near] an intersection with State Highway Route 515; beginning again at a point on the Yatesville Borough-Jenkins Township line at Stout Street, thence northwesterly through Jenkins Township to an intersection with Route 40038, in Luzerne County, a distance of about [2] 2.6 miles.

Route 41029 Beginning at a point on State Highway Route 20 at the line between Old Lycoming and Lycoming Townships thence westerly on the Beauty's Run Road to a point about 0.75 of a mile from the Lycoming-Anthony Township line thence northwesterly through Lycoming Township to the intersection with Route 41030 about [.75] 0.6 of a mile [southwest] north of the intersection of Route 41031 in Lycoming County a distance of about [5] 5.5 miles

Route 41057 Beginning at a point on State Highway Route 19 at Glen Mawr thence northerly along Lick Run through Shrewsburg Township to a point about one mile south of the Lycoming-Sullivan County line thence by relocation to a point on the Sullivan County line [at the end of Route 56004 in Sullivan County] about 0.21 of a

mile northwest of the point at which the present road crosses said county line in Lycoming County a distance of about [2.9] 3.0 miles

Route 44018 Beginning at a point in Wayne Township on the Huntingdon-Mifflin County line at the Juniata River Bridge near Kistler Borough and leading along the northern line of Kistler Borough in a southeasterly and then in a northeasterly direction through Wayne Township to a point on the western boundary line of Newton Hamilton Borough in Mifflin County a distance of about 2.88 miles

Route 46069 Beginning at a point in Lower Merion Township the intersection of Roberts Road and [Montgomery Avenue] Route 142 thence northeasterly through Lower Merion Township over Roberts Road and Swamp Road to a point the intersection of Swamp Road and Mount Pleasant Road thence southeasterly through Lower Merion Township to a point the intersection of Mount Pleasant Road and Waverly Road thence northeasterly through Lower Merion Township to a point the intersection of Waverly Road with Youngs Ford Road thence northwesterly and northerly still through Lower Merion Township to a point on the Schuylkill Road about .8 of a mile southeast of Woodlane Station on the Reading Railroad in Montgomery County a distance of about 4.4 miles

Route 48023. Beginning at a point on [State Highway Route 166 at Chestnut Hill in Forks Township; thence northerly through Forks Township] the northern line of the city of Easton; thence northerly through Forks and Lower Mt. Bethel Townships to a point, where it intersects Route 48025 approximately .25 of a mile east of the Forks-Lower Mt. Bethel Township line, in Northampton County, a distance of about [4.35] 4.45 miles.

Route 55013 Beginning at a road intersection about .75 of a mile south of White Oak Churches in Larimer Township thence northwesterly through Larimer Township to the village of Deal thence northwesterly to a point on the Larimer-Summit Township line on State-aid Application 6484 in the village of Keystone beginning again at a point on State-aid Application 6483 about 0.39 of a mile northwest of the Larimer-Summit Township line thence continuing in a northwesterly direction through Summit Township for a distance of about 0.1 of a mile to another point on State-aid Application 6483 in Somerset County a distance of about [6.2] 6.3 miles

Route 55064. Beginning at a point on Route 186 about 1.75 miles east of the village of Lavanville, Somerset Township; thence northerly through Somerset Township to a point on the Somerset-Jefferson-Lincoln Township line; thence northwesterly along Jefferson-Lincoln Township line, in Jefferson and Lincoln Townships, to a point near Gillette; thence northwesterly in Lincoln Township, by way of Zufall, to a point on the Somerset-Westmoreland County line, at Laurel Summit, in Somerset County, a distance of about [8.7] 10.0 miles.

Route 56004 Beginning at a point on the Sullivan-Lycoming County line about 3.0 miles north of Mawrglen and about 0.21 of a mile northwest of the present road crossing the county line thence by relocation northeasterly through Shrewsbury Township to a point on the existing road about 0.3 of a mile north of the county line thence in a general northwesterly direction through Shrewsbury Township and Hillsgrove Township to the intersection with State Highway Route 291 at Ogdonia in Sullivan County a distance of about [6.2] 6.0 miles

Route 60027 Beginning at the crossroads in Hill City and running easterly through Cranberry Township by way of J B Blauser Farm to a point on the dividing line between Cranberry and Pine Grove Townships thence northeasterly through Pine Grove Township by way of O B Perry Corners to the intersecting road at Centerville thence in a general northeasterly direction to Goodman's Corners thence in a general easterly direction in Pine Grove Township to an intersection with Route 60029 south of the village of Venus in Venango County a distance of about [4.1] 10.1 miles

Route 65007 Beginning at a point on State Highway Route 592 approximately one-quarter mile northwest of [Vernon] Centermoreland thence in a [northwesterly] southwesterly direction through North Moreland and [Eaton] Monroe Townships to an intersection point on State Highway Route [11 approximately one-quarter mile south of Jenks] 65003 at Beaumont in Wyoming County a distance of about [2.60] 3.30 miles

Route 66009 Beginning at a point in Manheim Township intersecting Route 60007 about .5 of a mile south of the Manheim-Heidelberg Township line thence northeasterly through Manheim and Codorus Townships to a point on the western boundary line of Jefferson Borough thence from a point [in North Codorus Township intersecting State-aid Application 2003 near the Codorus-North Codorus Township line] at the northern end of State-aid Application 2003-A at the North Codorus Township-Jefferson Borough line thence westerly through North Codorus and Heidelberg Townships to a point intersecting Route 66007 at Porters thence from a point intersecting Route 66007 about .25 of a mile northwest of Porters northerly through Heidelberg and Jackson Townships by way of Iron Bridge intersecting Route 230 to a point in Jackson Township into Route 66008 about .5 of a mile west of Spring Grove Borough in York County a distance of about 12.75 miles

Section 2 That said act is hereby amended by adding thereto the following routes

ADAMS COUNTY

Route 01054 Beginning at a point on Route 298 immediately south of Greenmount and extending in a southeasterly northeasterly and easterly direction through Cumberland Township to a point on Route 01003 about 0.2 of a mile south of an intersection with Route 375 in Adams County a distance of about 4.1 miles

Route 01055 Beginning at a point on Route 01027 about 1.0 mile northeast of an intersection with Route 01014 and extending in a general easterly director through Mount Joy and Germany Townships to a point on State-aid Application 111 about 0.3 of a mile southwest of St John's Church in Adams County a distance of about 4.4 miles

Route 01056 Beginning at a point on State-aid Application 3412 about 0.5 of a mile north of the Maryland State line and extending in an easterly direction through Germany Township by way of Kingsdale and Georgetown to a point on Route 42 about 0.2 of a mile north of the Maryland State line in Adams County a distance of about 3.0 miles

Route 01057 Beginning at a road intersection about 3.2 miles northwest of Marshalls and extending in a northeasterly direction through Hamiltonban Township to the Hamiltonban-Franklin Township line thence northeasterly easterly southerly and southeasterly through Franklin and Hamiltonban Townships by way of Mt Carmel Church to a point on Route 01001 in Orrtanna in Adams County a distance of about 5.2 miles

Route 01058 Beginning at a point on Route 231 about 0.1 of a mile west of an intersection with Route 01003 and extending in a northerly and northwesterly direction through Mt Pleasant and Straban Townships to a point on Route 126 at or near Granite in Adams County a distance of about 3.3 miles

Route 01059 Beginning at a point on Route 01005 at Centennial and extending in a northerly northwesterly and northeasterly direction through Mt Pleasant and Oxford Townships to a point on State-aid Application 6810 about 0.4 of a mile south of Irishtown in Adams County a distance of about 1.85 miles

Route 01060 Beginning at a road intersection about 0.7 of a mile north of Centennial and extending in an easterly direction through Mt. Pleasant and Conewago Townships to a point on State-aid Application 5510 about 0.4 of a mile southeast of the Oxford-Conewago Township line in Adams County a distance of about 1.0 mile

Route 01061 Beginning at a point on State-aid Application 6810 about 1.0 mile south of Irishtown and extending in a general northerly direction through Oxford Township to a point on State-aid Application 6810 about 0.5 of a mile northeast of Irishtown in Adams County a distance of about 1.4 miles

Route 01062 Beginning at the intersection of Routes 231 and 01034 and extending in an easterly direction through Conewago Township by way of Midway to the

Adams-York County line in Adams County a distance of about 0.6 of a mile

Route 01063 Beginning at a point on Route 01001 just north of Brysonia and extending in a northeasterly direction through Menallen Township to the Bendersville Borough-Menallen Township line in Adams County a distance of about 3.9 miles

Route 01064 Beginning at the northern borough line of Bendersville Borough and extending in a northwesterly and northeasterly direction through Menallen Township past Cottage Hill School to a point on Route 01006 at Mt. Tabor in Adams County a distance of about 3.0 miles

Route 01065 Beginning at a point on Route 01047 immediately east of Gargol and extending in a northerly direction through Huntingdon Township to a point on Route 01012 about 0.1 of a mile east of the Adams-Cumberland County line in Adams County a distance of about 2.1 miles

ARMSTRONG COUNTY

Route 03097 Beginning at a point at Eleventh Street on the east borough line of Apollo Borough thence in a general northeasterly direction through Kiskiminetas Township on the Sugar Hollow Road to a point on Route 03041 about 0.7 of a mile northwest of the intersection of Routes 188 and 03041 in Armstrong County a distance of about 3.5 miles

Route 03098 Beginning at a point on the east borough line of Leechburg Borough thence in a northeasterly direction through Gilpin Township to a road intersection thence in a northwesterly direction to a point on Route 03036 about 1.5 miles northeast of its intersection with Route 203 in Armstrong County a distance of about 1.5 miles

Route 03099 Beginning at a point on Route 203 about 2.5 miles north of Leechburg thence in a southeasterly direction through Gilpin Township to a point on Route 03036 about 1.5 miles northeast of its intersection with Route 203 in Armstrong County a distance of about 1.6 miles

Route 03100 Beginning at a point on Route 03054 at Girty thence in a southeasterly direction through South Bend Township along the north side of Crooked Creek to a point on Route 319 at or near South Bend in Armstrong County a distance of about 2.8 miles

Route 03101 Beginning at a point on Route 03054 near Girty thence southwesterly through South Bend and Kiskiminetas Townships to a point on Route 03046 near Shady Plain in Armstrong County a distance of about 2.9 miles

Route 03102 Beginning at a point on Route 69 at its intersection with Route 03004 thence in a general northwesterly direction through South Buffalo Township by way of Iron Bridge to a point on the Armstrong-Butler County line in Armstrong County a distance of about 2.8 miles

Route 03103 Beginning at a point on Route 03060 at Pyrna thence northeasterly and southeasterly through Kittanning and Plum Creek Townships to a point on Route 03058 about 1.25 miles southwest of the intersection of Routes 67 and 03058 in Armstrong County a distance of about 2.2 miles

Route 03104 Beginning at a point on Route 03050 in the village of Heilman thence in a southeasterly direction through Kittanning Township along Garrett Run and North Run to a point on Route 03060 about 0.5 of a mile northwest of Rockville in Armstrong County a distance of about 3.5 miles

Route 03105 Beginning at a point on Route 03010 in the village of North Buffalo thence in a northeasterly easterly and northeasterly direction through North Buffalo Township to the southwestern terminus of Route 03018 in Armstrong County a distance of about 2.1 miles

Route 03106 Beginning at a point on Route 69 at McHaddon thence in a northwesterly direction through North Buffalo and West Franklin Townships to a point on the southeast corner of Worthington Borough in Armstrong County a distance of about 4.4 miles

Route 03107 Beginning at a point on the north borough line of Applewold thence in a northwesterly direction through East Franklin Township to a point on Route 251 about 0.1 of a mile south of the intersection of Routes 71 and 251 in Armstrong County a distance of about 1.0 mile

Route 03108 Beginning at a point on Route 03052 at Tunnelville thence in a general northwesterly direction through Bethel and Manor Townships to a point on Route 203 about 1.5 miles south of Ford Cliff in Armstrong County a distance of about 3.0 miles

Route 03109 Beginning at a point on Route 03076 about 0.8 of a mile east of Bryan thence in a southeasterly direction through Cowanshannock Township to a point on Route 534 about 1.5 miles southwest of Barnards in Armstrong County a distance of about 2.2 miles

Route 03110 Beginning at a point on Route 534 about 0.5 of a mile north of the Wayne-Cowanshannock Township line thence in a general southwesterly direction through Wayne and Cowanshannock Townships to a point on Route 03109 about 1.1 miles northwest of the intersection of Routes 03109 and 534 in Armstrong County a distance of about 3.3 miles

Route 03111 Beginning at a point on Route 03078 at or near Mateer School thence in a general northeasterly direction through Boggs Township to an intersection with Route 703 about 2.0 miles west of Gohenville in Armstrong County a distance of about 2.9 miles

Route 03112 Beginning at a point on Route 03023 about 0.5 of a mile southwest of Reesdale thence in a southwesterly direction through Washington Township to the end of Route 03024 about 0.7 of a mile north of Dickey in Armstrong County a distance of about 1.3 miles

Route 03113 Beginning at a point on Route 03029 about 0.4 of a mile east of its intersection with Route 03030 thence in a general northeasterly direction through Perry Township to Millers Eddy in Armstrong County a distance of about 1.5 miles

Route 03114 Beginning at the southern end of Route 03085 at Deanville thence in a southeasterly direction through Madison Township to a road intersection in Armstrong County a distance of about 1.8 miles

Route 03115 Beginning at a point on Route 03075 at or near Putneyville thence in a northeasterly direction through Mahoning Township to a road intersection at or near the Mahoning-Redbank Township line in Armstrong County a distance of about 1.0 mile

Route 03116 Beginning at a point on Route 66 about 0.5 of a mile northeast of Oakland (Distant Post Office) thence in an easterly and southeasterly direction through Mahoning Township to a road intersection at or near the Mahoning-Redbank Township line in Armstrong County a distance of about 3.4 miles

Route 03117 Beginning at a point on Route 03084 about 0.7 of a mile west of the Madison-Mahoning Township line thence in a northerly direction through Madison Township to the Armstrong-Clarion County line at the village of St. Charles in Armstrong County a distance of about 2.5 miles

Route 03118 Beginning at a point on Route 03029 about 0.7 of a mile northwest of the village of Queenstown thence in a general northeasterly direction through Perry Township to a road intersection in the village of Hillville in Armstrong County a distance of about 2.8 miles

Route 03119 Beginning at a point on Route 534 about 0.5 of a mile south of Dayton Borough thence easterly through Wayne Township to the Armstrong-Indiana County line in Armstrong County a distance of about 1.4 miles

BEAVER COUNTY

Route 04088 Beginning at a point on Route 115 about 0.5 of a mile south of the intersection of Routes 115 and 04046 thence in a southeasterly and easterly direction through Hanover Township to a point on Route 538 about 0.9 of a mile southeast of the intersection of Routes 538 and 115 in Beaver County a distance of about 1.1 miles

Route 04089 Beginning at the Ambridge Borough-Harmony Township line about 0.25 of a mile north of the Allegheny-Beaver County line and extending in a northeasterly and northerly direction through Harmony Township to a point on Route 04011 about 0.1 of a mile west of the Economy-Harmony Township line in Beaver County a distance of about 1.2 miles

Route 04090 Beginning at a point on State-aid Application 4846 about 0.6 of a mile southeast of an intersection with Route 04025 and extending in a northeasterly and

northerly direction through Economy Township to a point on Route 04018 about 0.6 of a mile south of the Economy-New Sewickley Township line in Beaver County a distance of about 2.4 miles

Route 04091 Beginning at a point on Application 892 approximately 0.2 of a mile southeast of the intersection of Routes 04066 and 972 with Application 892 thence in a southerly and southeasterly direction through Brighton Township to a point at the intersection of Brighton and Borough Townships and Beaver Borough in Beaver County a distance of about 2.9 miles

Route 04092 Beginning at a point on State-aid Application 892 about 1.0 mile southeast of the intersection of Routes 972 and 04066 with Application 892 thence northeasterly through Brighton and Patterson Townships to an intersection with Route 04004 near the Patterson Township-Fallston Borough line in Beaver County a distance of about 1.34 miles

Route 04093 Beginning at a point on Route 532 about 0.6 of a mile east of the New Sewickley Township-Freedom Borough line and extending in a northerly direction through New Sewickley Township to a point on Route 04085 about 1.0 mile northeast of the Rochester-New Sewickley Township line in Beaver County a distance of about 2.5 miles

Route 04094 Beginning at a point on Route 04081 about 0.5 of a mile east of the Daugherty-Pulaski Township line thence in a northeasterly direction through Daugherty Township to a point on Route 04076 about 0.5 of a mile west of the intersection of Routes 04076 and 04063 in Beaver County a distance of about 2.5 miles

Route 04095 Beginning at a point on Route 04062 about 0.5 of a mile southeast of an intersection with Route 04081 and extending in a northeasterly direction through New Sewickley and Marion Townships to a point on Route 04030 immediately north of the Marion-New Sewickley Township line in Beaver County a distance of about 1.8 miles

Route 04096 Beginning at a point on Route 04062 about 1.0 miles northwest of the Butler-Beaver County line and extending in a northerly direction through New Sewickley Township to the southern terminus of Route 04039 in Beaver County a distance of about 1.4 miles

Route 04097 Beginning at a point on Route 640 about 1.2 miles west of its intersection with Route 04001 thence in a northerly direction through South Beaver and Darlington Townships to a point on Route 481 about 1.5 miles east of the Ohio-Pennsylvania State line in Beaver County a distance of about 2.6 miles

Route 04098 Beginning at a point on Route 04032 approximately 0.5 of a mile north of its intersection with Route 204 thence in a northerly direction through Chippewa and Big Beaver Townships to a point on Route 04057 approximately 0.5 of a mile south of the crossing of the Pennsylvania Railroad in Beaver County a distance of about 2.3 miles

Route 04099 Beginning at a point on Route 04012 immediately north of its crossing with the Pennsylvania Railroad thence in an easterly direction through Big Beaver Township along Clarks Run a distance of approximately 0.5 of a mile thence in a northerly direction to a point on Route 354 at or near its intersection with Route 04086 in Beaver County a distance of about 2.3 miles

Route 04100 Beginning at a point on Route 04078 about 0.3 of a mile northwest of an intersection with Route 04087 and extending in a general northwesterly direction through North Sewickley Township to a point on Route 482 about 0.25 of a mile south of the Connoquesnessing Creek in Beaver County a distance of about 1.5 miles

Route 04101 Beginning at a point at the eastern terminus of Route 04026 and extending in a southerly and easterly direction through Marion Township Beaver County to the Beaver-Butler County line thence in an easterly direction through Jackson Township Butler County to a point on Route 78 about 0.1 of a mile east of the Beaver-Butler County line a distance of about 2.3 miles

BEDFORD COUNTY

Route 05092 Beginning at a point on Route 05017 approximately 0.25 of a mile east of the village of Patience on Route 48 thence northerly through Cumberland Valley Township along the eastern road to the Cumberland Valley-Bedford Township line thence northerly through Bedford Township to a point on Route 48 approximately 0.5 of a mile east of the intersection of Route 05029 in Bedford County a distance of about 7.5 miles

Route 05093 Beginning at a point on a public road approximately 0.9 of a mile south of its intersection with Route 05039 just west of Route 286 thence northwesterly through West Providence Township to a point on Route 05039 approximately 0.25 of a mile east of its intersection with Route 05034 in Bedford County a distance of about 0.9 of a mile

Route 05094 Beginning at a point on Route 05033 about 0.8 of a mile northeast of its intersection with Route 05030 at Mench thence extending in an easterly and southeasterly direction through East Providence and West Providence Townships to a point on Route 05030 about 0.6 of a mile west of its intersection with Route 05021 in Bedford County a distance of about 2.7 miles

Route 05095 Beginning at a point on Route 05009 approximately 1.0 mile east of the village of Mattie thence northeasterly and northerly through East Providence Township to a point on Route 05031 approximately 1.0 mile west of the village of Gapsville in Bedford County a distance of about 4.2 miles

Route 05096 Beginning at a point on Route 356 where it intersects Route 05043 then in a general westerly direction through Napier Township to a point on the Bedford-Somerset County line in Bedford County a distance of about 4.4 miles

Route 05097 Beginning at a point on Route 05026 about 0.2 of a mile southeast of Manns Choice Borough thence in a northwesterly direction through Harrison Township to the Harrison Township-Manns Choice Borough line a distance of about 0.2 of a mile beginning again on the north borough line of Manns Choice Borough thence continuing in a northwesterly direction through Harrison Township crossing Route 49 for a distance of about 0.9 of a mile to the Harrison-Napier Township line thence northerly through Napier Township to a point on Route 119 thence northeasterly to a point on Route 05045 thence from another point on Route 05045 near Amick School northerly to the Napier-East St. Clair Township line thence northerly through East St. Clair Township to a point on Route 222 approximately 0.75 of a mile west of the East St. Clair-Bedford Township line in Bedford County a total distance of about 8.3 miles

Route 05098 Beginning at a point on Route 05065 approximately 0.5 of a mile east of the intersection with Route 356 in West St Clair Township thence northeasterly through West St Clair Township along Dunning Creek to a point on Route 222 approximately 1.0 mile northwest of the village of Spring Meadow in Bedford County a distance of about 3.1 miles

Route 05099 Beginning at a point on Route 222 approximately 1.0 mile southeast of Fishertown thence northerly through East St Clair Township to a point on Route 222-A approximately 0.25 of a mile west of the village of Reynoldsdale in Bedford County a distance of about 2.4 miles

Route 05100 Beginning at a point on Route 05051 at or near the village of Imlertown thence northerly through Bedford Township by way of the village of Cobler and westerly to Route 05052 then westerly along Oppenheimer Run to the Bedford-East St Clair Township line thence westerly through East St Clair Township to a point on Route 47 approximately 0.75 of a mile north of the village of Cessna in Bedford County a distance of about 4.5 miles

Route 05101 Beginning at a point on Route 05062 approximafely 0.75 of a mile southeast of the village of Salemville thence northerly through South Woodbury Township to a point on Application 1169 at or near the village of New Enterprise in Bedford County a distance of about 2.3 miles

Route 05102 Beginning at the intersection of Routes 593 and 05058 approximately 0.5 of a mile east of the village of Langdondale thence northeasterly through Broad Top Township by way of the village of Kearney to a point on Route 05061 approximately 0.5 of a mile west

of the village of Finleyville in Bedford County a distance of about 4.1 miles

Route 05103 Beginning at a point on the Bedford-Blair County line west of the village of Baker's Summit thence northeasterly through Bloomfield Township to a point on Route 674 approximately 0.25 of a mile south of the intersection of Route 674 and Route 674-A in Bedford County a distance of about 2.0 miles

BERKS COUNTY

Route 06147 Beginning at a point on Route 149 in Heidelberg Township approximately 0.5 of a mile east of Womelsdorf Borough thence in a southerly and southeasterly direction through Heidelberg Township to a point on the line dividing Berks and Lebanon Counties approximately 0.8 of a mile northwest of a point at the intersection of the Lebanon Berks and Lancaster County lines in Heidelberg Township Berks County a distance of about 3.3 miles

Route 06148 Beginning at a point on the Wernersville Borough-Lower Heidelberg Township line thence in a northeasterly direction through Lower Heidelberg Township to a point on Route 06058 in Berks County a distance of about 0.6 of a mile

Route 06149 Beginning at a point on Route 06038 at State Hill in Lower Heidelberg Township thence easterly and northeasterly through Lower Heidelberg and Bern Townships to a point on Route 06039 about 0.7 of a mile south of Leinbachs in Berks County a distance of about 2.8 miles

Route 06150 Beginning at a point on Route 06038 in Spring Township at the west borough line of Wyomissing Hill Borough thence extending northeasterly 1.8 miles thence extending northwesterly westerly and southwesterly about 0.6 of a mile to a point of road intersection in Spring Township thence northwesterly by way of a covered bridge over the Tulpehocken Creek into Bern Township thence extending northerly through Bern Township about 0.6 of a mile to a point on Route 310 at Station 219+72 also from the aforesaid covered bridge in a westerly and southerly direction through Spring Township to a point on Route 06039 at Van Reed's Paper Mill in Berks County a total distance of about 3.8 miles

Route 06151 Beginning at a road intersection in the southwestern corner of Alsace Township about 0.25 of a mile east of Route 06113 and at the most northerly point of what is known as the Skyline Boulevard thence northeasterly and northerly through Alsace Township to a point on Route 06113 approximately 2.5 miles northeast of the Reading City line in Berks County a distance of about 1.8 miles

Route 06152 Beginning at an intersection with Route 147 at the village of Gibraltar in Robeson Township and extending in a northerly easterly and northerly direction through Robeson and Exeter Townships to an intersection with Route 146 in Berks County a distance of about 1.7 miles

Route 06153 Beginning at a point on Route 147 at Gring's Gas Station thence southwesterly for a distance of about 1.4 miles thence northwesterly to a point on Route 06097 about 0.5 of a mile south of the intersection of Routes 06097 and 06099 in Union Township Berks County a distance of about 2.7 miles

Route 06154 Beginning at a point on Route 06101 about 0.4 of a mile southeast of the intersection of Routes 06101 and 06102 near Pine Forge thence in a southeasterly direction through Douglass Township to a point on Route 06103 about 0.4 of a mile northwest of the Montgomery-Berks County line in Berks County a distance of about 0.4 of a mile

Route 06155 Beginning at a point on State-aid Application 1031 in Douglass Township about 0.4 of a mile southwest of the village of Greshville extending in a southerly and southwesterly direction through Douglass Township to an intersection with Route 06102 about 0.7 of a mile southwest of the village of Pine Forge thence again from an intersection with Route 06102 south of Manatawny Creek in a southerly and easterly direction through Douglass Township to an intersection with Route 06101 about 0.5 of a mile north of Route 146 in Berks County a distance of about 5.8 miles

Route 06156 Beginning at a point on Route 06034 in Earl Township approximately 0.7 of a mile north of Earlville thence northwesterly and northerly through Earl and Oley Townships to a point on Route 197 about 0.7 of a mile southeast of Pleasantville in Berks County a distance of about 4.1 miles

Route 06157 Beginning at a point on Route 06098 about 1.5 miles west of the Pike-Washington Township line at Hill Church thence in a northerly and northeasterly direction through Pike Township to a point on the Pike-District Township line about 1.25 miles northwest of the Pike-Washington Township line thence in a general northerly direction through District Township to a point on Route 06095 near Landis Store beginning again on Route 06095 near Landis Store thence in a northeasterly direction through District and Hereford Townships to a point on Route 06140 about 0.1 of a mile west of Huff Church in Berks County a distance of about 6.3 miles

Route 06158 Beginning at a point on Route 06140 about 1.9 miles east of Stony Point in Rockland Township thence northwesterly through Rockland and Maxatawny Townships to a point on Route 06119 near Bowers in Berks County a distance of about 2.8 miles

Route 06159 Beginning at a point on Route 06008 in Rockland Township about 0.4 of a mile north of Stony Point thence northeasterly through Rockland and Maxatawny Townships to a point on Route 06119 and 0.3 of a mile south of Bowers in Berks County a distance of about 1.2 miles

Route 06160 Beginning at a point on the Topton Borough-Longswamp Township line in Longswamp Township thence northeasterly and northerly by way of Ringtown Schweyers and Kline's Corner to a point on Route 157 about 0.25 of a mile west of the Berks-Lehigh County line in Berks County a distance of about 3.4 miles

Route 06161 Beginning at a point on Route 06004 approximately 0.6 of a mile southwest of the Berks-Schuylkill County line in Bethel Township thence southwesterly and westerly through Bethel Township to a point on the Berks-Lebanon County line approximately 1.5 miles northwest of Route 141 also from a road intersection about one mile southwest of Route 06004 at Gerhart's Mills thence southerly through Bethel Township to a point on Route 06001 at Meckville in Berks County a distance of about 3.2 miles

Route 06162 Beginning at a point on Route 06020 in Jefferson Township near the intersection of Mill and Tulpehocken Creek thence westerly and southwesterly through Jefferson and Tulpehocken Townships to a point on Route 382 at Host in Berks County a distance of about 2.8 miles

Route 06163 Beginning at a point on Route 06036 about 0.5 of a mile northwest of Dauberville in Center Township thence northwesterly and northeasterly through Center Township to a point on Route 06031 near Centerport Borough in Berks County a distance of about 2.8 miles

Route 06164 Beginning at a point on the southmost end of Route 06046 at Berne in Tilden Township thence southerly and southwesterly through Tilden and Center Townships to a point of road intersection about 2.6 miles northwest of Centerport Borough thence southerly and southeasterly through Center Township to a point where it intersects the northern borough line of Centerport borough in Berks County a distance of about 3.7 miles

Route 06165 Beginning at a point on Route 06032 in Tilden Township about 0.6 of a mile southwest of Upper Bern thence southeasterly through Tilden and Center Townships by way of the United Brethren Church to a road intersection about 0.1 of a mile south of the Tilden-Center Township line in Berks County a distance of about 1.6 miles

Route 06166 Beginning at a point on Route 06126 approximately 0.3 of a mile southeast of its intersection with Route 06125 thence in a westerly and northwesterly direction through Perry and Windsor Townships to a point on Route 06125 at Windsor Castle in Berks County a distance of about 1.6 miles

Route 06167 Beginning at a point on Route 06125 in Windsor Township approximately 0.7 of a mile east of

Hamburg Borough thence southeasterly and easterly through Windsor Township to a point on Route 06125 about 0.6 of a mile northwest of the village of Windsor Castle in Berks County a distance of about 1.1 miles

Route 06168 Beginning at a point on Route 06125 in Perry Township approximately 0.3 of a mile northwest of Virginville thence northerly through Perry Windsor and Greenwich Townships to a point where it intersects the eastern borough line of Lenhartsville Borough in Berks County a distance of about 3.6 miles

Route 06169 Beginning at a point on Route 06139 about 0.1 of a mile west of the Richmond-Maxatawny Township line in Richmond Township thence northwesterly and southerly through Richmond Township by way of Crystal Cave to a point on Route 06139 about one mile east of Virginville in Berks County a distance of about 3.4 miles

Route 06170 Beginning at a point on Route 06130 about two miles west of the intersection of Route 06130 and 06131 thence in a general southerly southeasterly and southerly direction through Albany Township by way of the farms of Elton Trexler and Jefferson Snyder and the New Bethel Union Church to a point on Route 06129 about one mile west of Albany in Berks County a distance of about 2.5 miles

Route 06171 Beginning at a point on Route 06134 in Albany Township approximately 0.1 of a mile northwest of Wessnerville thence northeasterly and easterly through Albany Township to a point on the Berks and Lehigh County line about 0.3 of a mile southeast of Route 06133 in Berks County a distance of about 0.7 of a mile

Route 06172 Beginning at a point on Route 06133 near Kempton Station thence in a northwesterly direction through Albany Township to a point on Route 285 near Trexler Station in Berks County a distance of about 0.7 of a mile

Route 06173 Beginning at a point on Route 06120 at Henningsville thence in a southeasterly direction through Longswamp and District Townships to a point on Route 06140 at Peter Smith Corner about 1.3 miles east of the point of intersection with Route 06095 in Berks County a distance of about 1.3 miles

Route 06174 Beginning at a point on Route 06031 about 0.5 of a mile southeast of Centerport thence in a northeasterly direction through Center Township to the Center Township-Shoemakersville Borough line in Berks County a distance of about 2.1 miles

BLAIR COUNTY

Route 07036 Beginning at a point on Route 47 at the intersection of Application 5732 thence easterly through Greenfield Township to a point on the Blair-Bedford County line east of the village of Sproul in Blair County a distance of about 1.8 miles

Route 07037 Beginning at a point on Route 47 approximately 1.5 miles north of Claysburg thence northwesterly through Greenfield Township along Polecat Run to the Greenfield-Freedom Township line thence through Freedom Township to a point on Route 07006 approximately 0.6 of a mile east of the Freedom-Juniata Township line in Blair County a distance of about 5.1 miles

Route 07038 Beginning at a point on Route 07002 approximately 3.5 miles west of the village of Fredericksburg in Greenfield Township thence northerly through Greenfield Township to the Greenfield-Juniata Township line thence northerly through Juniata Township to a point on Route 07006 in the village of Blue Knob in Blair County a distance of about 1.2 miles

Route 07039 Beginning at a point on the east borough line of Williamsburg Borough on Front Street in Woodbury Township thence northeasterly along the Frankstown Branch of the Juniata River through Woodbury Township to a point on Route 07013 about 0.3 of a mile north of the village of Fisherville a distance of about 1.7 miles thence beginning again at a point on Route 07013 about 0.7 of a mile north of the village of Fisherville thence easterly and northeasterly through Woodbury Township for a distance of about 2.7 miles to a point on the Blair-Huntingdon County line approximately 0.8 of a mile northwest of the Walker-Porter Woodbury Township line in Blair County a total distance of about 4.4 miles.

Route 07040 Beginning at a point on Route 07026 about 0.4 of a mile south of the Logan-Antis Township line thence southeasterly through Logan Township to a point on the northern line of the city of Altoona in Blair County a distance of about 1.0 mile

Route 07041 Beginning at an intersection with Route 07027 about 0.2 of a mile south of the Bellwood Borough-Antis Township line and extending in an easterly direction through Antis Township to an intersection with Route 55 in Blair County a distance of about 0.7 of a mile

Route 07042 Beginning at a point on the northwestern line of Tyrone Borough thence westerly through Snyder Township in Blair County a distance of about 1.11 miles

BRADFORD COUNTY

Route 08121 Beginning at a point on Route 08008 about 0.4 of a mile west of the Overton-Albany Township line thence in a northeasterly direction through Overton and Albany Townships to a point on the west borough line of New Albany in Bradford County a distance of about 2.6 miles

Route 08122 Beginning at a point on Route 08013 about 0.5 of a mile east of Wilmot thence in a general southerly direction through Wilmot Township to Route 08118 at Kauffman's Cross Roads in Bradford County a distance of about 2.4 miles

Route 08123 Beginning at a point on Route 08040 about 1.0 miles northeast of Minnequa thence in a southerly direction through Canton Township to a point on Route 299 about 1.5 miles west of East Canton in Bradford County a distance of about 1.3 miles

Route 08124 Beginning at a point on Route 17 about 0.5 of a mile north of Stevenson thence in a general northesterly direction through Albany and Terry Townships to a point on Route 08020 about 0.5 of a mile east of the Asylum-Terry Township line in Bradford County a distance of about 5.5 miles

Route 08125 Beginning at a point on Route 08017 about 0.75 of a mile northeast of its intersection with Route 13 thence in a northeasterly direction through Wilmot Township to a road intersection at Quicks Bend in Bradford County a distance of about 1.5 miles

Route 08126 Beginning at a point on Route 241 near its intersection with Application 1043 thence in a northeasterly direction through Wyalusing Township to a point on Route 08031 about 0.1 of a mile east of Merryall in Bradford County a distance of about 2.9 miles

Route 08127 Beginning at a point on Route 08076 at Bacon Forks thence in a southerly direction through Asylum Township to a point on the Asylum-Wyalusing Township line in Bradford County a distance of about 1.4 miles

Route 08128 Beginning at a point on Route 08032 about 0.5 of a mile northeast of its intersection with Route 08102 thence in a general southeasterly direction through Tuscarora Township to a point on Route 559 at Silvara in Bradford County a distance of about 3.9 miles.

Route 08129 Beginning at a point on Route 20 about 0.7 of a mile south of Troy thence southeasterly through Troy Township to a point on Route 08044 about 1.75 miles southwest of East Troy in Bradford a distance of about 1.5 miles

Route 08130 Beginning at a point on Route 08062 about 1.7 miles east of Vroman Hill thence in northeasterly direction through West Burlington and Burlington Townships to a point on Route 08069 about 0.1 of a mile northwest of Mountain Lake in Bradford County a distance of about 2.6 miles

Route 08131 Beginning at a point on Route 08072 about 2.0 miles east of Overshot thence southerly to a road intersection thence easterly through Towanda Township to the southern borough line of Towanda Borough in Bradford County a distance of about 3.3 miles

Route 08132 Beginning at a point on Route 08022 about 0.1 of a mile southeast of the Towanda-Monroe Township line thence in a general easterly direction through Monroe Towanda and Asylum Townships by way of Uhdey to a point on Route 13 near Durell in Bradford County a distance of about 3.0 miles

Route 08133 Beginning at a point on Route 15 about 0.1 of a mile east of the intersection of Routes 15 and

08107 thence in a northerly and easterly direction in the village of East Towanda Wysox Township to a point on Route 15 about 0.3 of a mile west of the point of beginning in Bradford County a distance of about 0.2 of a mile

Route 08134 Beginning at a point on Route 08055 at Leona thence northeasterly and easterly through Springfield Township to a point on Route 08056 about 0.1 of a mile west of Wetona in Bradford County a distance of about 2.6 miles

Route 08135 Beginning at a point on Route 08075 at Saco thence northeasterly through Ulster Township to a point on Route 287 about 1 mile south of the intersection of Routes 287 and 08073 in Bradford County a distance of about 2.10 miles

Route 08136 Beginning at a point on Route 08075 near the Smithfield-Ulster Township line thence in a northerly direction through Smithfield Township to a point on Route 08073 about 0.2 of a mile southwest of the Smithfield-Ulster Township line in Bradford County a distance of about 0.7 of a mile

Route 08137 Beginning at a point on Route 08077 about 1.5 miles southeast of Sheshequin thence in a southwesterly and southerly direction through Sheshequin Township Bradford County a distance of about 2.1 miles

Route 08138 Beginning at a point on Route 08077 at Horn Brook thence in a southwesterly direction through Sheshequin Township to a road intersection in Bradford County a distance of about 0.9 of a mile

Route 08139 Beginning at a point on Route 08078 about 0.5 of a mile south of Apex thence around Lake Wysauking through Wysox Township to a point on Route 08078 about 1.2 miles south of Apex in Bradford County a distance of about 1.1 miles

Route 08140 Beginning at a point on Route 08049 about 1.7 miles southeast of Soper Hollow thence in a general northeasterly direction through Columbia and Wells Townships to a point on Route 08050 at Corryland in Bradford County a distance of about 2.7 miles

Route 08141 Beginning at a point on Route 08054 about 0.5 of a mile west of East Smithfield thence in a northwesterly direction through Smithfield Township to a road intersection in Bradford County a distance of about 1.1 miles

Route 08142 Beginning at a point on Route 08078 near its intersection with Route 08079 at North Rome thence northeasterly and easterly through Rome Township by way of Towner to a point on Route 08006 about 1.0 mile north of Rome Borough in Bradford County a distance of about 4.0 miles

Route 08143 Beginning at a point on Route 699 about 0.5 of a mile southwest of Warren Center thence in a general southerly direction through Warren Township to a point on Route 08094 about 0.5 of a mile southeast of South Warren in Bradford County a distance of about 3.65 miles

Route 08144 Beginning at a point on Route 08058 about 3.0 miles south of Gillette thence easterly and northeasterly through South Creek and Ridgebury Townships to a point on Route 08059 about 0.2 of a mile west of its intersection with Application 4310 in Bradford County a distance of about 3.4 miles

Route 08145 Beginning at a point on Route 08077 about 0.8 of a mile south of its intersection with Route 08081 thence easterly and southerly about 1.8 miles to a road intersection thence easterly and northeasterly through Athens and Litchfield Townships to a point on Route 08083 about 1.2 miles west of its intersection with Route 08082 in Bradford County a distance of about 3.6 miles

Route 08146 Beginning at a point on Route 08052 about 1.5 miles west of the South Creek-Wells Township line thence in a general northerly direction through Wells Township to a point on the Pennsylvania-New York State line about 2.0 miles east of Route 308 in Bradford County a distance of about 2.8 miles

Route 08147 Beginning at a point on Route 08114 about 0.5 of a mile north of its intersection with Route 08066 thence in an easterly direction through Athens Township to a point on the Sayre Borough line in Bradford County a distance of about 0.6 of a mile

Route 08148 Beginning at the end of Route 08081 near the Susquehanna River thence in a northerly and easterly direction through Athens Township crossing Route 08077 to a point on Route 08081 about 0.7 of a mile east of its intersection with Route 08077 in Bradford County a distance of about 1.0 mile

Route 08149 Beginning at a point on Route 08084 near Litchfield thence in a northerly and northeasterly direction through Litchfield Township about 1.9 miles to a road intersection thence southeasterly to a point on Route 08084 about 1.0 mile southwest of its intersection with Route 08078 in Bradford County a distance of about 2.4 miles

Route 08150 Beginning at a point on the northeast corner of Sayre Borough thence in a northeasterly direction through Athens Township to a point on the New York-Pennsylvania State line in Bradford County a distance of about 0.7 of a mile

Route 018151 Beginning at a point on Route 14-Spur "E" about 0.5 of a mile south of the intersection of Route 14 and Route 14-Spur "E" thence in a southerly and easterly direction through Stevens Township to a point on the Bradford-Susquehanna County line in Bradford County a distance of about 0.4 of a mile

Route 08152 Beginning at a point on Route 08090 at Orwell thence northerly through Orwell Township to a point on Route 08091 in Bradford County a distance of about 0.8 of a mile

Route 08153 Beginning at a point on Route 08017 about 1.5 miles north of the intersection of Routes 08017 and 08018 thence in a southeasterly and northeasterly direction through Wilmot Township to a point on the Wilmot Township-Wyoming County line in Bradford County a distance of about 0.8 of a mile

Route 08154 Beginning at a point on Route 08077 about 0.40 of a mile northeast of the intersection of Routes 08077 and 212 thence southeasterly thru North Towanda Township to a point on the Towanda Borough line in Bradford County a distance of about 0.40 of a mile

BUTLER COUNTY

Route 10088 Beginning at a point on Route 10001 at Hendersonville thence in a northerly direction through Cranberry Township to a point on Route 10008 at or near the Sample School in Butler County a distance of about 1.6 miles

Route 10089 Beginning at the southern end of State-aid Application 417 thence in a southwesterly direction through Clinton Township to the northern end of State-aid Application 4046 beginning again on the southern end of Application 4046 and extending in a southeasterly direction through Clinton Township to the Butler-Allegheny County line in Butler County a total distance of about 4.4 miles

Route 10090 Beginning at a point on Route 739 at Sarver thence in a southeasterly direction through Buffalo Township by way of Sandy Lick to the intersection of Route 387 about 1.0 miles northwest of the intersection of Routes 387 and 10027 in Butler County a distance of about 2.1 miles

Route 10091 Beginning at a point on Route 309 about 1.2 miles southeast of Evansburg Borough at or near Watters Station thence in a general easterly direction through Forward Township to a point on Route 10011 about 0.2 of a mile northeast of the Forward-Adams Township line in Butler County a distance of about 3.2 miles

Route 10092 Beginning at a point on Route 10013 about 0.3 of a mile northwest of the Adams-Middlesex Township line thence through Adams Forward and Penn Townships in a northerly and northeasterly direction crossing Route 10014 to a point on Route 10087 at or near Penn School of Aviation in Butler County a distance of about 3.6 miles

Route 10093 Beginning at a point on Route 10020 about 1.25 miles west of the intersection of Routes 10020 and 387 thence in a northwesterly direction through Jefferson and Penn Townships to a point on Route 10021 about 0.25 of a mile northeast of Rockdale Church in Butler County a distance of about 1.4 miles

Route 10094 Beginning at the southern end of State aid application 270 thence in a southeasterly direction through Jefferson Township to a point on Route 10020 near the intersection of Routes 387 and 10032 at or near

Jefferson Center in Butler County a distance of about 2.2 miles

Route 10095 Beginning at a point on Route 78 at or near the southern line of Connoquenessing Borough thence in a southerly northeasterly and southeasterly direction through Forward Township by way of the cross roads at the W. J. Purviance farm and Ribold Station to an intersection with Route 10014 at or near the intersection of Routes 10014 and 10015 in Butler County a distance of about 3.1 miles

Route 10096 Beginning at a point at the western terminus of Route 10022 thence in a northerly and westerly direction through Penn Township to a point on Route 10011 about 0.5 of a mile south of the Penn-Butler Township line in Butler County a distance of about 1.0 of a mile

Route 10097 Beginning at a point on Route 246 about 0.2 of a mile north of the Lancaster-Jackson Township line thence in a northwesterly and northerly direction by way of the old Schiever School and the Red Brush School to a point on Route 10040 about 0.5 of a mile east of the Lancaster Township-Lawrence County line in Butler County a distance of about 5.2 miles

Route 10098 Beginning at a point on Route 10041 just north of the crossing of Little Connoquenessing Creek thence in a general northeasterly direction through Lancaster and Connoquenessing Townships to a point on Route 10043 about 0.5 of a mile south of Whitestown near Mt. Nebo Church in Butler County a distance of about 5.6 miles

Route 10099 Beginning at a point on Route 73 at or near the intersection of Route 10056 thence in a general southeasterly direction through Center Butler and Summit Townships to a point on Route 75 at or near the Summit-Oakland Township line in Butler County a distance of about 2.4 miles

Route 10100 Beginning at a point on Route 71 about 0.3 of a mile east of the Clearfield-Summit Township line at L. J. Cramer's Garage thence in a northerly direction by way of the Jacob Cramer Cross Roads Lucasville Station Saint Joe Cross Roads and Danville Cross Roads through Clearfield and Donegal Townships to a point on Route 214 about 0.3 of a mile west of North Oakland Station in Butler County a distance of about 5.3 miles

Route 10101 Beginning at a point on the north borough line of West Liberty Borough thence in a northerly direction through Brady and Slippery Rock Townships by way of the Ralston School to a point on the south borough line of Slippery Rock Borough in Butler County a distance of about 2.3 miles

Route 10102 Beginning at a point on Route 10064 at or near the Pipe Stem School thence in a general southwesterly direction through Cherry and Clay Townships to a point on Route 10062 about 0.2 of a mile west of the Nazarne Church in Butler County a distance of about 2.4 miles

Route 10103 Beginning at a point on Route 75 about 2.3 miles northeast of Hooker thence in a general easterly direction through Concord and Fairview Townships by way of the cross roads at the Jeff Campbell farm to a point on the western line of Fairview Borough in Butler County a distance of about 4.2 miles

Route 10104 Beginning at a point on Route 10063 about 0.1 of a mile north of the bridge over a branch of the Slippery Rock Creek thence in a general northwesterly direction crossing Route 10068 through Cherry and Marion Townships to a point on Route 10070 about 1.4 miles west of Boyers Post Office (Anandale Station) in Butler County a distance of about 3.2 miles

Route 10105 Beginning at a point on the Venango-Butler County line at the southern end of Route 60002 thence southerly through Marion Township by way of Mt. Olive Church to an intersection with Route 10073 about 0.2 of a mile west of Van Dyke School in Butler County a distance of about 1.5 miles

Route 10106 Beginning at a point on the Venango-Butler County line south of Eakin Corners thence southerly through Venango Township for a distance of 0.4 of a mile to a point on the Venango Township-Cherry Valley Borough line in Butler County a distance of about 0.4 of a mile

Route 10107 Beginning at a point on Route 10007 about 1.6 miles southwest of the intersection of Routes 10007 and 309 thence in a northerly and westerly direction through Adams Township to a point on the Adams-Cranberry Township line in Butler County a distance of about 1.0 mile

CAMBRIA COUNTY

Route 11069 Beginning at a point on the Indiana-Cambria County line near the Cherry Tree Reservoir thence easterly through Susquehanna Township to a point on Route 62 approximately 0.75 of a mile south of the borough of Cherry Tree in Cambria County a distance of about 1.0 mile

Route 11070 Beginning at a point on Route 11019 at or near Grange Hall thence in a southwesterly and southerly direction through Summerhill and Croyle Townships to an intersection with Route 11014 at a point approximately 0.5 of a mile west of the Summerhill-Croyle Township line in Cambria County a distance of approximately 2.2 miles

Route 11071 Beginning at a point on the east borough line of Portage Borough at Washington Avenue in Portage Township thence northeasterly through Portage Township by way of the villages of Sonman and Bens Creek to a point on the Portage-Washington Township line thence northerly through Washington Township to a point on Route 276 near the village of Plane Bank in Cambria County a distance of about 4.2 miles

Route 11072 Beginning at a point on Route 11035 approximately 0.5 of a mile north of Elstie thence in a general northerly direction to an intersection with Route 221 at a point approximately 0.25 of a mile east of the east borough line of Ashville Borough in Gallitzin Township Cambria County a distance of approximately 2.4 miles

Route 11075 Beginning at a point on Route 11036 approximately 0.1 of a mile west of the Barr-Cambria Township line thence in a general northerly and northwesterly direction through Barr Township to an intersection with Route 11042 at its intersection with Route 747 in Cambria County a distance of about 2.6 miles

Route 11074 Beginning at a point on Route 221 approximately 0.5 of a mile north of the borough of Chest Springs in Clearfield Township thence northwesterly and southwesterly through Clearfield Township to a point on Route 11041 approximately 2.25 miles west of the borough of Chest Springs in Cambria County a distance of about 2.0 miles

Route 11075 Beginning at a point at or near the intersection of Route 11049 and 11067 in East Carroll Township thence in a general southeasterly direction through East Carroll Township to an intersection with Route 11048 just east of its intersection with Route 11041 in Cambria County a distance of approximately 2.0 miles

Route 11076 Beginning at a point on the south borough line of Hastings Borough on Beaver Street thence in a general southeasterly direction through Susquehanna Township to the Susquehanna-Elder Township line thence through Elder Township in a general southeasterly direction to a point on Route 11067 at or near its intersection with Route 221 in Cambria County a distance of about 2.55 miles

Route 11077 Beginning at a point on the northeast borough line of Patton Borough thence extending in a general direction through Elder Township by way of Flannigan Run Village to an intersection with Route 221 in Cambria County a distance of approximately 1.5 miles

Route 11078 Beginning at or near the intersection of Routes 406 and 11044 at St. Augustine thence in a general northwesterly direction through Clearfield Township to an intersection with Routes 11050 and 11052 in Cambria County a distance of approximately 2.2 miles

Route 11079 Beginning at a point on Route 62 at Garman thence in a southerly direction through Susquehanna and Barr Townships by way of Marsteller to a road intersection near the village of Moss Creek in Cambria County a distance of about 2.1 miles

Route 11080 Beginning at a point on Route 11060 at Mountaindale thence in a northeasterly and southeasterly direction through Reade Township to a point of intersection of Routes 11060 and 383 at Blandburg in Cambria County a distance of about 1.8 miles

CAMERON COUNTY

Route 12007 Beginning at a point on the Shippen Township-Emporium Borough line at the South Broad Street

Bridge thence in a general southwesterly direction through Shippen Township to a road intersection in Cameron County a distance of about 3.6 miles

CENTRE COUNTY

Route 14036 Beginning at a point on Route 57 about 1.5 miles south of the intersection of Routes 57 and 14001 thence southwesterly about 0.1 of a mile through Rush township to a road intersection thence northerly westerly and northerly through Rush Township to a point on the Centre-Clearfied County line in Centre County a distance of about 1.2 miles

Route 14037 Beginning at a point at the end of Application 5228 thence northeasterly through Rush Township to the Centre-Clearfield County line in Centre County a disance of about 1.75 miles

Route 14038 Beginning at a point on Route 346 at Fillmore in Patton Township thence in a northwesterly direction along the Patton-Benner Township line in Patton Township for about 1.0 mile thence in a northeasterly direction in Benner Township to a point on Route 14017 in Centre County a distance of about 2.3 miles

Route 14039 Beginning at a point on Route 56 about one mile west of Lemont thence in a general northerly direction through College Township to Houserville in Centre County a distance of about 2.5 miles

Route 14040 Beginning at a point on Route 346 about 0.3 of a mile southwest of the Spring-Benner Township line thence in a general southeasterly direction through Benner Township to Fisherman's Paradise in Centre County a distance of about 3.2 miles

Route 14041 Beginning at a point on Route 14017 approximately 0.1 of a mile west of the western borough line of Bellefonte thence in a westerly direction to an intersection with Route 14017 in Spring Township Centre County a distance of about 0.5 of a mile

Route 14042 Beginning at a point on Route 14031 near Farmer's Mills thence in an easterly direction through Gregg Township to a point on Route 14033 about 1.0 mile north of Penn Hall in Centre County a distance of about 3.5 miles

Route 14043 Beginning at a point on Route 27 about 0.4 of a mile west of Penn Hall thence in an easterly and northerly direction through Gregg Township to a point on Route 27 about 0.1 of a mile west of the Gregg Penn Township line in Centre County a distance of about 1.8 miles

Route 14044 Beginning at a point on Route 873 about 0.3 of a mile southeast of Millheim Borough thence in general northwesterly direction through Penn and Haines Townships to a point on Route 27 at Aaronsburg in Centre County a distance of about 1.3 miles

Route 14045 Beginning at a point on Route 27 about 2.0 miles east of Aaronsburg thence in a southerly direction through Haines Township to a point on Route 14032 about 1.7 miles east of the Haines-Penn Township line in Centre County a distance of about 1.9 miles

Route 14046 Beginning at a point on Route 27 about 0.5 of a mile west of Fiedler thence in a northerly easterly and southerly direction through Haines Township to a point on Route 27 about 0.1 of a mile west of Woodward in Centre County a distance of about 4.6 miles

CHESTER COUNTY

Route 15162 Beginning at a point on Route 15010 about 0.6 of a mile northwest of the East Nottingham-Elk Township line hence in a northeasterly southeasterly and northeasterly direction through East Nottingham and Elk Townships to a point on Route 605 at or near the intersection of Routes 605 and 15014 at Hickory Hill in Chester County a distance of about 2.1 miles

Route 15163 Beginning at a point on Route 15012 about 1.3 miles west of the intersection of Route 15012 and State-aid Application 90 thence in a general north-easterly direction through New London and Penn Townships to a point on State-aid Application 296 about 0.6 of a mile southeast of the intersection of State-aid Application 296 and Route 15008 in Chester County a distance of about 1.38 miles

Route 15164 Beginning at a point on Route 15022 about 1.7 miles northwest of the intersection of Routes 15022 and 15017 thence in a southwesterly direction through Franklin Township to the Franklin-New London Township line thence northwesterly through New London Township to a point on Route 15008 about 0.85 of a mile northeast of New London Chester County a distance of about 3.0 miles

Route 15165 Beginning at a point on Route 15017 about 0.1 of a mile northwest of the intersection of Routes 15017 and 15019 thence in a general northerly direction through New Garden Township to a point on Route 215 about 1.0 mile northwest of the intersection of Routes 215 and 15036 in Chester County a distance of about 2.9 miles

Route 15166 Beginning at a point on Route 15024 about 1.0 mile northeast of an intersection with Route 15025 and extending in a general northwesterly direction through Lower Oxford Township to a point on Route 15025 at or near the crossing of Muddy Run at Cream in Chester County a distance of about 1.7 miles

Route 15167 Beginning at a point on Route 274 about 0.3 of a mile northeast of the intersection of Routes 274 and 15026 at or near Hayesville thence in an easterly direction through Lower Oxford and Upper Oxford Townships to a point on Route 15027 about 0.4 of a mile south of the intersection of Routes 15027 and 15029 in Chester County a distance of about 1.8 miles

Route 15168 Beginning at a point on Route 15022 about 0.1 of a mile south of the southern limit of West Grove Borough thence in a northeasterly direction through London Grove Township to a point on Route 131 about 0.5 of a mile southeast of the western limit of West Grove Borough in Chester County a distance of about 1.0 mile

Route 15169 Beginning at a point on Route 15025 at or near the West Fallowfield-Upper Oxford Township line thence in a northwesterly direction through West Fallowfield Township to a road intersection thence in a westerly direction to the Octoraro Creek being the dividing line between Lancaster and Chester Counties in Chester County a distance of about 1.6 miles

Route 15170 Beginning at a point on Route 15025 about 1.9 miles southwest of the intersection of Routes 15025 274 and 215 thence in a southwesterly direction through West Fallowfield Township to a point on Route 15169 about 0.4 of a mile east of the Octoraro Creek in Chester County a distance of about 1.5 miles

Route 15171 Beginning at a point on Route 215 about 1.0 mile northwest of the intersection of Routes 215 and 15053 thence in a general southwesterly direction through Londonderry Township to a point on Route 15032 about 0.9 of a mile southwest of the intersection of Routes 15032 and 15053 in Chester County a distance of about 2.1 miles

Route 15172 Beginning at a point on Route 15053 about 0.3 of a mile northeast of an intersection with Route 215 thence in a general northerly direction through Londonderry and Highland Townships to a point on Route 15053 about 0.25 of a mile southeast of an intersection with Route 541 in Chester County a distance of about 1.4 miles

Route 15173 Beginning at a point on Route 15032 about 0.1 of a mile west of the West Marlboro-London Grove-Londonderry Township line thence in a general northeasterly direction through Londonderry and West Marlboro Townships to a point on Route 15045 at or near the intersection of Routes 15045 and 15056 in Chester County a distance of about 1.3 miles

Route 15174 Beginning at a point on Route 15084 about 0.6 of a mile southeast of the intersection of Routes 273 and 15084 thence in a general northeasterly direction through East Marlboro and Pocopson Townships to a point on Route 15048 about 0.4 of a mile north of an intersection with Route 15084 in Chester County a distance of about 1.95 miles

Route 15175 Beginning at a point on Route 15048 about 0.4 of a mile south of the intersection of Routes 15048 and 413 thence in a general easterly direction through Pocopson Township to a point on Route 15084 about 0.45 of a mile northwest of the intersection of Routes 15084 and 134 in Chester County a distance of about 1.0 mile

Route 15176 Beginning at a point on Route 15084 about 0.7 of a mile west of an intersection with Route 134 and extending in a northerly direction through Pocopson Township to Route 15175 thence from a point on Route 15175 in a northerly direction through Pocopson Township

to a point on Route 15083 about 1.0 mile northwest of Lenape in Chester County a distance of about 2.4 miles

Route 15177 Beginning at a point on Route 15060 about 0.7 of a mile north of the intersection of Routes 15060 and 15058 thence in a general southwesterly direction through West Fallowfield Township to a point on Route 15058 at or near its western terminus thence continuing to the Octoraro Creek at Steelville in Chester County a distance of about 1.7 miles

Route 15178 Beginning at a point on Route 15110 about 1.55 miles north of the intersection of Routes 15110 and 541 thence in a northeasterly and northerly direction through Highland East Fallowfield and Valley Townships by way of Glenrose and crossing Route 15067 to a point on State-aid Application 3835 at Westwood in Chester County a distance of about 2.62 miles

Route 15179 Beginning at a point on Route 15057 about 0.6 of a mile northeast of an intersection with Route 15069 thence in a northeasterly direction through Newlin Township to a point on Route 15070 at or near the intersection with Route 273 in Chester County a distance of about 1.1 miles

Route 15180 Beginning at a point on Route 273 immediately east of Broad Run and extending in a general westerly direction through West Bradford to a road intersection in Chester County a distance of about 1.05 miles

Route 15181 Beginning at a point on Route 15090 about 0.6 of a mile north of an intersection with Routes 626 and 15091 and extending in a northeasterly direction through Westtown Township to a point on Route 179 about 0.7 of a mile northwest of Tanguy in Chester County a distance of about 1.55 miles

Route 15182 Beginning at a point on State-aid Application 4691 about 0.05 of a mile southwest of an intersection with Route 133 and extending in an easterly southerly and northeasterly direction through East Goshen Township to a point on Route 133 at or near the East Goshen-Westtown Township line in Chester County a distance of about 0.9 of a mile

Route 15183 Beginning at a point on Route 15092 about 0.3 of a mile north of Copeland School and extending in a general northerly and northeasterly direction through East Bradford West Goshen and West Whiteland Townships to a point on Route 15094 at or near the West Goshen-West Whiteland Township line in Chester County a distance of about 1.8 miles

Route 15184 Beginning at a point on Route 15097 at Kirkland Station and extending in a northerly direction through West Whiteland Township to a point on Route 15095 thence again from a point on Route 15095 in a general northwesterly direction through West Whiteland Township to a point on Route 142 about 0.65 of a mile north of Ship Road Station of the Pennsylvania Railroad in Chester County a distance of about 1.5 miles

Route 15185 Beginning at a point on Route 15121 at Martin's Corner thence in a general northerly direction through West Caln and Honeybrook Townships to a point on Route 137 about 1.7 miles east of the intersection of Routes 137 and 15143 in Chester County a distance of about 2.9 miles

Route 15186 Beginning at a point on Route 15121 at or near Reeceville thence in an easterly northerly and easterly direction through West Brandywine Township to a point on Route 137 at or near the intersection of Routes 612 and 15154 in Chester County a distance of about 2.5 miles

Route 15187 Beginning at a point on Route 15124 about 0.7 of a mile east of an intersection with Route 15127 thence in an easterly southeasterly and easterly direction through East Brandywine Township to a point on Route 328 about 0.9 of a mile north of the Caln-East Brandywine Township line in Chester County a distance of about 1.85 miles

Route 15188 Beginning at a point on Route 328 at or near the East Brandywine-Upper Uwchlan-Uwchlan Township line at Brandywine Creek thence in a general northeasterly direction through East Brandywine Upper Uwchlan and Uwchlan Townships to a point on Route 15141 about 0.2 of a mile south of the Upper Uwchlan-Uwchlan Township line in Chester County a distance of about 1.6 miles

Route 15189 Beginning at a point on Route 147 about 1.15 miles east of Lionville thence in a general easterly and northeasterly direction through Uwchlan West Pikeland and Charleston Townships to a point on Route 15009 about 0.1 of a mile northwest of an intersection with Route 15046 in Chester County a distance of about 3.8 miles

Route 15190 Beginning at a point on Route 15139 about 0.1 of a mile southeast of Pine Creek thence in a northeasterly direction through West Pikeland Township to a point on Route 15009 about 0.75 of a mile south of Chester Springs in Chester County a distance of about 1.1 miles

Route 15191 Beginning at a point on Route 15154 about 0.9 of a mile southwest of the intersection of Routes 15154 and 328 thence in a general northwesterly direction through Wallace Township to a point on Route 502 in Chester County a distance of about 2.25 miles

Route 15192 Beginning at a point on Route 270 about 0.45 of a mile north of the West Pikeland-East Pikeland Township line thence in a general northeasterly direction through East Pikeland Township to a point on Route 270 at Kimberton in Chester County a distance of about 2.2 miles

Route 15193 Beginning at a point on Route 270 about 0.7 of a mile north of the East Pikeland-West Vincent Township line thence in a northwesterly direction through West Vincent Township to a point on Route 15079 about 1.15 miles southwest of a intersection with Route 15071 in Chester County a distance of about 0.9 of a mile

Route 15194 Beginning at a point on Route 15085 at or near Birchrunville thence in a northeasterly direction through West Vincent and East Vincent Townships to a point on Route 15071 at Sheeder in Chester County a distance of about 1.9 miles

Route 15195 Beginning at a point on Route 15139 at Marsh thence in a general northerly direction through East Nantmeal and Warwick Townships to a point on Route 372 about 0.35 of a mile east of the intersection of Routes 372 and 15133 in Chester County a distance of about 2.4 miles

Route 15196 Beginning at a point on Route 372 about 0.85 of a mile northwest of the East Pikeland-East Vincent Township line thence in a northeasterly direction through East Vincent Township to a point on Route 15101 about 0.6 of a mile northwest of an intersection with Route 201 in Chester County a distance of about 1.1 miles

Route 15197 Beginning at a point on Route 15128 at Cedarville thence in a general easterly and southeasterly direction through North Coventry and East Coventry Townships to a point on Route 15125 about 0.75 of a mile south of an intersection with Route 201 thence from said point on Route 15125 in a southeasterly and northeasterly direction through East Soventry Township to a point on Route 201 about 0.4 of a mile northwest of an intersection with Route 15101 in Chester County a distance of about 4.75 miles

CLINTON COUNTY

Route 18026 Beginning at a point on Route 359 about 2.0 miles southwest of the village of Booneville thence in a general southeasterly direction through Logan Township by way of Logan Mills to a road intersection in Clinton County a distance of about 0.9 of a mile

Route 18027 Beginning at a point on Route 359 at Booneville thence in a southerly direction through Logan Township to a road intersection in the village of Greenburr in Clinton County a distance of about 1.1 miles

Route 18028 Beginning at a point on Route 359 near Carroll thence in a general southwesterly direction through Greene Township to the village of Eastville in Clinton County a distance of about 1.23 miles

Route 18029 Beginning at a point on Route 58 about 1.0 mile southwest of the Porter-Lamar line thence in a northwesterly direction through Porter Township to a point on Route 18008 near the village of Parvin in Clinton County a distance of about 0.9 of a mile

Route 18030 Beginning at a point on Route 18007 at Mackeyville thence southeasterly and northeasterly through Lamar Township to a point on Route 58-Spur about 1.0 mile northwest of Rote in Clinton County a distance of about 3.1 miles

Route 18031 Beginning at a point on Route 18014 about 1.4 miles southwest of the intersection of Routes 18014 and 18021 thence in a southwesterly direction through Dunnstable and Woodward Townships to a point on Route 359 about 1.7 miles southeast of the intersection of Routes 359 and 18014 in Clinton County a distance of about 1.7 miles

Route 18032 Beginning at a point at the southern end of Application 7081 thence in a southeasterly direction through Wayne Township to the Lock Haven Water Supply Dam in Clinton County a distance of about 0.7 of a mile

Route 18033 Beginning at a point on Route 18014 about 0.1 of a mile southwest of the intersection of Routes 18014 and 18021 thence in a southeasterly direction through Dunnstable Township to a point on Route 23 near McElhattan Bridge in Clinton County a distance of about 0.3 of a mile

Route 18034 Beginning at a point on Route 18021 about 1.7 miles north of the intersection of Routes 18021 and 18014 thence in a northeasterly direction through Dunnstable and Pine Creek Townships to a point on Application 98 at Woolrich in Clinton County a distance of about 0.5 of a mile

Route 18035 Beginning at a point on Route 105 at Westport thence in a westerly direction through Noyes Township along the north bank of Kettle Creek in Clinton County a distance of about 1.0 mile

COLUMBIA COUNTY

Route 19081 Beginning at a point on the Columbia-Northumberland County line at the eastern terminus of Route 49015 thence southeasterly through Conyngham Township to the Schuylkill County line in Columbia County a distance of about 0.3 of a mile

Route 19082 Beginning at a point on the Columbia-Schuylkill County line thence northeasterly through Conyngham Township to a point on the southern borough line of Centralia Borough in Columbia County a distance of about 1.39 miles

Route 19083 Beginning at a point on the east line of Centralia Borough thence easterly and southerly through Conyngham Township to the Schuylkill County line in Columbia County a distance of 1.6 miles

Route 19084 Beginning at a point on Route 19004 about 0.5 of a mile northwest of the intersection of Routes 19002 and 19004 thence in a southwesterly direction through Cleveland Township to an intersection with Route 19002 about 0.5 of a mile west of the intersection of Routes 19002 and 19004 in Columbia County a distance of about 0.7 of a mile

Route 19085 Beginning at a point on Route 19009 about 0.1 of a mile northwest of the village of Mill Grove thence in a northeasterly direction through Roaring Creek Township to an intersection with Route 19005 near the village of Kulp in Columbia County a distance of about 0.8 of a mile

Route 19086 Beginning at a point on Route 183 near the Locust-Catawissa Township line thence in a general southeasterly direction through Locust Township by way of Slabtown to a second point on Route 183 about 0.5 of a mile southwest of Slabtown in Columbia County a distance of about 2.0 miles

Route 19087 Beginning at a point on Route 183 about 0.2 of a mile southeast of the intersection of Routes 183 and 283 thence southeasterly about 0.3 of a mile through Catawissa Township to a road intersection thence easterly and southeasterly about 1.5 miles to an intersection with Route 19010 in Columbia County a distance of about 1.8 miles

Route 19088 Beginning at Route 415 at Shumans thence in a northeasterly direction through Beaver Township to an intersection with Route 19016 at Dog Town in Columbia County a distance of about 1.1 miles

Route 19089 Beginning at the Catawissa Borough line at the northeast end of Second Street thence in a northeasterly and easterly direction through Catawissa Township to an intersection with Route 283 about 0.5 of a mile southwest of the intersection of Routes 283 and 19020 in Columbia County a distance of about 2.7 miles

Route 19090 Beginning at a point on Route 415 near the consolidated school in Main Township thence in a northerly direction through Main Township past the Reformed Church to an intersection with Route 19020 in Columbia County a distance of about 1.75 miles

Route 19091 Beginning at a point on Route 4 about 0.2 of a mile east of Espy thence northeasterly through Scott Township about 2.0 miles to a road intersection thence in a general westerly direction to an intersection with Route 16 about 0.8 of a mile south of Light Street Station in Columbia County a distance of about 4.8 miles

Route 19092 Beginning at a point on Route 19023 about 1.0 mile south of Mifflinville thence southerly to Hofnagle Corners thence westerly to an intersection with Route 19021 in Mifflin Township Columbia County a distance of about 2.1 miles

Route 19093 Beginning at the intersection of First Street with Route 19023 in Mifflinville thence over First and Race Streets for a distance of about 0.8 of a mile to a road intersection thence northwesterly to a second point on Route 19023 in Mifflin Township Columbia County a distance of about 1.0 mile

Route 19094 Beginning at an intersection with Route 19023 about 0.3 of a mile east of the village of Hetlerville thence in a northeasterly and northerly direction through Mifflin Township for a distance of about 1.6 miles to a road intersection thence northerly and northeasterly about 0.3 of a mile to the Luzerne County line in Columbia County a distance of about 1.9 miles

Route 19095 Beginning at a point on Route 609 about 0.4 of a mile south of the Hemlock-Madison Township line thence westerly through Hemlock Township for a distance of about 1.3 miles to a road intersection thence northwesterly through Madison Township to an intersection with Route 19048 about 0.2 of a mile northeast of the Montour County line Columbia County a distance of about 2.8 miles

Route 19096 Beginning at a point on Route 16 about 0.2 of a mile northeast of the intersection of Routes 16 and 19030 thence in a northeasterly direction through Orange and Fishing Creek Townships for a distance of about 1.4 miles to a road intersection thence northerly through Fishing Creek Township to an intersection with Route 19067 about 0.1 of a mile southeast of the southwest corner of Stillwater Borough in Columbia County a distance of about 3.5 miles

Route 19097 Beginning at a point on Route 19044 about 1.0 mile south of the intersection of Routes 19040 and 19044 thence through Briar Creek Township in an easterly direction crossing Route 19040 for a distance of about 1.1 miles to a road intersection thence northerly about 0.05 of a mile to a road intersection thence northeasterly and easterly to the Luzerne County line in Columbia County a distance of about 2.6 miles

Route 19098 Beginning at the intersection of Routes 19069 and 19078 at Bendertown thence westerly in Fishing Creek Township to an intersection with Route 19067 in Columbia County a distance of about 0.8 of a mile

Route 19099 Beginning at a point on Route 19070 about 0.8 of a mile north of the Benton-Fishing Creek Township line thence in an easterly direction through Benton Township to an intersection with Route 19069 in Columbia County a distance of about 2.3 miles

CRAWFORD COUNTY

Route 20110 Beginning at a point on the Mercer-Crawford County line and running in a general northerly direction through West Fallowfield Township past the Rocky Glenn Cemetery to an intersection with Route 82 approximately 0.4 of a mile south of Adamsville in Crawford County a distance of about 1.5 miles

Route 20111 Beginning at the point of intersection of Routes 20013 and 20014 at Henry Corners thence in a general northerly direction through East Fallowfield Township to a point on Route 20011 at McLehanan Corner thence northerly through East Fallowfield Township to McIntyre Corners thence in a northeasterly direction to a point on Route 20016 at McMichaels Corners in Crawford County a distance of about 5.2 miles

Route 20112 Beginning at a point on Route 20019 at Custards thence in a general northerly direction through

Greenwood Union and Vernon Townships by way of Center Road Corners Wilson Shute Corners and Geneva Road Corners to a point on Route 82 just west of Kerrtown in Crawford County a distance of about 7.0 miles

Route 20113 Beginning at a point on Route 85 at Dennys Corners thence in an easterly and southeasterly direction through Hayfield and Vernon Townships by way of Turners Corners to a point at the intersection of Routes 20053 and 20109 at Culbertson Corners in Crawford County a distance of about 3.4 miles

Route 20114 Beginning at a point on Route 20087 at McCartneys Corners thence in a northerly direction through Randolph Township to Hickory Corners thence easterly to a point on Route 20090 at Basil Corners in Crawford County a distance of about 3.5 miles

Route 20115 Beginning at a point on Route 448 at Shriners Corners thence in a southerly direction through Troy Township to a road intersection in Crawford County a distance of about 1.2 miles

Route 20116 Beginning at a point on the dividing line between Hydetown Borough and Oil Creek Township thence in a general northwesterly direction through Oil Creek Township to a point on the dividing line between Oil Creek and Troy Townships thence in a northwesterly direction through Troy Townships to a point on the dividing line between Troy and Steuben Townships thence northwesterly through Steuben Township to a point on Route 20097 at Clappville in Crawford County a distance of about 4.1 miles

Route 20117 Beginning at a point on Route 20039 at Steamburg and running in an easterly direction through Conneaut Township to a point on Route 20038 at Turkey Track Corners in Crawford County a distance of about 4.3 miles

Route 20118 Beginning at a point on Route 20088 at Lyona Corners thence in a general northeasterly direction through Richmond Township to a point on Route 200 at New Richmond thence in a general northerly direction through Richmond Township to a point at the intersection of Routes 697 and 20080 at Miles Corner in Crawford County a distance of about 4.5 miles

Route 20119 Beginning at a point on Route 20098 at Buckley's Corners thence in a northerly direction through Steuben Township to a point on the dividing line between Steuben and Athens Townships at Barr Corners thence in a general northerly direction through Athens Township by way of Russell School to a point on Route 200 at Little Cooley in Crawford County a distance of about 4.0 miles

Route 20120 Beginning at Route 20097 at Mageetown Corner thence easterly through Rome Township along the Mageetown-Excelsior Road by way of McLaughlin Corner Randall's Corner Morris Corner and Vroeman to the dividing line between Crawford and Warren County in Crawford County a distance of about 6.4 miles

Route 20121 Beginning at a point on Route 20070 at Baugher Corners thence northeasterly and easterly through Woodcock and Richmond Townships along the Teepleville-Woodcock Road by way of Hutchinson Corners to a point on Route 20073 at Herrick Corners beginning again at a point on Route 20073 at Trainer Corners thence continuing easterly through Richmond Township by way of Richmond Church to an intersection with Route 20118 at a point about 0.1 of a mile southwest of Miles Corners in Crawford County a distance of about 5.5 miles

Route 20122 Beginning at a point on Route 200039 at Hogue's Corners in Beaver Township and running in a general southeasterly direction to a point on the Beaver-Spring Township line at McFayden Corners thence in a southeasterly direction through Spring Township to a point on Route 85 at Lawrence Corners in Crawford County a distance of about 5.4 miles

Route 20123 Beginning at a point on Route 20052 at Crane's Corners thence in a northerly direction through Spring Township to a point on Route 20036 at Swaney Corners in Crawford County a distance of about 3.1 miles

Route 20124 Beginning at a point on Route 20055 at Mosiertown thence in a general northwesterly direction through Cussewago Township by way of Davis Corners Freeman's Corners and McCarty's Corners to a point on Route 272 at Crossingville in Crawford County a distance of about 4.5 miles

Route 20125 Beginning at a point on Route 20058 at Waldo's Corners thence in an easterly direction through Cussewago Township to a point on the dividing line between Cussewago and Venango Townships at Dundon's Corners thence in an easterly direction through Venango Township to a point on Route 258 near Peterson's Corners in Crawford County a distance of about 3.2 miles

CUMBERLAND COUNTY

Route 21062 Beginning at a point on Route 21046 about 1.5 miles east of its intersection with Route 264-A thence northerly through Hopewell Township to an intersection with Application 7168 about 0.5 of a mile west of the Hopewell-North Newton Township line in Cumberland County a distance of about 2.3 miles

Route 21063 Beginning at a point on Route 21046 about 0.5 of a mile west of the Southampton-North Newton Township line thence southerly and easterly through Southampton and North Newton Townships to an intersection with Route 21007 at Oakville in Cumberland County a distance of about 2.4 miles

Route 21064 Beginning at a point on Route 21008 about 0.25 of a mile east of Huntsdale thence northerly through Penn and Dickinson Townships to an intersection with Route 35 near Mooredale beginning again at a point on Route 35 at Mooredale thence northerly through Dickinson Township to a point on Route 890 near Mountrock in Cumberland County a distance of about 4.3 miles

Route 21065 Beginning at a point on Route 21009 about 2.0 miles west of Boiling Springs thence northerly through South Middleton Township to an intersection with Route 125 near the southeastern corner of Carlisle Borough in Cumberland County a distance of about 3.1 miles

Route 21066 Beginning at a point on the eastern line of Carlisle Borough thence northeasterly through North Middleton and Middlesex Townships to an intersection with Route 21011 near Middlesex Station in Cumberland County a distance of about 2.8 miles

Route 21067 Beginning at a point on Route 34 thence southerly by way of Harmony Hall School to a point on Route 21066 in Middlesex Township Cumberland County a distance of about 0.4 of a mile

Route 21068 Beginning at a point on Route 305 at Locust Point thence southwesterly through Monroe Township to an intersection with Route 21013 in Cumberland County a distance of about 1.8 miles

Route 21069 Beginning at a point on Route 34 near Salem Church thence southeasterly through Hampden and Lower Allen Townships to an intersection with Route 21014 near Rossmoyne in Cumberland County a distance of about 5.0 miles

Route 21070 Beginning at a point on Route 123 at Eichelberger's Corner thence northerly in Lower Allen and East Pennsboro Townships to the Camp Hill Borough line in Cumberland County a distance of about 0.4 of a mile

Route 21071 Beginning at a point on Route 21001 about 0.5 of a mile east of its intersection with Route 21042 thence northerly and easterly through Upper Mifflin Township to the northern terminus of Route 21041 in Cumberland County a distance of about 2.8 miles

Route 21072 Beginning at a point on Route 40 about 0.2 of a mile north of the northern Carlisle Borough line thence northwesterly through North Middleton Township to an intersection with Route 21001 near its crossing of Meeting House Run in Cumberland County a distance of about 4.6 miles

Route 21073 Beginning at a point on Route 123 in the village of White Hill thence easterly through Lower Allen Township to the Lemoyne Borough line in Cumberland County a distance of about 0.12 of a mile

Route 21074 Beginning at a point on Route 569 at Lantz's School thence northerly through East Pennsboro Township to an intersection with Route 21051 in Cumberland County a distance of about 1.0 mile

DAUPHIN COUNTY

Route 22046. Beginning at a point on Route 509, about 0.75 of a mile south of the intersection of Routes 509 and 618, thence in a southwesterly direction through Swatara

Township to a point on the Swatara Township-Steelton Borough line at Gibson Street, in Dauphin County, a distance of about 0.25 of a mlie.

Route 22047. Beginning at a point on Route 618, about 1.0 mile east of Oberlin, thence northeasterly through Swatara Township to the intersection of Route 22018 about 0.4 of a mile southwest of Rutherford Station, in Dauphin County, a distance of about 0.6 of a mile.

Route 22048. Beginning at a point on Route 22017, about 1.2 miles south of Hummelstown Borough, thence in a northeasterly direction through Derry Township to a point on Route 22015 about 0.8 of a mile southeast of Hummelstown Borough, in Dauphin County, a distance of about 1.0 mile.

Route 22049. Beginning at a point on Route 22015, about 0.3 of a mile south of the Pleasant View School, thence in a northwesterly and northeasterly direction through South Hanover Township, by way of the Pleasant View School, to a point on Route 22008, in Dauphin County, a distance of about 1.75 miles.

Route 22050. Beginning at a point on Route 22015, about 0.1 of a mile south of Stoudt's School, thence in a general northeasterly direction through South Hanover and West Hanover Townships to a point on Route 22006 about 0.25 of a mile north of the Hanoverdale Church, in Dauphin County, a distance of about 1.75 miles.

Route 22051. Beginning at a point on Route 22007, about 0.7 of a mile northeast of Sand Beach, thence in a general northeasterly and easterly direction through South Hanover and East Hanover Townships to the intersection of Route 22014, about 0.5 of a mile south of Church Hill School, in Dauphin County, a distance of about 2.35 miles.

Route 22052. Beginning at a point on Route 22006, about 0.8 of a mile northeast of the Hanoverdale Church, thence in a general westerly direction through West Hanover Township to a point on Route 22015 about 0.5 of a mile southwest of the Oak Road School House, in Dauphin County, a distance of about 1.7 miles.

Route 22053. Beginning at a point on Route 22006 near the Oak Hill School, thence in a general westerly and northwesterly direction through West Hanover Township to a point on Route 140, about 0.5 of a mile east of the Sandy Hill Church, in Dauphin County, a total distance of about 1.4 miles.

Route 22054. Beginning at a point on Route 22025, about 1.25 miles south of the Mt. Laurel Church, thence in a general easterly direction by way of Forney's School through West Hanover and East Hanover Townships to a point on Route 22005, about 1.5 miles north of Route 140, in Dauphin County, a distance of about 2.4 miles.

Route 22055. Beginning at a point on Route 1 at or near the Halifax-Reed Township line, thence in an easterly direction through Halifax Township to a point on Route 22004 at or near Matimoras School, in Dauphin County, a distance of about 1.7 miles.

Route 22056. Beginning at a point on Route 22002 near Rutlers School, thence easterly in Halifax and Jackson Townships to the intersection of Routes 22028 and 22029 at Enders, in Dauphin County, a distance of about 3.4 miles.

Route 22057. Beginning at a point on Route 22001, immediately east of the borough line of Millersburg Borough, thence in a southerly direction through Upper Paxton Township to the Millersburg Borough-Upper Paxton Township line, in Dauphin County, a distance of about 0.13 of a mile.

Route 22058. Beginning at a point on the eastern line of Uniontown Borough, thence easterly in Lykens Township to the Northumberland County line, in Dauphin County, a distance of about 0.1 of a mile.

Route 22059. Beginning at a point on Route 199, at or near the intersection of Route 199 and 22035 at Loyalton, thence in a general southerly direction through Washington Township to Oakdale Station, in Dauphin County, a distance of about 1.2 miles.

Route 22060. Beginning at a point on Route 336, about 0.25 of a mile southwest of Killinger, thence in a general northerly direction through Upper Paxton Township, by way of the U. B. Church and Fairview School, to an intersection with Route 22001, in Dauphin County, a distance of about 1.3 miles.

Route 22061. Beginning at a point on Route 336, at or near the intersection of Routes 336 and 22012, thence in a general northeasterly direction through Upper Paxton Township, by way of Neagley's School, to a point on Route 22001 about 0.25 of a mile southwest of the Upper Paxton-Mifflin Township line, in Dauphin County, a distance of about 2.2 miles.

Route 22062. Beginning at a point on Route 22001, about 2.0 miles west of the intersection of Routes 22001 and 336 north of Berrysburg Borough, thence in a northeasterly direction through Mifflin and Lykens Townships to a point on Route 336 at or near the intersection of Routes 336 and 22001 south of Uniontown Borough, in Dauphin County, a distance of about 3.1 miles.

Route 22063. Beginning at a point on Route 22001, about 2.0 miles west of Erdman, thence in a southerly direction through Lykens Township to the northern line of Gratz Borough, in Dauphin County, a distance of about 1.6 miles.

DELAWARE COUNTY

Route 23096. Beginning at a point on the northwest boundary line of Marcus Hook Borough, thence in a northwesterly direction through Upper and Lower Chichester Townships on Hawes Street, crossing Application 2436, to a point of intersection with Application 1136; thence continuing in a northeasterly direction on Johnson's Avenue to a point on Route 418, in Delaware County, a distance of about 1.03 miles.

Route 23097. Beginning at the point of intersection of Route 418 and the boundary line between Upper and Lower Chichester Townships, thence in a southwesterly direction through Upper and Lower Chichester Townships on Laughead Avenue to its intersection with Applications 1136 and 1416, in Delaware County, a distance of about 0.25 of a mile.

Route 23098. Beginning at the point of intersection of Routes 180 and 131-Spur "A" at Chelsea, thence in a southeasterly direction through Bethel and Upper Chichester Townships to a point on Route 599, in Delaware County, a distance of about 0.6 of a mile.

Route 23099. Beginning at the point of intersection of Bridgewater Road with Route 180, thence in an easterly direction through Aston and Chester Townships on Bridgewater Road to its intersection with Route 23006, in Delaware County, a distance of about 0.8 of a mile.

Route 23100. Beginning at a point on Route 23064 at the northeastern line of East Lansdowne Borough, thence in a northeasterly direction through Upper Darby Township to an intersection with Route 23062, in Delaware County, a distance of about 1.0 mile.

Route 23101. Beginning at a point at the intersection of Thompson Road and Route 225, thence along Thompson Road in a southeasterly direction through Springfield Township to the intersection with Baltimore Pike, Route 130; beginning again at the point of intersection of Powell Road, Route 23066 and Woodland Avenue, Route 731, thence in a southwesterly direction through Springfield Township, on Powell Road, to its intersection with Thompson Road, in Delaware County, a distance of about 1.02 miles.

Route 23102. Beginning at a point at the intersection of Haverford Road and Routes 729 and 731 and extending in a southwesterly direction on Haverford Road through Ridley Township to a point of intersection with the northwest boundary line of Ridley Park Borough near Hancock Street; thence beginning again at a point at the intersection of Haverford Road with the southwestern boundary line of Ridley Park Borough, near Chester Avenue, and extending southwestwardly on Haverford Road through Ridley Township and along the boundary line between Ridley Township and Ridley Park Borough to a point of intersection with Route 23071, in Ridley Township, Delaware County, a distance of about 1.0 mile.

Route 23103. Beginning at the intersection of Glendale Road and West Chester Pike, Route 133, thence in a southwesterly direction through Haverford Township on Glen-

dale Road to its intersection with Route 23053, in Delaware County, a distance of about 1.3 miles.

Route 23104. Beginning at the point of intersection of Tribbitt Avenue and Route 420, thence in a southeasterly direction through Darby Township, on Tribbitt Avenue, to its intersection with Calcon Hook Road, Route 23073, in Delaware County, a distance of about 0.8 of a mile.

Route 23105. Beginning at the point of intersection of Mills Road and Route 131-Spur "B", thence in a northeasterly direction through Thornbury and Concord Townships on Mills Road to its intersection with Route 728, in Delaware County, a distance of about 1.4 miles.

Route 23106. Beginning at the point of intersection of Kirk Lane and Orange Street, Route 23093, thence extending in a southwesterly direction through Upper Providence Township on Kirk Lane to a point of intersection with Route 23079, in Delaware County, distance of about 0.9 of a mile.

Route 23107. Beginning at the point of intersection of Sycamore Mills Road and Route 23045, thence in a northwesterly direction through Middletown and Edgmont Townships along Sycamore Mills Road and Glen Mills Road, to Route 179, in Delaware County, a distance of about 2.8 miles.

Route 23108. Beginning at a point on Route 23047, about Station 41, thence in an easterly direction through Haverford Township, on Brookline Boulevard, intersecting with Route 23054, to a point of intersection of Brookline Boulevard and Lawson Avenue; thence continuing in a southeasterly direction on Lawson Avenue to the point of intersection of Lawson Avenue and Manoa Road, Route 719, in Delaware County, a distance of about 1.3 miles.

Route 23109. Beginning at the point of intersection of Crum Creek Road and Route 23018, thence in a northerly direction through Northern Providence and Upper Providence Townships along Crum Creek Road, to its intersection with Route 23031, in Delaware County, a distance of about 1.15 miles.

Route 23110. Beginning at the point of intersection of Bloomfield Avenue and Route 23060, thence in a northerly and northeasterly direction through Upper Darby Township on Bloomfield Avenue, to its intersection with Route 23059, in Delaware County, a distance of about 0.7 of a mile.

Route 23111. Beginning at a point of intersection with Route 23041, about 0.1 of a mile south of its intersection with Route 23044, thence in an easterly direction through Radnor Township to the Delaware-Montgomery County line, in Delaware County, a distance of about 0.75 of a mile.

Route 23112. Beginning at the point of intersection of Lawrence Road, Route 23050, and Ellis Road about 1,000 feet north of the intersection of Route 23050 with Route 23084, thence in a northeasterly direction through Haverford Township on Ellis Road, to a point of intersection of Ellis Road and Admore Avenue; thence continuing northeastwardly on Ardmore Avenue to the point of intersection of Ardmore Avenue and Route 23047, in Delaware County, a distance of about 1.4 miles.

Route 23113. Beginning at the point of intersection of Earlington Road and Mill Road, Route 23054, thence in a northerly direction through Haverford Township on Earlington Road, to a point of intersection with Eagle Road, Route 23049, immediately west of the Philadelphia and Western Railway, in Delaware County, a distance of about 0.75 of a mile.

ELK COUNTY

Route 24016 Beginning at the end of Route 24001 in Horton Township thence in an easterly and southeasterly direction through Horton and Fox Townships to a point at or near the Clearfield County-Horton and Fox Township line in Elk County a distance of about 2.3 miles

Route 24017 Beginning at a point on Route 24012 at or near Mt. Zion Church thence in a general southeasterly direction through Jay Township to a point on Route 411 at or near Caledonia in Elk County a distance of about 2.2 miles

Route 24018 Beginning at a point on Route 24015 about 3.0 miles north of the intersection of Routes 24015 and 24002 thence in a general easterly direction through Ridgway Township to a point on Route 426 in Elk County a distance of about 1.2 miles

Route 24019 Beginning at a point on the southeastern borough line of St. Marys Borough about 0.6 of a mile northeast of the point where said borough line intersects Route 99-Spur thence southeasterly through Benzinger Township Elk County for a distance of about 1.2 miles

IRoute 24020 Beginning at a point on Route 99 about 0.25 of a mile east of the eastern borough line of St. Marys Borough at or near Kaulmont thence in a southerly and easterly direction through Benzinger Township in Elk County for a distance of about 2.2 miles

Route 24021 Beginning at a point on Route 24013 at or near Glen Hazel thence in a general southwesterly direction through Jones Benzinger and Ridgway Townships to a point on the eastern line of Johnsonburg Borough in Elk County a distance of about 4.8 miles

Route 24022 Beginning at a point on Route 380 about 1.25 miles east of Russell City thence in a southeasterly direction through Highland Township to a point on Route 24006 at Carlo in Elk County a distance of about 2.0 miles

ERIE COUNTY

Route 25081. Beginning at a point on Route 25079 at Carter's Corners, thence easterly in Conneaut Township, by way of Keepville, to a point on Route 85, in Erie County, a distance of about 1.9 miles.

Route 25082. Beginning at a point in the village of McClelland's Corners, thence westerly in Washington Township to a point on Route 25032, in Erie County, a distance of about 0.3 of a mile.

Route 25083. Beginning at a point on Route 25032, at or near Gardner School, thence extending in a northeasterly direction through Washington Township to the LeBoeuf-Washington Township line at McClelland's Corners; thence northerly along said township line to the Waterford-Washington-LeBoeuf Township line, in Erie County, a distance of about 1.5 miles.

Route 25084. Beginning at a point on Route 25039, about 0.4 of a mile south of the LeBoeuf-Waterford Township line, thence extending in a general easterly direction through LeBoeuf Township to a point on Route 271 about 0.2 of a mile west of French Creek, in Erie County, a distance of about 4.1 miles.

Route 25085. Beginning at a point on Route 25041, at or near Wilson School, thence in a southerly direction through Union Township over Wilson Road to the intersection with Bush Road; thence in an southeasterly direction over Bush Road to a point on the Crawford-Erie County line about 1.6 miles east of Route 271, in Erie County, a distance of about 2.3 miles.

Route 25086. Beginning at a point on Route 25041 at Kopple Corners, thence northerly along the O'Neil Road to an intersection with the Mitchell Road at Burton Corners; thence westerly and northwesterly through Union Township, along the Mitchell Road, to a point intersecting Route 304 at Fenno School Corners, in Erie County, a distance of about 3.0 miles.

Route 25087. Beginning at a point intersecting Route 25041 at Cottage Hill Church Corners, thence in an easterly direction through Union Township along the Ox Bow Hill Road to a point on the dividing line between Union and Concord Townships; thence easterly through Concord Township along the same road to a point intersecting Route 25041 at Ox Bow Hill Corners, in Erie County, a distance of about 2.3 miles.

Route 25088. Beginning at a point on Route 85, about 1.0 mile west of Knapp's Corners, thence northerly in Conneaut Township to a point on Route 25002, in Erie County, a distance of about 1.4 miles.

Route 25089. Beginning at a point on Route 25014, about 0.3 of a mile northeast of Manyock Corners, thence extending in an easterly direction through Girard Township to a road intersection at the Girard-Franklin Township line, in Erie County, a distance of about 1.4 miles.

Route 25090. Beginning at a point on Route 88, at the State Fish Hatchery, thence northerly in Wayne Township to a point on Route 25052, in Erie County, a distance of about 0.6 of a mile.

Route 25091. Beginning at a point on Route 25052 at Kinney Corners, thence extending in a northerly direction to a point itersecting Route 25053 at Five Points, in Erie County, a distance of about 2.4 miles.

Route 25092. Beginning at a point of intersection with Route 25053 at Five Points, thence in a northwesterly direction on Carter Hill Road through Wayne Township to a point on the Pennsylvania-New York State line; thence in a westerly direction on the state line road through Amity and Venango Townships to an intersection with Route 88, about 0.2 of a mile south of the Wattsburg Borough-Amity Township line, in Erie County, a distance of about 6.1 miles.

Route 25093. Beginning at a point on Route 25055, at Raymond's Corners, thence in a northwesterly direction through Wayne Township to the New York State line, in Erie County, a distance of about 1.7 miles.

Route 25094. Beginning at a point on the Girard Borough-Girard Township line, thence in a northwesterly direction through Girard Township to an intersection with Route 496 at a point approximately 1.25 miles east of Weis Corners, in Erie County, a distance of about 1.2 miles.

Route 25095. Beginning at a point on Route 496, about 0.7 of a mile west of Fairplain, thence northeasterly through Girard Township to an intersection with Route 25099, in Erie County, a distance of about 0.7 of a mile.

Route 25096. Beginning at a point on Route 86, at Osborne School, thence northerly through Girard Township, by way of Fairplain crossing Route 496, to Lake Erie, in Erie County, a distance of about 2.4 miles.

Route 25097. Beginning at a point on Route 84 at the Erie City-Mill Creek Township line, thence extending easterly through Mill Creek Township, by way of the South Gore Road, to a point on Route 88 about 0.3 of a mile south of the Erie City-Mill Creek Township line, in Erie County, a distance of about 2.4 miles.

Route 25098. Beginning at a point on Route 25057 at Weed's School, about 0.5 of a mile southeast of Weed's Corners, thence in an easterly direction through Green and Venango Townships to a point intersecting Route 25060 at Peck's Corners, about 0.5 of a mile north of the Harry Leslie farm, in Erie County, a distance of about 1.9 miles.

Route 25099. Beginning at a point on Route 25068, about 0.3 of a mile northwest of Philipsville, thence extending in a northwesterly direction through Venango and Green Townships to a point on Route 88, about 0.8 of a mile west of the Green-Venango Township line, in Erie County, a distance of about 2.1 miles.

Route 25100. Beginning at a point on Route 25060, at or near Moore School, thence extending in a westerly and northerly direction through Greenfield Township to a point on Route 25067 at Hornby, in Erie County, a distance of about 2.2 miles.

Route 25101. Beginning at a point on Route 304-Spur at Grahamsville School, thence extending in a northeasterly direction through North East Township to a point at the intersection of Routes 25074 and 25075 at Kerr's Corners, in Erie County ,a distance of about 1.0 mile.

FAYETTE COUNTY

Route 26111 Beginning at a point on Route 26057 near the village of Emme thence northerly and northwesterly through Springhill and Georges Townships by way of Ruble to the southern line of Smithfield Borough in Fayette County a distance of about 3.1 miles

Route 26112 Beginning at a point on Route 26073 at or near Canaan School thence in a westerly and southerly direction through Wharton Township to a point on the West Virginia Pennsylvania state line approximately 0.7 of a mile west of Route 26073 in Fayette County a distance of about 1.6 miles

Route 26113 Beginning at a point on Route 50 at the intersection of Routes 50 and 26063 thence in a general southerly direction through Wharton Township to a point on the Pennsylvania-West Virginia state line near Five Forks in Fayette County a distance of about 6.4 miles

Route 26114 Beginning at a point on Route 116 near Chadville thence in a general westerly direction through Georges Township to a point on Route 26035 about 0.5 of a mile north of Grove Church in Fayette County a distance of about 1.8 miles

Route 26115 Beginning at a point on Route 50 at Summit thence in a general northerly direction through Wharton and North Union Townships to the village of Jumonville in Fayette County a distance of about 3.12 miles

Route 26116 Beginning on the southeast borough line of Ohiopyle thence in a southerly and southeasterly direction through Stewart and Henry Clay Townships to a point on Route 26069 at the Mt. Zion Church in Fayette County a distance of about 8.0 miles

Route 26117 Beginning at a point on Route 112 at New Salem thence in a northeasterly direction through Menallen Township to a point on a county road about 0.5 of a mile west of Taylor Reservoir in Fayette County a distance of about 1.6 miles

Route 26118 Beginning at a point on Route 26047 about 0.25 of a mile south of Ferguson thence in a westerly and northerly direction through Dunbar Township to a road intersection in Fayette County a distance of about 1.1 miles

Route 26119 Beginning at a point on Route 117 about 1.25 miles north of the Dunbar-North Union Township line thence in a northeasterly direction through Dunbar Township to a point on Route 26047 near the Union Church in Fayette County a distance of about 1.5 miles

Route 26120 Beginning at the intersection of the improved county road and Route 26107 near Tippecanoe thence in a general southerly direction through Redstone and Franklin Townships to a point on Route 26022 about 0.2 of a mile west of the Smock School in Fayette County a distance of about 2.2 miles

Route 26121 Beginning at a point on Route 26028 about 0.25 of a mile east of Buena Vista thence in a southerly direction through Franklin Township to a point on Route 26019 about 1.0 mile north of Elm Grove in Fayette County a distance of about 1.7 miles

Route 26122 Beginning at a point on Route 247 about 0.1 of a mile west of the western line of Vanderbilt Borough thence in a general southerly westerly and southwesterly direction through Dunbar and Franklin Townships crossing Route 26023 near the Dunbar-Franklin Township line and extending to a point on Route 26019 about 0.3 of a mile north of Elm Grove in Fayette County a distance of about 3.3 miles

Route 26123 Beginning at a point on the northern terminus of Application 1267 thence southwesterly southerly and westerly through Dunbar Franklin and Perry Townships by way of Jefferson School and Jackson School to a point on Route 26013 about 0.4 of a mile north of the intersection of Routes 26013 and 247 in Fayette County a distance of about 5.5 miles

Route 26124 Beginning at a point on the west borough line of Dawson Borough thence in a westerly direction paralleling the tracks of the Baltimore and Ohio Railroad for a distance of approximately 0.1 of a mile thence in a general northerly direction through Lower Tyrone Township to an intersection with Route 26015 at or near Stickel in Fayette County a distance of about 1.8 miles

Route 26125 Beginning at a point on the County road at Morgan thence in an easterly and southerly direction through Upper Tyrone Bullskin and Connellsville Townships to the intersection of the county road and Application 563 in Fayette County a distance of about 2.5 miles

Route 26126 Beginning at a point on Route 26044 about 0.5 of a mile southwest of Breakneck thence in a northwesterly direction through Bullskin Township to a point on Route 117 about 0.5 of a mile south of Moyer in Fayette County a distance of about 1.8 miles

Route 26127 Beginning at a point on Route 26044 at Breakneck thence in a northerly direction through Bullskin Township to a point on Route 26046 about 0.75 of a mile southwest of the intersection of Routes 26046 and 26044 in Fayette County a distance of about 0.7 of a mile

Route 26128 Beginning at a point on Route 26046 about 0.25 of a mile west of the intersection of Routes 26046 and 26044 thence in a northwesterly direction through Bullskin Township to a point on the county road about 0.3

of a mile northeast of Kell's School in Fayette County a distance of about 1.2 miles

Route 26129 Beginning at a point on Route 26011 near the Presbyterian Church thence in a northwesterly direction through Washington Township to a point on the northeastern borough line of Fayette City Borough in Fayette County a distance of about 1.8 miles

Route 26130 Beginning at a point on Route 26016 about 0.5 of a mile west of the Washington-Perry Township line thence in a northeasterly and easterly direction through Washington and Perry Townships to a point on Route 288 at the Summerhill School in Fayette County a distance of about 1.4 miles

Route 26131 Beginning at a point on Route 26088 about 0.25 of a mile west of Route 117 thence in a northwesterly direction through Upper Tyrone Township to the Everson Borough line in Fayette County a distance of about 0.25 of a mile

Route 26132 Beginning at a point on Route 26051 about 0.5 of a mile east of the Fayette-Westmoreland County line thence in a northeasterly direction through Bullskin Township to a point on Route 186 at Laurelville in Fayette County a distance of about 1.3 miles

FOREST COUNTY

Route 27018 Beginning at a point on Route 758 at the Clarion-Forest County line near Cooksburg thence in a general easterly direction along the Clarion River through Barnett Township in Forest County a distance of about 3.2 miles

Route 27019 Beginning at a point on Route 27001 at Smoky Hill School House thence southeasterly through Tionesta Township to the four corners at the Philip Wolfe farm thence north along the Green Township line about 0.6 of a mile thence easterly through Green Township to a fork near Route 92 thence northeasterly to an intersection with Route 92 about 1.25 miles south of Nebraska in Forest County a distance of about 5.1 miles

FRANKLIN COUNTY

Route 28042 Beginning at a point on Route 28001 about 1.7 miles northeast of the Pennsylvania-Maryland State line thence in a southeasterly direction through Warren Township to a point on the Pennsylvania-Maryland State line in Franklin County a distance of about 1.5 miles

Route 28043 Beginning at a point on Route 28002 about 0.8 of a mile northwest of the intersection of Route 28002 and State-aid Application 5517 thence in a southerly direction through Montgomery Township to a point on the Pennsylvania-Maryland State line in Franklin County a distance of about 2.2 miles

Route 28044 Beginning at a point on Route 28004 immediately east of the crossing of Marsh Run being the dividing line between Washington and Antrim Townships thence in a southeasterly direction through Washington Township to a point on the Pennsylvania-Maryland State line in Franklin County a distance of about 0.7 of a mile

Route 28045 Beginning at a point on Route 28024 at or near the Pennsylvania-Maryland State line thence in a general northeasterly direction through Washington Township to a point on Route 28026 about 0.4 of a mile southeast of the intersection of Route 44 and 28026 in Franklin County a distance of about 1.3 miles

Route 28046 Beginning at a point on Route 28037 at or near its southwestern termination in Montgomery Township thence in a general southwesterly direction through Montgomery Township to a road intersection about 0.4 of a mile west of Lafayette School in Franklin County a distance of about 1.8 miles

Route 28047 Beginning at a point on Route 28034 about 0.7 of a mile north of Pinefield School and extending in a northwesterly and northerly direction through Antrim Montgomery and Peters Townships to a point on Route 224 at or near Upton in Franklin County a distance of about 2.1 miles

Route 28048 Beginning at a point on Route 28004 about 0.8 of a mile southeast of Cranebake School and extending in a northeasterly direction through Antrim Township to a point on Route 224 about 0.7 of a mile west of the intersection of Routes 224 and 28003 at or near Shady Grove in Franklin County a distance of about 2.0 miles

Route 28049 Beginning at a point on Route 28032 about 0.2 of a mile northwest of its intersection with Route 28041 at Brown's Mills and extending in a northeasterly direction through Antrim and Guilford Townships to a point on State-aid Application 230 immediately east of an intersection with Route 28020 in Franklin County a distance of about 2.1 miles

Route 28050 Beginning at a point on Route 28022 at New Baltimore School and extending in a northeasterly southeasterly and southwesterly direction through Quincy and Guilford Townships to a point on Route 28022 about 1.1 miles southeast of the described point of beginning in Franklin County a distance of about 2.4 miles

Route 28051 Beginning at a point on Route 224 about 0.2 of a mile southeast of the intersection of Routes 224 and 224-Spur at Foltz thence in a northeasterly direction through Peters Township to a point on Route 28002 about 0.65 of a mile south of the intersection of Routes 28002 and 37 at Fort Douden in Franklin County a distance of about 3.7 miles

Route 28052 Beginning at a point on Route 37 at or near the eastern intersection of Routes 37 and 28005 in St Thomas Township thence in a general southeasterly direction through St Thomas and Hamilton Townships to a point on Route 400 at or near the intersection of Routes 400 and 28033 in Franklin County a distance of about 4.4 miles

Route 28053 Beginning at a point on Route 588 about 0.9 of a mile north of the intersection of Routes 588 and 28020 at New Franklin thence in a general northeasterly direction through Guilford Township to a point on Route 28003 about 1.1 miles southeast of the intersection of Routes 28003 and 43 at Stoufferstown in Franklin County a distance of about 2.1 miles

Route 28054 Beginning at a point on Route 28021 at or near the intersection with Route 522 and extending in a northeasterly direction through Guilford and Greene Townships to a point on Route 28009 about 0.7 of a mile southwest of the intersection of Routes 28009 and 43 at Black Gap in Franklin County a distance of about 1.8 miles

Route 28055 Beginning at a point on Route 28006 at or near the intersection of Routes 28006 and 28005 at Edenville thence in a general northeasterly southeasterly and northeasterly direction through St Thomas and Hamilton Townships to a point on Route 28039 at or near its northwestern limit in Franklin County a distance of about 2.75 miles

Route 28056 Beginning at a point on Route 606 about 0.3 of a mile west of Smoketown and extending in an easterly direction through Greene Township by the way of Smoketown to a point on Route 28019 about 0.3 of a mile south of the intersection of Routes 28019 and 28009 at Shraps School in Franklin County a distance of about 1.25 miles

Route 28057 Beginning at a point on Route 28016 about 1.3 miles northeast of the intersection of Routes 28016 and 340 thence in a northwesterly direction through Letterkenny Township to a point on Route 340 about 1.3 miles north of the intersection of Route 340 and 28016 in Franklin County a distance of about 1.45 miles

Route 28058 Beginning at a point on Route 264-B at or near the intersection with Route 340 and extending in a northeasterly direction through Lurgan Township to a point on Route 28099 at or near the village of Lurgan in Franklin County a distance of about 1.15 miles

Route 28059 Beginning at a point on State-aid application 263 about 0.8 of a mile northeast of the eastern borough line of Orrstown Borough thence in a general northerly direction through Southampton Township to a point on Route 28009 at Mongul School in Franklin County a distance of about 1.1 miles

Route 28060 Beginning at a point on Route 264-A about 1.6 miles northeast of Laurel Grove Church thence in a northeasterly direction through Fannett Township to a road intersection at or near the village of Amberson Valley in Franklin County a distance of about 1.2 miles

FULTON COUNTY

Route 29036 Beginning at a point at or near the intersection of Routes 267 and 267-Spur in Deneen's Gap

thence in a northeasterly direction through Union Township to a point on the Union-Bethel Township line thence easterly through Bethel Township to a point on Route 29011 approximately 2.0 miles south of the village of Sideling in Fulton County a distance of about 0.9 of a mile

Route 29037 Beginning at a point on Route 323 approximately 1.0 mile north of the village of Needmore thence in a general northerly direction through Belfast Township to a point on Route 29015 about 1.0 mile southeast of the village of Sipe's Mills in Fulton County a distance of about 4.1 miles

Route 29038 Beginning at a point on Route 38 at Webster Mills thence in an easterly and northerly direction through Ayr Township to a point on Route 29017 at Cito in Fulton County a distance of about 3.7 miles

Route 29039 Beginning at a point on Route 29019 approximately 0.25 of a mile east of the village of Crystal Springs thence in an easterly and northeasterly direction through Brush Creek Township to a point approximately 0.7 of a mile southeast of the village of Akersville in Fulton County a distance of about 2.56 miles

Route 29040 Beginning at a point on Route 267 about 0.5 of a mile south of Crystal Springs thence in a southeasterly direction through Brush Creek Township in Fulton county a distance of about 0.7 of a mile

Route 29041 Beginning at a point on Route 323 at Andover thence in an easterly and northeasterly direction through Licking Creek Township to a point on Route 39 at Breezy Point in Fulton County a distance of about 3.8 miles

GREENE COUNTY

Route 30082 Beginning at a point on Route 30010 about 0.5 of a mile west of Jollytown thence in a southwesterly direction through Gilmore Township to the Pennsylvania-West Virginia State line in Green County a distance of about 1.3 miles

Routes 30083 Beginning at a point at the intersection of Routes 30001 and 30037 thence southerly through Springhill Township to the West Virginia State line in Greene County a distance of about 0.8 of a mile

Route 30084 Beginning at a point on Route 30009 in Kuhnton thence in a northeasterly direction through Wayne Township to a point on Route 30012 about 0.25 of a mile west of Knisley School in Greene County a distance of about 2.8 miles

Route 30085 Beginning at a point on Route 30021 at Davistown thence in a northwesterly and southwesterly direction over Bell Run Road in Dunkard and Perry Townships to a point on Route 110 about 0.25 of a mile southeast of Asbury Chapel in Greene County a distance of about 4.5 miles

Route 30086 Beginning at a point on Route 268 near the intersection of Routes 268 and 30019 thence southeasterly through Morgan and Jefferson Townships to a point on Route 30059 in Greene County a distance of about 2.5 miles

Route 30087 Beginning at a point on Route 30001 about 0.5 of a mile north of the Weimer School thence in a general northeasterly direction through Aleppo and Richhill Townships to an intersection with Route 30039 near Bristoria in Greene County a distance of about 4.0 miles

Route 30088 Beginning at a point on Route 30042 about 0.2 of a mile west of Macedonia Church thence in a southeasterly and northeasterly direction through Jackson Township to a point on Route 30042 on the Jackson-Center Township line in Greene County a distance of about 3.1 miles

Route 30089 Beginning at a point on Route 30003 near Rutan thence in a general southwesterly direction through Center Township to a point on the Center-Richhill Township line about 0.5 of a mile north of the Jackson-Center Township line thence continuing through Richhill Township in a general westerly and southwesterly direction to a point on Route 30003 about 0.8 of a mile east of the intersection of Routes 30039 and 30003 in Greene County a distance of about 4.15 miles

Route 30090 Beginning at a point on Route 111 about one mile south of Hill School thence in a southerly direction through Franklin and Center Townships to the end of Route 30009 in Greene County a distance of about 2.0 miles

Route 30091 Beginning at a point on Route 30017 at Stone School thence in an easterly direction through Whiteley Township to a point on Route 110 about one mile south of Brick School in Greene County a distance of about 2.1 miles

Route 30092 Beginning at a point on Route 451 near Little Whitely Creek thence in a southeasterly direction through Monongahela Township to the Masontown Toll Bridge over the Monongahla Township River in Greene County a distance of about 1.5 miles

Route 30093 Beginning at a point on Route 30070 near the Gray-Morris Township line thence in a southwesterly direction through Gray Township to a point on Route 256 about 0.25 of a mile west of the Gray-Morris Township line in Greene County a distance of about 1.4 miles

Route 30094 Beginning at a point on Route 109 about 1.5 miles southeast of Nineveh thence northeasterly in Morris Township a distance of about 1.6 miles to a road intersection thence easterly to a point on Route 30011 about 1.5 miles southeast of Deerlick in Greene County a distance of about 2.7 miles

Route 30095 Beginning at a point on Route 109 about 0.2 of a mile northwest of the intersection of Routes 109 and 111 thence in a northerly direction through Franklin and Washington Townships to a point on Route 30033 about 1.5 miles west of the intersection of Routes 30033 and 30019 in Greene County a distance of about 3.7 miles

Route 30096 Beginning at a point on Route 268 west of Stony Point thence in a northeasterly direction through Morgan Township to the Mather Post Office in Greene County a distance of about 0.3 of a mile

Route 30097 Beginning at a point on Route 30062 about 0.6 of a mile east of Carmichaels thence in a northeasterly and northerly direction through Cumberland Township to Jacobs Ferry in Greene County a distance of about 3.4 miles

Route 30098 Beginning at a point on Route 30016 near Willow Tree thence in a general northerly direction through Greene and Monongahela Townships to a road intersection about 0.4 of a mile northeast of the Greene-Monongahela Township line in Greene County a distance of about 1.9 miles

HUNTINGDON COUNTY

Route 31080 Beginning at a point on Route 31003 about 1.00 mile northeast of Maddensville thence in a southwesterly direction through Springfield Township to the Huntingdon-Fulton line in Huntingdon County a distance of about 2.1 miles

Route 31081 Beginning at a point on Route 31013 about .3 of a mile northeast of Martins thence in a general easterly direction through Tod and Clay Townships by way of Joller to a point on Route 31008 about 1.00 mile east of the Tod-Clay Township line in Huntingdon County a distance of about 4.5 miles

Route 31082 Beginning at a point on Route 31030 approximately 2.50 miles southwest of the intersection of Route 31030 and Route 31035 thence in a southeasterly southerly and westerly direction through Shirley Township to a point on Route 31030 approximately 1.2 miles northeast of Shirleysburg Boro in Huntingdon County a distance of about 2.00 miles

Route 31083 Beginning at a point on Route 121 about 0.2 of a mile southeast of the Mount Union Boro line thence in a southwesterly direction thru Shirley Township in Huntingdon County a distance of about 0.8 miles

Route 31084 Beginning at a point on the north Mapleton Borough line at Bridge Street in Brady Township thence in a northeasterly direction through Brady Township to a point on Route 33 approximately 2.5 miles south of Mill Creek in Huntingdon County a distance of about 0.1 of a mile

Route 31085 Beginning at a point on Route 31041 about .1 of a mile south of the intersection of Route 31034 thence in a southwesterly direction through Smithfield Township and following the boundary line road between Juniata and Walker Townships to a road intersection about 0.60 of a mile southeast of McConnellstown Station thence in a westerly and northwesterly direction for a distance of

about 1.20 miles to a point on Route 31034 near McConnellstown Station in Huntingdon County a distance of about 5.20 miles

Route 31086 Beginning at a point on the Blair-Huntingdon County line approximately 0.80 of a mile west of the Porter-Walker Township line in Porter Township thence northeasterly and southeasterly through Porter Township to a point on the Porter-Walker Township line thence southeasterly through Walker Township to a point on Route 31038 approximately 0.75 of a mile southwest of Route 31033 in Huntingdon County a distance of about 3.8 miles

Route 31087 Beginning at a point on Route 352 about 0.20 of a mile northeast of the northern Petersburg Boro line thence in a northwesterly and northeasterly direction through Logan and West Townships to a point on Route 352 about 0.10 of a mile north of its intersection with Route 31063 in Huntingdon County a distance of about 3.40 miles

Route 31088 Beginning at a point on Route 31051 about 1.50 miles southeast of Barree thence in a general northeasterly direction through Logan Township to a point on the Logan-West Township line thence in a southeasterly direction through West Township to a point on Route 31087 about 0.10 of a mile northeast of the Logan-West Township line in Huntingdon County a distance of about 4.50 miles

Route 31089 Beginning at a point on Route 31056 approximately 1.0 mile southwest of the intersection of Routes 31056 and 261 thence in a general northwesterly direction through Jackson Township to a point on Route 31068 near Standing Stone Creek in Huntingdon County a distance of about 2.1 miles

Route 31090 Beginning at a point on Route 56 about 0.10 of a mile west of Pennington thence in a general northerly direction through Warriors Mark Township to a point on Route 31071 in Huntingdon County a distance of about 0.7 of a mile

INDIANA COUNTY

Route 32118 Beginning at a point on Route 32003 about 1.0 mile north of its intersection with Route 32001 thence in a general northeasterly direction through Conemaugh and Young Townships to a point on Route 228 about 1.7 miles northeast of its intersection with Route 32032 in Indiana County a distance of about 1.9 miles

Route 32119 Beginning at a point on Route 32048 at or near the Armstrong-Young Township line thence in a northwesterly direction through Armstrong Township to a school house thence in a southerly direction to a road intersection at West Union Church in Indiana County a distance of about 1.2 miles

Route 32120 Beginning at a point on Route 32016 about 1.5 miles southwest of its intersection with Route 32022 thence westerly and northwesterly through Blacklick Township to a point on Route 32028 near its intersection with Route 637 in Indiana County a distance of about 3.0 miles

Route 32121 Beginning at a point on Application 3652 about 0.7 of a mile southwest of its intersection with Route 223 thence in a northwesterly direction through West Wheatfield Township to a point on Route 223 about 1.2 miles east of the West Wheatfield-Burrell Township line in Indiana County a distance of about 1.7 miles

Route 32122 Beginning at a point on Route 314 about 0.5 of a mile west of the Indiana-Cambria County line thence in a northwesterly direction through East Wheatfield Township to a point on Application 4849 about 0.3 of a mile south of its intersection with Route 32021 in Indiana County a distance of about 1.3 miles

Route 32123 Beginning at a point on Route 68 about 0.3 of a mile north of its intersection with Route 337 thence in a northwesterly and southwesterly direction through Center Township to a point on Route 572 about 1.0 mile northwest of its intersection with Route 32030 in Indiana County a distance of about 1.4 miles

Route 32124 Beginning at a point on Route 32041 about 0.1 of a mile northeast of its intersection with Route 68 thence in an easterly direction through Center Township to a point on Route 32035 about 0.6 of a mile northeast of its intersection with Route 68 in Indiana County a distance of about 0.2 of a mile

Route 32125 Beginning at a point on Route 32023 at Luciusboro thence in a northeasterly and easterly direction through Center and Brush Valley Townships to a point on Route 32019 about 0.2 of a mile west of its intersection with Route 337 in Indiana County a distance of about 3.6 miles

Route 32126 Beginning at a point on Route 32037 about 0.6 of a mile northwest of Mechanicsburg thence in a general northerly direction through Brush Valley Township to the Cresswell School thence southeasterly to a point on Route 32038 about 0.9 of a mile south of the Cherry Hill-Brush Valley Township line in Indiana County a distance of about 3.5 miles

Route 32127 Beginning at a point on Route 32020 about 0.3 of a mile north of Dilltown thence in a northwesterly direction through Buffington and Brush Valley Townships to a point on Route 337 about 2.0 miles north of Dias in Indiana County a distance of about 3.6 miles

Route 32128 Beginning at a point on Route 32021 about 0.3 of a mile north of the Buffington-East Wheatfield Township line thence in a northeasterly direction through Buffington Township to a point on Route 32027 about 0.3 of a mile southwest of its intersection with Route 32029 in Indiana County a distance of about 4.3 miles

Route 32129 Beginning at a point on Route 32048 about 0.2 of a mile east of its intersection with Route 32049 thence in a southeasterly and southerly direction through Armstrong Township to a point on Route 188 about 0.7 of a mile northeast of its intersection with Route 32049 in Indiana County a distance of about 1.0 mile

Route 32130 Beginning at a point on Route 63-Spur at or near the Rayne-White Township line thence in a northeasterly direction through Rayne Township to a point on Route 63 at Grove Chapel in Indiana County a distance of about 2.5 miles

Route 32131 Beginning at a point on Route 54 about 0.1 of a mile east of the Rayne-White Township line thence in a northwesterly direction through Rayne and White Townships to a point on Route 63 about 0.2 of a mile north of the Rayne-White Township line in Indiana County a distance of about 1.8 miles.

Route 32132 Beginning at a point on Route 32054 about 1.3 miles northeast of its intersection with Route 54 thence in a northeasterly direction through White Township to the White-Rayne-Cherryhill Township line thence continuing in a northeasterly direction along a township line road dividing Cherryhill and Rayne Townships to a point on Route 32058 about 1.0 mile south of its intersection with Route 54 in Indiana County a distance of about 2.9 miles

Route 32133 Beginning at a point on Route 32051 at Manner thence in a northwesterly direction through Cherryhill Township to an intersection with Route 32052 about 1.0 mile southwest of the intersection of Routes 32052 and 32056 in Indiana County a distance of about 1.2 miles

Route 32134 Beginning at a point on Route 300 at Pine Flats thence in an easterly and southerly direction through Greene Township to a point on the dividing line between Greene and Pine Townships thence northeasterly 0.2 of a mile along a township line road to a road intersection thence southeast to a point on Route 32055 about 0.5 of a mile east of Jewtown in Indiana County a distance of about 2.9 miles

Route 32135 Beginning at a point on Route 32055 about 0.6 of a mile southeast of Alverda thence in a northerly direction through Pine and Greene Townships by way of Martintown to an intersection with Route 32057 about 0.1 of a mile west of Number 17 School in Indiana County a distance of about 2.4 miles

Route 32136 Beginning at a point on Route 32072 just east of Willet thence in a northerly and westerly direction through Washington Township to a point on Route 32074 about 1.5 miles north of Five Points in Indiana County a distance of about 1.7 miles

Route 32137 Beginning at a point on Route 32099 about 0.3 of a mile east of Marchand thence northeasterly through North Mahoning and Canoe Townships to a point on Route 32107 about 0.2 of a mile east of the North Ma-

honing-Canoe Township line in Indiana County a distance of about 1.9 miles

Route 32138 Beginning at a point on Route 32063 about 1.0 mile east of Kintersburg thence in a northeasterly direction through Rayne Township to a point on Route 508 at Rayne in Indiana County a distance of about 2.5 miles

Route 32139 Beginning at a point on Route 32076 about 0.6 of a mile west of its intersection with Route 262 thence in a northwesterly direction through Greene and Grant Townships to a point on Route 32077 about 0.3 of a mile southeast of Decker's Point in Indiana County a distance of about 2.9 miles

Route 32140 Beginning at the intersection of Routes 262 and 32076 at Purchase Line thence in a northeasterly direction through Greene and Grant Townships to a point on Route 32084 about 1.0 mile west of the Grant-Montgomery Township line in Indiana County a distance of about 1.2 miles

Route 32141 Beginning at a point on Route 32068 about 0.1 of a mile north of the Montgomery-Greene Township line thence in a northwesterly direction through Montgomery Township to a point on Route 262 at Gettysburg in Indiana County a distance of about 1.7 miles

Route 32142 Beginning at a point on Route 32097 about 0.7 of a mile west of Smicksburg Borough thence in a westerly direction through West Mahoning Township to a point on the Armstrong-Indiana County line in Indiana County a distance of about 1.6 miles

Route 32143 Beginning at a point on Route 32111 at North Point thence easterly and northeasterly through West Mahoning Township for a distance of 0.9 of a mile to the Indiana-Jefferson County line beginning again on the aforesaid county line at a point about 0.2 of a mile west of the West Mahoning-North Mahoning Township line thence in an easterly direction through West Mahoning and North Mahoning Townships for a distance of 0.8 of a mile to the aforesaid county line in Indiana County a distance of about 1.7 miles

Route 32144 Beginning at a point on Route 63 at Covode thence in a westerly direction through North Mahoning Township to a point on Route 189 about 1.5 miles south of its intersection with Route 622 in Indiana County a distance of about 1.8 miles

Route 32145 Beginning at a point on Route 32075 about 0.8 of a mile south of the East Mahoning-Rayne Township line thence in a northwesterly direction through Rayne Township to a point on Route 63 about 0.2 of a mile south west of its intersection with Route 32082 in Indiana County a distance of about 0.9 of a mile

JEFFERSON COUNTY

Route 33055 Beginning at a point on Route 33015 at Hamilton and near the intersection of Route 33015 and 622 thence westerly and southerly through Perry Township for a distance of 1.5 miles to the Jefferson-Indiana County line beginning again on the aforesaid county line at a point about one mile east of the Perry-Porter Township line and continuing in a general westerly direction through Perry Township for a distance of 0.1 of a mile in Jefferson County a total distance of about 1.6 miles

Route 33056 Beginning at a point on Route 33024 at McNeeley's farm thence in a westerly direction through Perry Township to an intersection with Route 622 at Postlethwait farm in Jefferson County a distance of about 0.7 of a mile

Route 33057 Beginning at a point on Route 436 at Hudson thence northerly through Gaskill Township to a point on Route 33050 about 0.5 of a mile south of Stump Creek in Jefferson County a distance of about 3.0 miles

Route 33058 Beginning at a point on the Indiana-Jefferson County line about 0.4 of a mile east of Hillman Station thence northeasterly through Gaskill Township to an intersection with Route 436 about 0.15 of a mile west of the United Brethren Church in Jefferson County a distance of about 1.4 miles

Route 33059 Beginning at a point on Route 33016 in the village of Sprankles Mills thence in a southerly direction through Oliver Township to a point on Route 357 at Ebenezer Church in Jefferson County a distance of about 1.9 miles

Route 33060 Beginning at a point of intersection with Route 33020 at the lands of Fenstemaker one mile south of Cortez thence in a westerly direction through McCalmont and Oliver Townships to a point of intersection with Route 63 at Oliveburg in Jefferson County a distance of about 3.1 miles

Route 33061 Beginning at a point on Route 358 about one mile north of Florenza thence easterly through McCalmont Township to an intersection with Route 33036 in Jefferson County a distance of about 2.1 miles

Route 33062 Beginning at a point on Route 33003 at Burkhouse Cross Roads thence easterly and southerly through Beaver Township to a point on Route 33010 at Pansy in Jefferson County a distance of about 4.5 miles

Route 33063 Beginning at an intersection with Route 63 near the Pawnee School thence easterly through Knox Township by way of the McAninch School to an intersection with Route 33022 about 0.3 of a mile northwest of Mead Chapel in Jefferson County a distance of about 3.3 miles

Route 33064 Beginning at a point on Route 59 in the village of Harvey's Run thence northwesterly through Washington Township crossing Route 33038 about 1.0 mile south of Beechtree to an intersection with Route 33029 about 0.5 of a mile south of Coal Glen in Jefferson County a distance of about 4.5 miles

Route 33065 Beginning at a point on Route 61 about 0.7 of a mile west of the Brockway Borough-Snyder Township line thence through Snyder Township in a southerly direction for a distance of about 0.9 of a mile to a road intersection thence in a general northeasterly direction to the Brockway Borough-Snyder Township line in Jefferson County a total distance of about 2.4 miles

Route 33066 Beginning at a point on the Brockway Borough-Snyder Township line at the end of McKean Street and extending in a northerly easterly and southerly direction through Snyder Township to a point on Route 59 at Walburn Run in Jefferson County a distance of about 2.2 miles

Route 33067 Beginning at a point on the northern line of Brockway Borough thence in a general northwesterly direction through Snyder and Polk Townships to an intersection with Route 33030 about 0.75 of a mile north of Munderf in Jefferson County a distance of about 8.7 miles

JUNIATA COUNTY

Route 34044 Beginning at a point intersecting Route 34001 about 0.9 of a mile south of the intersection with Route 34002 thence extending in a northeasterly and northerly direction through Lack Township to a point intersecting Route 34002 in Juniata County a distance of about 2.0 miles.

Route 34045 Beginning at a point at the intersection of Routes 34005 and 34003 in the village of McCoysville thence extending in an easterly and northeasterly direction through Tuscarora Township to the Spruce Hill-Tuscarora Township line at a point intersecting Route 34005 in Juniata County a distance of about 1.9 miles

Route 34046 Beginning at a point intersecting Route 34006 about 0.2 of a mile north of the Mt Hope School House thence extending in a southeasterly and easterly direction through Turbett Township to a point intersecting Route 34029 in Juniata County a distance of about 2.4 miles

Route 34047 Beginning at a point intersecting Route 45 immediately east of the Juniata River thence extending in a northwesterly and easterly direction through Walker and Fermanagh Townships to a point intersecting Route 637 about 0.5 of a mile east of the Mifflintown Borough line in Juniata County a distance of about 3.4 miles

Route 34048 Beginning at a point intersecting Second Street and Route 31 in the village of Mexico thence extending in a southerly and easterly direction over Second and Market Streets to the intersection with Route 34006 thence again in an easterly direction from the intersection of Second and Locust Streets over Locust Street to Route 31 thence again from the intersection of Second and Walnut Streets over Walnut Street to a point intersecting Route 34006 in Walker Township Juniata County a distance of about 0.32 of a mile

Route 34049 Beginning at a point intersecting Route 34030 immediately south of the Fermanagh-Walker Town-

ship line thence extending in a southeasterly direction through Walker Township to a point intersecting Route 34006 immediately north of the Red Rock School in Juniata County a distance of about 1.5 miles

Route 34050 Beginning at a point intersecting Route 34023 about 1.3 miles northwest of the village of Center thence extending in a westerly direction through Walker Township to a point intersecting Route 34006 in Juniata County a distance of about 0.8 of a mile

Route 34051 Beginning at a point on Route 438 near Seven Stars thence extending in a southerly direction through Greenwood Township to a point on the Perry-Juniata County line at the present terminus of Route 50021 in Juniata County a distance of about 1.5 miles

Route 34052 Beginning at the Mifflin Borough-Milford Township line thence extending in a northwesterly westerly and southwesterly direction through Milford Township past the Muddy Run School to a point intersecting Route 34004 about 0.2 of a mile southwest of the Red Bank School in Juniata County a distance of about 2.6 miles

Route 34053 Beginning at a point intersecting Route 34010 about 0.4 of a mile southwest of the Snyder-Juniata County line thence extending in a southwesterly direction through Monroe Township to a point intersecting Route 34011 about 0.5 of a mile north of the intersection of Route 34021 in Juniata County a distance of about 3.6 miles

LACKAWANNA COUNTY

Route 35053. Beginning at a point on Route 365 about 0.7 of a mile east of Schultzville, thence northeasterly through Newton and Glenburn Townships to a point on Route 9, in Lackawanna County, a distance of about 1.9 miles.

Route 35054. Beginning at a point on Route 35020, about 1.3 miles south of its intersection with Route 35021, thence in a westerly direction through South Abington Township to the South Abington Township-Clarks Green Borough line, in Lackawanna County, a distance of about 0.71 of a mile.

LANCASTER COUNTY

Route 36092 Beginning at an intersection with Route 136 about 0.4 of a mile west of the Little Britain-Fulton Township line and extending in a southerly direction through Fulton Township to an intersection with Route 36077 in the village of New Texas in Lancaster County a distance of about 4.0 miles

Route 36093 Beginning at an intersection with Route 345 about 0.4 of a mile northwest of the village of Fairmount and extending in a southwesterly and southeasterly direction through Little Britain Township to a point of intersection with Route 345 about 0.5 of a mile north of the village of Little Britain in Lancaster County a distance of about 4.0 miles

Route 36094 Beginning at Fishing Creek Station of the Pennsylvania Railroad and extending in a northeasterly easterly and southeasterly direction past Harmony School House in Drumore Township to an intersection with Route 36010 at the village of Furniss in Lancaster County a distance of about 3.2 miles

Route 36095 Beginning at an intersection with Route 36009 at or near the village of King's Bridge and extending in a northwesterly direction through Little Britain and East Drumore Townships to an intersection with Route 36010 at or near the village of Puseyville in Lancaster County a distance of about 1.6 miles

Route 36096 Beginning at an intersection with Route 527 in the village of Kirkwood and extending in a southwesterly scutherly and easterly direction through Colerain Township to an intersection with Route 527 in the village of Union Colerain in Lancaster County a distance of about 1.9 miles

Route 36097 Beginning at an intersection with Route 36022 about one mile north of intersection with Route 36089 and extending in a northeasterly direction through Colerain Township to an intersection with Route 36081 about 0.8 of a mile north of the village of Octoraro in Lancaster County a distance of about 1.1 miles

Route 36098 Beginning at an intersection with Route 36081 at the village of Octoraro and extending in a general northeasterly northerly and easterly direction through Colerain and Sadsbury Townships to the Lancaster-Chester County line at the Octoraro Creek about one mile east of the Mt Pleasant Presbyterian Church in Lancaster County a distance of about 2.8 miles

Route 36099 Beginning at an intersection with Route 36005 at the Cedar Grove School House and extending in a southwesterly and northwesterly direction through Martic Township to an intersection with the terminus of Route 344 in Lancaster County a distance of about 2.3 miles

Route 36100 Beginning at a point on Route 36005 about 0.1 of a mile northwest of an intersection with Route 344 and extending in a southwesterly direction for 0.4 of a mile to an intersection with Route 344 thence from a point on Route 344 about 0.5 of a mile west of Route 36005 in a southeasterly and northeasterly direction through Martic Township past the Crystal Brook School to an intersection with Route 36005 in Lancaster County a distance of about 0.9 of a mile

Route 36101 Beginning at an intersection with Route 36015 immediately east of the Martic-Providence Township line and extending in a southeasterly easterly northeasterly and southeasterly direction through Providence and Drumore Townships to an intersection with Route 344 at or near the village of Buck in Lancaster County a distance of about 2.1 miles

Route 36102 Beginning at an intersection with Routes 36010 and 136 at the village of Mechanics Grove and extending in a northwesterly direction through East Drumore Township to an intersection with Route 344 about 0.1 of a mile south of the Providence-East Drumore Township line in Lancaster County a distance of about 3.9 miles

Route 36103 Beginning at an intersection with Route 36011 about 0.7 of a mile north of Route 344 and extending in a northeasterly direction through Eden and Bart Townships to an intersection with State-aid Application 5821 in the village of Georgetown in Lancaster County a distance of about 2.9 miles

Route 36104 Beginning at an intersection with Route 36015 and extending in a northwesterly direction through Providence Township to an intersection with Route 36007 immediately south of the village of Smithville in Lancaster County a distance of about 1.6 miles

Route 36015 Beginning at a point on State-aid Application 5821 about 0.2 of a mile south of Cedar Hill School and extending in a southwesterly direction thruogh Paradise and Eden Townships to a road intersection about 0.2 of a mile southwest of the Bart-Eden-Paradise Township line in Lancaster County a distance of about 1.2 miles

Route 36106 Beginning at an intersection with Route 623 at the village of Conestoga Center near the Methodist Episcopal Church and extending in a westerly northerly easterly northwesterly northeasterly and northwesterly direction through Conestoga Township to a road intersection immediately northeast of the village of Rock Hill in Lancaster County a distance of about 3.3 miles

Route 36107 Beginning at an intersection with Route 332 about 0.8 of a mile south of the intersection with Route 322-spur and extending in a northeasterly direction through Pequea Township to an intersection with Route 36027 in Lancaster County a distance of about 0.8 of a mile

Route 36108 Beginning at an intersection with Route 36024 immediately northwest of the village of Wheatland Mills and extending in a northeasterly direction through West Lampeter and East Lampeter Townships to an intersection with Route 36011 immediately south of Pequea School in Lancaster County a distance of about 1.6 miles

Route 36109 Beginning at an intersection with Route 36027 about two miles northeast of the village of Lampeter and extending in a northeasterly northerly and northeasterly direction through West Lampeter and East Lampeter Townships to an intersection with Route 36024 southeast of the village of Fertility in Lancaster County a distance of about 1.7 miles

Route 36110 Beginning at an intersection with Route 36009 at or near Beiler's School and extending in a northerly and easterly direction through Leacock Township to an intersection with Route 36029 at or near Centerville School in Lancaster County a distance of about 1.5 miles

Route 36111 Beginning at an intersection with Route

36056 at or near White Hall School and extending in an easterly direction through Salisbury Township to an intersection with Route 36014 just south of the village of Mast in Lancaster County a distance of about 2.0 miles

Route 36112 Beginning at an intersection with Route 128 about 0.6 of a mile west of the Mountville Borough-West Hempfield Township line and extending in a northerly westerly and northwesterly direction through West Hempfield Township to an intersection with Route 36065 in the village of Ironville Lancaster County a distance of about 1.6 miles

Route 36113 Beginning at the Mountville Borough-West Hempfield Township line and extending in a northerly northwesterly and northerly direction through West Hempfield Township past Hempfield Station to an intersection with Route 36003 immediately west of the village of Silver Spring in Lancaster County a distance of about 2.4 miles

Route 36114 Beginning at an intersection with Route 148 immediately north of Heller's Station and extending in a northeasterly direction through Upper Leacock Township by the way of the village of Leola to an intersection with Route 244 in Lancaster County a distance of about 1.8 miles

Route 36115 Beginning at an intersection with Route 244 immediately west of the borough of New Holland and extending in a northerly direction through Earl Township to an intersection with Route 36030 about 0.7 of a mile east of the Earl-West Earl Township line in Lancaster County a distance of about 3.3 miles

Route 36116 Beginning at an intersection with Route 280 immediately northeast of the village of Bainbridge and extending in a northeasterly direction through Conoy and West Donegal Townships to an intersection with Route 36072 in Lancaster County a distance of about 1.3 miles

Route 36117 Beginning at an intersection with Route 649 about one mile southwest of Union School and extending in a northerly direction through East Donegal Township to an intersection with Route 129 about 0.6 of a mile northwest of an intersection with Route 36068 in Lancaster County a distance of about 2.6 miles

Route 36118 Beginning at an intersection with Route 36068 about 0.8 of a mile north of an intersection with Route 129 and extending in a southeasterly direction through Mount Joy Township to the Mount Joy Borough-Mount Joy Township line in Lancaster County a distance of about 1.6 miles

Route 36119 Beginning at an intersection with Route 36067 about 0.5 of a mile south of an intersection with Route 36069 and extending in a northeasterly and easterly direction through Rapho Township to a road intersection about 0.3 of a mile south of Buck Run School in Lancaster County a distance of about 2.1 miles

Route 36120 Beginning at a point on Route 36005 about 0.9 of a mile west of Habeker School and extending in a westerly and northwesterly direction through Manor Township to the Manor-West Hempfield Township line thence in a northerly westerly and northerly direction through West Hempfield Township to a point on Route 128 at Kehler's School in Lancaster County a distance of about 3.6 miles

Route 36121 Beginning at an intersection with Route 36061 about 0.3 of a mile north of the Warwick-Ephrata Township line and extending in a northeasterly and easterly direction through Ephrata Township to an intersection with Route 36060 about 0.4 of a mile north of an intersection with Route 148 thence from a point on Route 36060 immediately south of the village of Erb's Corner in an easterly direction to Route 137 in Lancaster County a distance of about 3.6 miles

Route 36122 Beginning at an intersection with Route 36030 in the village of Fairmount in West Earl Township and extending in a northerly westerly and northeasterly direction to a road intersection about one mile southwest of the Earl-West Earl Township line thence from said road intersection in a northwesterly and northerly direction through West Earl and Ephrata Townships to an intersection with Route 137 immediately southeast of the village of Murrell in Lancaster County a distance of about 3.3 miles

Route 36123 Beginning at the intersection of Routes 36012 and 36050 in the village of Five Pointville and extending in a southeasterly easterly and southerly direction through Brecknock Township to the Brecknock-East Earl Township line thence from said township line in a southerly and southeasterly direction by way of the village of Sensenig through East Earl and Caernarvon Townships to a road intersection immediately west of Mt Carmel Church thence from said road intersection in a southerly direction through Caernarvon Township to an intersection with Route 36053 about 0.3 of a mile east of the Caernarvon-East Earl Township line in Lancaster County a distance of about 4.4 miles

Route 36124 Beginning at an intersection with Route 36069 about 0.3 of a mile southeast of the village of Milton Grove and extending in a southerly direction through Mount Joy Township to an intersection with Route 36069 at or near Brenneman's School in Lancaster County a distance of about 1.6 miles

Route 36125 Beginning at an intersection with Route 138 about 0.3 of a mile south of the Penn-Rapho Township line and extending in an easterly direction through Rapho and Penn Townships to an intersection with Route 36001 immediately north of the village of White Oak in Lancaster County a distance of about 1.5 miles

Route 36126 Beginning at an intersection with Route 36067 at or near McKinley's School and extending in a southeasterly direction through Rapho Township to an intersection with Route 138 in Lancaster County a distance of about 0.5 of a mile

Route 36127 Beginning at an intersection with Route 138 about 0.3 of a mile east of Shearer's Church and extending in an easterly northerly and easterly direction through Rapho Penn and Elizabeth Townships past Mount Hope Station and Locust Grove School to an intersection with Route 36002 in Lancaster County a distance of about 5.8 miles

Route 36128 Beginning at an intersection with Route 36001 west of the village of Newton and extending in a northerly and easterly direction through Clay Township to an intersection with Route 36011 in Lancaster County a distance of about 0.9 of a mile

Route 36129 Beginning at an intersection with Route 36046 about 0.2 of a mile east of the intersection with Route 36047 and extending in a northerly and northeasterly direction through East Cocalico Township to an intersection with Route 36001 about 0.4 of a mile southwest of an intersection with Route 36012 in Lancaster County a distance of about 2.6 miles

Route 36130 Beginning at an intersection with Route 607 about 0.3 of a mile northwest of the village of Blainsport and extending in a northwesterly direction through West Cocalico Township to the Lancaster-Lebanon County line in Lancaster County a distance of about 2.5 miles

Route 36131 Beginning at a point on Route 136 about 0.2 of a mile northwest of an intersection with Route 36424 and extending in a northwesterly direction through Strasburg Township to a point on Route 36028 at or near Walnut Run School in Lancaster County a distance of about 1.2 miles

LAWRENCE COUNTY

Route 37056 Beginning at a point on Route 539 about 1.5 miles northwest of its intersection with Route 265, thence in a northerly, northeasterly and southeasterly direction through Little Beaver Township to a point on Route 265 about 0.6 of a mile north of its intersection with Route 37005, in Lawrence County, a distance of about 2.8 miles.

Route 37057 Beginning at a point on the south borough line of Wampum Borough thence in a general southwesterly direction through Big Beaver Township along Wampum Run to an intersection of Route 37008 approximately 1.0 mile north of the Beaver-Lawrence County Line in Lawrence County a distance of about 1.8 miles

Route 37058 Beginning at a point on Route 37030 about 1.0 mile southeast of its intersection with Route 37032 thence in a northeasterly direction through Mahoning and Pulaski Townships to a point on Route 81 about 0.2 of a mile south of Frizleburg in Lawrence County a distance of 3.1 miles

Route 37059 Beginning at a point on Route 265 about 1.5 miles east of Mount Jackson thence in a southerly direction through North Beaver Township to a road intersection in Lawrence County a distance of about 2.3 miles

Route 37060 Beginning at a point on Route 37016 about 2.5 miles south of its intersection with Route 315 thence in an easterly and northerly direction through Shenango Township to a point on Route 315 about 1.5 miles southeast of the village of Joyce in Lawrence County a distance of about 1.2 miles

Route 37061 Beginning at a point on Route 37031 approximately 0.25 of a mile east of its intersection with Route 81 thence in a southeasterly direction through Union Township along the west side of the Pennsylvania Railroad tracks to a point on the New Castle City-Union Township line at Sampson Street in Lawrence County a distance of about 2.8 miles

Route 37062 Beginning at a point on Route 614 at or near Eastbrook thence in a northerly direction through Hickory Township to a point on the Hickory-Wilmington Township line thence continuing northerly through Wilmington Township to an intersection with Route 37042 at a point near its crossing with Neshannock Creek in Lawrence County a distance of about 3.5 miles

Route 37063 Beginning near the intersection of Routes 37043 and 37044 thence in an easterly direction through Scott Township by the way of Cooper School to a point on Route 246 about 1.0 mile south of the Scott-Washington Township line in Lawrence County a distance of about 0.9 of a mile

Route 37064 Beginning at a point on Route 37043 approximately 0.5 of a mile northwest of the Scott-Washington Township line thence in an easterly direction through Washington Township to a point on Route 246 approximately 0.5 of a mile north of the Scott-Washington Township line in Lawrence County a distance of about 2.0 miles

Route 37065 Beginning at an intersection with Route 37050 at a point approximately 1.0 mile south of the intersection of Routes 37050 and 37048 thence in an easterly direction through Plain Grove Township to an intersection with Route 37049 at a point approimately 0.5 of a mile north of the Butler-Lawrence County line beginning again at a point on Route 37049 approximately 0.7 of a mile north of the Lawrence-Butler County line thence in a northeasterly direction through Plain Grove Township to a point on the Lawrence-Butler County line near the point common to Lawrence Mercer and Butler Counties in Lawrence County a distance of about 2.4 miles

Route 37066 Beginning at a point on Route 315 about 3.0 miles southeast of the village of Joyce thence in a southeasterly direction through Shenango Township to a point on Route 37023 on the dividing line between Shenango and Slippery Rock Townships in Lawrence County a distance of about 1.2 miles

Route 37067. Beginning at a point on Route 315, about 1.0 mile south of the Slippery Rock Church, thence in an easterly and northerly direction through Slippery Rock Township to a point on Route 37052 about 1.0 mile southeast of its intersection with Route 37024, in Lawrence County, a distance of about 1.8 miles.

LEBANON COUNTY

Route 38044 Beginning at a point on Route 137 near Isabella School thence in an easterly direction through North Cornwall and South Lebanon Townships by way of Midway to a point on Route 38016 approximately one mile east of the Midway Brethren Church in Lebanon County a distance of about 1.6 miles

Route 38045 Beginning at a point on Route 38003 near Bindnagles Church thence in a northerly and easterly direction in North Londonderry Township approximately 1.6 miles to Quittapahilla Creek thence by way of Snyder and Steelstown in North Annville Township to a point on Route 38001 approximately 0.5 of a mile north of Fairview School in Lebanon County a distance of about 3.1 miles

Route 38046 Beginning at a point on Route 651 at the intersection of Route 651 and 38001 thence in an easterly direction in North Annville Township to a point on Route 38004 approximately 0.5 of a mile south of the United Brethren Church beginning again at a point on Route 38004 near the United Brethren Church thence in an easterly direction in North Annville Township to a point on Route 38024 near Meyersville School in Lebanon County a distance of about 1.7 miles

Route 38047 Beginning at the end of Route 651 near the Lutheran Church thence in a northwesterly direction approximately 1.4 miles in North Annville Township to Swatara Creek thence continuing in a northwesterly direction in East Hanover Township approximately 0.9 of a mile to the Hershey School thence southerly and westerly to Route 38003 in Lebanon County a distance of about 4.3 miles

Route 38048 Beginning at a point on Route 141-B approximately 0.5 of a mile north of West Jonestown thence in a general westerly and northerly direction in Union Township about 0.3 of a mile west of Walmers Church in Lebanon County a distance of about 3.4 miles

Route 38049 Beginning at a point on Route 140-E approximately 0.8 of a mile north of Lickdale thence in an easterly direction in Union Township about 0.5 of a mile to Swatara Creek thence in an easterly northerly and easterly direction in Swatara Township approximately 1.9 miles to a point on the Swatara-Bethel Township line in Lebanon County a distance of about 2.4 miles

Route 38050 Beginning at a point on Route 141-C approximately 0.1 of a mile east of Fredericksburg thence in a general northeasterly direction in Bethel Township to a point on the Lebanon-Berks County line in Lebanon County a distance of about 2.7 miles

Route 38051 Beginning at a point on Route 38002 at Reistville thence in an easterly direction through Heidelberg Township and southeasterly direction through Mill Creek Township to a point on Route 38012 approximately 0.1 of a mile east of the Heidelberg-Mill Creek Township line in Lebanon County a distance of about 2.0 miles

Route 38052 Beginning at a point on Route 38008 at the Weaverstown School thence in an easterly and southeasterly direction in Jackson Township to a point on Route 38011 near Richland Borough in Lebanon County a distance of about 1.4 miles

LEHIGH COUNTY

Route 39077 Beginning at a point on Route 39007 at or near Vera Cruz Station thence in a general northwestern direction through Upper Milford Township to the southeastern line of Emaus Borough in Lehigh County a distance of about 1.6 miles

Route 39078 Beginning at a point on Route 39009 about 0.75 of a mile northeast of the Village of Center Valley thence in a general northwestern direction through Upper Saucon Township by the way of Saucon to a point on Route 297 in Lehigh County a distance of about 1.3 miles

Route 39079 Beginning at a point on Route 39002 about 0.4 of a mile northeast of the intersection of Routes 39004 and 39002 in Lower Milford Township thence in a general easterly direction through Lower Milford and Upper Saucon Townships to a point intersecting Route 39008 at Locust Valley in Lehigh County a distance of about 2.3 miles

Route 39080 Beginning at a point on Route 39009 at Spring Valley thence in a southwesterly direction through Upper Saucon Township to a road intersection in the Village of Saucon in Lehigh County a distance of about 1.5 miles

Route 39081 Beginning at a point on Route 153 near the intersection of Route 153 and the Allentown and Coopersburg Turnpike thence northerly through Upper Saucon Township to intersect Route 39002 about 0.8 of a mile west of Friedensville thence beginning at a point on Route 39002 about 0.1 of a mile west of the point of intersection and running in a general northwesterly direction crossing Route 39076 to a road intersection thence continuing through Upper Saucon Township in a southwesterly and northwesterly direction to a point on the Upper Saucon-Salisbury Township line thence northerly through Salisbury Township to intersect Route 39013 about 1.5 miles east of the intersection of Routes 153 and 39013 in Lehigh County a distance of about 4.9 miles

Route 39082 Beginning at a point on Route 443 near New Smithville thence northwesterly northerly and northeasterly through Weisenburg Township to a point on Route

39066 about 1.0 mile southeast of Stine's Corner in Lehigh County a distance of about 3.8 miles

Route 39083 Beginning at a point on Route 39066 about 0.6 of a mile north of the intersection of Routes 39066 and 157 in Upper Macungie Township thence northerly through Upper Macungie and Weisenburg Townships by way of Ziegel's Church crossing Route 443 to a point on Route 39047 about 0.5 of a mile west of Seipstown in Lehigh County a distance of about 2.8 miles

Route 39084 Beginning at a point on Route 672 near Fogelsville in Upper Macungie Township thence northwesterly by way of Fogelsville through Upper Macungie and Weisenburg Townships to a point on Route 39047 approximately 0.6 of a mile southeast of Seipstown in Lehigh County a distance of about 2.2 miles

Route 39085 Beginning at a point on Route 486 about 0.2 of a mile northwest of the Macungie Borough-Lower Macungie Township line thence in a general northerly direction through Lower Macungie Township to a point on Route 39023 near the intersection of Routes 39023 and 39024 in Lehigh County a distance of about 1.9 miles

Route 39086 Beginning at a point on Route 39023 near East Texas in Lower Macungie Township thence northwesterly through Lower Macungie and Upper Macungie Townships to a point on Route 157 near Trexlertown in Lehigh County a distance of about 1.2 miles

Route 39087 Beginning at a point on Route 557 about 0.5 of a mile north of the intersection of Routes 557 and 39023 thence westerly through Lower Macungie Township to a point on Route 39023 about 0.9 of a mile southeast of the intersection of Routes 39023 and 39025 in Lehigh County a distance of about 0.9 of a mile

Route 39088 Beginning at a point on Route 443 at Kuhnville thence in a general northeasterly direction through Upper Macungie and South Whitehall Townships to an intersection with Route 39043 at Walberts in Lehigh County a distance of about 2.4 miles

Route 39089 Beginning at a point on the line dividing Lehigh and Berks Counties approximately 0.3 of a mile southeast of Route 39072 thence easterly and northerly through Lynn Township to a point on Route 39072 about 0.25 of a mile east of the Berks-Lehigh County line in Lehigh County a distance of about 0.8 of a mile

Route 39090 Beginning at a point on Route 672 at Bittner's Corner thence in a general northeasterly direction through Lowhill Township to a point on Route 39060 at or near the Lowhill-Heidelberg Township line in Lehigh County a distance of about 1.2 miles

Route 39091 Beginning at a point on Route 163 about 0.5 of a mile south of the intersection of Routes 226 and 163 thence in a general easterly direction through North Whitehall Township to a point on Route 39038 about 0.5 of a mile northwest of the intersection of Routes 39038 and 39049 in Lehigh County a distance of about 2.3 miles

Route 39092 Beginning at a point on Route 555 near Mickley's thence easterly and southerly through Whitehall Township to the Bridge over the Lehigh River at the west borough line of Catasauqua Borough in Lehigh County a distance of about 1.2 miles

Route 39093 Beginning at a point on Lehigh Avenue at the western approach of the bridge crossing the Lehigh River from Catasauqua Borough to Whitehall Township known as the Race Street Bridge thence northwesterly on Lehigh Avenue to Main Street thence westerly on Main Street Crossing Route 39036 to an intersection with Route 39036 in Whitehall Township Lehigh County a distance of about 0.65 of a mile

Route 39094 Beginning at a point on Route 226 near the intersection of Routes 226 and 39060 thence in a general northerly direction through Heidelberg Township by way of Saegersville to a point on Route 39054 about 1.0 mile southwest of the intersection of Routes 39054 and 39057 in Lehigh County a distance of about 2.3 miles

Route 39095 Beginning at a point on Route 39054 about 0.8 of a mile east of the intersection of Routes 39054 and 39055 thence in a northwesterly direction through Washington Township to a point on State-aid Application 745 about 1.0 west of Slatedale in Lehigh County a distance of about 1.5 miles

Route 39096 Beginning at a point on Route 39054 about 0.2 of a mile east of Best thence northeasterly through Washington Township to a point where it intersects State-aid Application 745 near Emerald in Lehigh County a distance of about 1.5 miles

Route 39097 Beginning at a point on Route 39008 about 0.5 of a mile southwest of the intersection of Routes 39008 and 153-A thence in a northerly direction thru Upper Saucon Township to a point on Route 39007 in Lehigh County a distance of about 1.1 miles

LYCOMING COUNTY

Route 41091 Beginning at a point on Route 41028 about 0.1 of a mile south of the Anthony-Woodward Township line thence through Woodward Township in a general southwesterly direction to a point on Route 41026 about 0.7 of a mile south of the Anthony Township line in Lycoming County a distance of about 2.4 miles

Route 41092 Beginning at a point on Route 41034 about 1.4 miles northwest of Grimesville thence northeasterly through Old Lycoming Township to a point on Route 41033 in Lycoming County a distance of about 0.7 of a mile

Route 41093 Beginning at a point on Route 41045 approximately 1.1 miles north of the intersection of Routes 41045 and 41046 thence in a northwesterly and southwesterly direction through Loyalsock and Hepburn Townships to a point on Route 41045 about 0.1 of a mile north of the Loyalsock-Hepburn Township line in Lycoming County a distance of about 3.3 miles

Route 41094 Beginning at a point on Route 303 about 0.3 of a mile southeast of the intersection of Routes 19 and 303 in a southerly direction through Muncy Creek Township to an intersection with Route 41065 in Lycoming County a distance of about 0.4 of a mile

Route 41095 Beginning at a point on Route 19 about 0.2 of a mile east of the intersection of Routes 19 and 41065 thence in a general northerly direction through Muncy Creek and Wolf Townships to a point on Route 411066 at the Muncy Township line in Lycoming County a distance of about 2.1 miles

Route 41096 Beginning at a point on Route 41076 about 0.3 of a mile west of the intersection of Routes 41076 and 41077 thence in a northwesterly and northeasterly direction through Jordan and Franklin Townships to a point on Route 41080 in Lycoming County a distance of about 1.1 miles

Route 41097 Beginning at a point on Route 41076 at its intersection with Route 41079 thence in a northerly direction through Jordan Township to a point on Route 41080 in Lycoming County a distance of about 0.7 of a mile

Route 41098 Beginning at a point on Route 41055 about 0.1 of a mile southwest of the northeast corner of Fairfield Township thence in a northeasterly northerly and northwesterly direction through Fairfield and Upper Fairfield Townships to a point on Route 41060 about 0.5 of a mile southwest of the village of Fairfield Center in Lycoming County a distance of about 1.7 miles

Route 41099 Beginning at a point on Route 41054 about 1.0 mile south of the Mill Creek Township line thence in a northeasterly and easterly direction through Muncy Township to a point on Route 41061 near the northeast corner of Muncy Township in Lycoming County a distance of about 2.2 miles

Route 41100 Beginning at a point on Route 239 about 0.2 of a mile northeast of Laidsville thence in a northwesterly direction through Franklin and Penn Townships to a point on Route 41085 about 0.7 of a mile southwest of the intersection of Routes 41035 and 41085 in Lycoming County a distance of about 4.0 miles

Route 41101 Beginning at a point on Route 239 about 1.3 miles east of the intersection of Route 239 and Route 41087 thence in a northeasterly easterly and northwesterly direction through Franklin Township to a point on Route 321 at or near the village of North Mountain in Lycoming County a distance of about 4.6 miles

Route 41102 Beginning at a point on Route 41081 about 1.1 miles northeast of the intersection of Routes 41081 and 41082 thence in a northerly direction through Jordan Township to a point on Route 321 in Lycoming County a distance of about 0.8 of a mile

Route 41103 Beginning at a point on Route 41045 about 0.1 of a mile east of Balls Mills thence in a northerly di-

rection through Hepburn Township to a point on Route 41044 about 0.1 of a mile east of the intersection of Routes 41044 and 41047 in Lycoming County a distance of about 1.6 miles

Route 41104 Beginning at a point on Route 19 about 0.25 of a mile northeast of Tivoli thence in a northerly direction through Shrewsbury Township along Fox Run in Lycoming County a distance of about 2.25 miles

Route 41105 Beginning at the point of intersection of Routes 41053 and 41053-Spur "E" at Barbours thence in a southeasterly direction through Plunketts Creek Township to an intersection with Route 291 in Lycoming County a distance of about 0.5 of a mile

Route 41106 Beginning at a point on Route 467 at its intersection with Route 41047 thence in a northeasterly direction through Gamble and Cascade Townships to a point on Route 41051 in Lycoming County a distance of about 1.9 miles

Route 41107 Beginning at a point on Route 41051 about 1.2 miles southeast of the Lewis Township line thence in an easterly and southeasterly direction through Cascade Township to a point on Route 41051 about 1.3 miles west of Kellyburg in Lycoming County a distance of about 2.3 miles

Route 41108 Beginning at a point on Route 41021 about 0.5 of a mile west of English Center thence in a general northerly direction through Pine Township to a point on Route 41024 at Oregon Hill in Lycoming County a distance of about 7.3 miles

Route 41109 Beginning at a point on Route 21 about 1.0 mile south of the Tioga County line thence westerly and northerly through Jackson Township to a point on the Tioga County line in Lycoming County a distance of about 1.6 miles

Route 41110 Beginning at a point on Route 713 at Ellenton thence in a southwesterly and southerly direction through McNett Township to a point near the McNett-Cascade Township line in Lycoming County a distance of about 2.8 miles

McKEAN COUNTY

Route 42031 Beginning at a point on Route 95 at or near Wetmore thence southwesterly and northwesterly through Hamilton Township crossing and recrossing the Pennsylvania Railroad tracks and intersecting Route 95 at a point about 1.0 miles southeast of the village of Ludlow in McKean County a distance of about 3.3 miles

Route 42032 Beginning at a point on Route 97 south of the Kane Borough-Wetmore Township line thence in a westerly direction through Wetmore Township to the Kane Borough-Wetmore Township line at Hemlock Avenue in McKean County a distance of about 0.1 of a mile

Route 42033 Beginning at a point on Route 95 at Kanesholm thence in a southeasterly and easterly direction through Wetmore and Sergeant Townships to a point on Route 42004 about 2.0 miles south of Halsey in McKean County a distance of about 4.1 miles

Route 42034 Beginning at a point on Route 42004 at or near Freeman thence in a southeasterly direction through Hamlin and Sergeant Townships in McKean County a distance of about 1.9 miles

Route 42035 Beginning at a point on Route 97 at Tallyho thence in a general northwesterly direction through Lafayette Township to the Village of Westline in McKean County a distance of about 3.6 miles

Route 42036 Beginning at a point on Route 42006 about 1.5 miles east of the village of Lafayette thence in a southeasterly direction through Lafayette Township to a point on Route 42005 about 1.8 miles southwest of Mount Alton in McKean County a distance of about 1.3 miles

Route 42037 Beginning at a point on Route 42005 about 1.5 miles northeast of the northern borough line of Mount Jewett Borough thence northeasterly through Hamlin Township crossing the Baltimore and Ohio Railroad tracks at Kushequa in McKean County a distance of about 0.6 of a mile

Route 42038 Beginning at a point on State-aid Application 500 about 1.5 miles west of the western Bradford City-Bradford Township line thence in a southwesterly and southeasterly direction through Bradford Township to a point on Route 42009 about 2.2 miles from the southwestern terminus of the said route in McKean County a distance of about 0.7 of a mile.

Route 42039 Beginning at a point on Route 469 about 0.5 of a mile east of Degolia thence northerly through Bradford Township to a point on the south Bradford City-Bradford Township line in McKean County a distance of about 2.2 miles

MERCER COUNTY

Route 43077 Beginning at a point on Route 312 at the Grove City Borough-Pine Township line thence in a northwesterly direction on the boundary line between Grove City Borough and Pine Township for about 0.1 of a mile thence in Pine Township by way of Cranberry Corners and Cranberry School to a point on Route 43023 at Filers Crossing in Mercer County a distance of about 2.7 miles

Route 43078 Beginning at a point on Route 43030 at or near Kerr Corners thence in a southerly and southeasterly direction through Worth Wolf Creek and Pine Townships to a point on the Pine Township-Butler County line in Mercer County a distance of about 7.6 miles

Route 43079 Beginning at a point on Route 43023 known as McCurdy Corners thence easterly through Jackson Township along the Bowie Road to a point on the dividing line between Jackson and Worth Townships thence along the same road in Worth Township to a point on Route 312 at Evans Corner in Mercer County a distance of about 2.4 miles

Route 43080 Beginning at the eastern terminus of Route 43033 near Feather Corners thence easterly through Worth Township by way of the St. Paul School to the Mercer-Venango County line in Mercer County a distance of about 1.7 miles

Route 43081 Beginning at a point on the north boundary line of Sharpsville Borough at the Shenango River and running in a general northwesterly direction through South Pymatuning Township crossing Route 43034 at Union School to Jamieson Corners thence in a northerly direction past Fairview School and continuing in a northwesterly direction to the Pennsylvania-Ohio State line at Orangeville in Mercer County a distance of about 6.1 miles

Route 43082 Beginning at a point on Route 43036 at Zion Church thence southeasterly through Pymatuning Delaware and Jefferson Townships to a point on Route 43040 about 0.5 of a mile north of Pearson's Mills Corners in Mercer County a distance of about 5.6 miles

Route 43083 Beginning at a point on Route 43036 about 0.3 of a mile west of the Shenango River Bridge of New Hamburg thence in a southwesterly and southerly direction through Delaware Township to a point on Route 43082 approximately 0.6 of a mile southeast of Fruit School in Mercer County a distance of about 1.9 miles

Route 43084 Beginning at a point at the intersection of Routes 43034 and 43037 at Baughs Cornors thence northeasterly through West Salem Township to a point on Route 238 on the southwest boundary line of Greenville Borough in Mercer County a distance of about 4.0 miles

Route 43085 Beginning at a point on Route 43048 at Hagertys Corner thence easterly through Perry Township to a point on Route 213 about 0.25 of a mile north of the Perry-Fairview Township line in Mercer County a distance of about 1.2 miles

Route 43086 Beginning at a point on Route 446 at Carpenter's Corners thence northwesterly through New Vernon Township by way of Clark Corners to the New Vernon-Perry Township line thence northwesterly through Perry Township by way of McCartney Corners to the Perry-Sandy Creek Township line thence in a northwesterly direction through Sandy Creek Township to a point on Route 213 at Snyder Corners in Mercer County a distance of about 4.5 miles

Route 43087 Beginning at a point on Route 43074 at Sheatz Corners thence northeasterly through Mill Creek and French Creek Townships to the dividing line between Mercer and Venango Counties in Mercer County a distance of about 0.6 of a mile

Route 43088 Beginning at a point on Route 213 about 0.3 of a mile north of the north borough line of Sheakleyville thence in a general northeasterly direction through Sandy Creek Township to a point on the dividing line between Sandy Creek and Deer Creek Townships thence

northeasterly through Deer Creek Township by way of Hogue Corners Smith's School and Sunol to a point on the dividing line between Mercer and Crawford Counties at Peterson Corners thence easterly on the boundary line of Mercer and Crawford Counties to Heart Corners thence northeasterly through Deer Creek Township by way of Doolittle Corners to a point on the dividing line between Mercer and Crawford Counties at Strayer Corners thence easterly on the boundary line of Mercer and Crawford Counties through Deer Creek and French Creek Townships to a point on Route 294 at Buchanan Corners in Crawford and Mercer Counties a distance of about 9.3 miles

Route 43089 Beginning at a point on Route 43046 at Fell School Corners thence easterly through Salem Township to the Salem-Sandy Creek Township line at Crouser Corners thence easterly through Sandy Creek Township to a point on Route 43067 at Chess Corners in Mercer County a distance of about 2.8 miles

Route 43090 Beginning at the intersecting roads in Sunol thence in an easterly direction through Deer Creek Township by way of Jackson Corners and Crumm Corners to a point on the dividing line between Deer Creek and French Creek Townships thence in an easterly direction through French Creek Township by way of Chatley School Corners to a point on Route 294 in Milledgeville in Mercer County a distance of about 4.6 miles

MIFFLIN COUNTY

Route 44019. Beginning at a point on Route 44001 near Atkinson's Mills, thence northwesterly, northeasterly and easterly through Wayne Township to a second point on Route 44001 about 0.2 of a mile southwest of the Wayne-Oliver Township line, in Mifflin County, a distance of about 2.45 miles.

Route 44020. Beginning at a point on Route 33 about 2.0 miles southwest of McVeytown, thence northwesterly through Oliver Township to a point on Route 44001, in Mifflin County, a distance of about 1.1 miles.

Route 44021. Beginning at a point on Route 603 about 1.0 mile southwest of Longfellow, thence southwesterly and northeasterly through Bratton Township to a second point on Route 603, in Mifflin County, a distance of about 0.8 of a mile.

Route 44022. Beginning at a point on Route 470 in Granville, thence northeasterly through Granville Township to a point on Route 44012, in Mifflin County, a distance of about 1.3 miles.

Route 44023. Beginning at a point on Route 192 about 2.5 miles northeast of Allenville, thence southeasterly through Menno Township to a point on Route 44004, in Mifflin County, a distance of about 1.1 miles.

Route 44024. Beginning at a point on Route 44002 at Vira, thence in a general southwesterly direction through Derry Township to the Burnham Borough line, in Mifflin County, a distance of about 2.0 miles.

Route 44025. Beginning at a point on Route 44015, about 0.75 of a mile south of Snook, thence southwesterly through Decatur Township to a point on Route 44016, in Mifflin County, a distance of about 2.6 miles.

Route 44026. Beginning at a point on Route 261, about 1.5 miles northwest of Belleville, thence northeasterly through Union Township to a point on Route 44005 at Gap School, in Mifflin County, a distance of about 3.0 miles.

Route 44027. Beginning at a point on Route 29 near its intersection with Route 192, thence easterly through Brown Township to a point on Route 499, in Mifflin County, a distance of about 0.2 of a mile.

Route 44028. Beginning at a point on Application 4287 in Milroy, thence northeasterly in Armagh Township, Mifflin County, a distance of about 0.5 of a mile.

MONROE COUNTY

Route 45052 Beginning at a point on the dividing line between Carbon and Monroe Counties thence in a general northeasterly direction through Eldred Township to a point where it intersects Route 45002 thence in an easterly and northeasterly direction through Eldred and Ross Townships along the Aquashicola Creek crossing Route 45005 thence continuing through Ross and Hamilton Townships to Route 165 at a point approximately 0.1 of a mile south of Saylorsburg in Monroe County a distance of about 11.9 miles

Route 45053 Beginning at a point on Route 164 approximately 0.33 of a mile west of the intersection of Routes 45003 and 164 thence southeasterly through Polk Township crossing Route 45003 at Gilbert thence northeasterly through Polk and Chestnut Hill Townships to a point of intersection with Route 164 approximately 0.62 of a mile east of the intersection of Routes 45003 and 164 in Monroe County a distance of 1.2 miles

Route 45054 Beginning at a point on Route 45010 approximately 0.3 of a mile northeast of the intersection of Routes 45010 and 45051 thence northerly through Stroud Township to a point on the south borough line of Stroudsburg Borough in Monroe County a distance of about 0.7 of a mile

Route 45055 Beginning at a point on Route 45043-Spur "E" at Merwinsburg thence northeasterly through Chestnut Hill Township to a point of intersection with Route 45049 approximately 2.35 miles north of Effort in Monroe County a distance of about 1.6 miles

Route 45056 Beginning at a point on Application 3760-A approximately 0.75 of a mile east of McMichaels thence southeasterly through Jackson Township to a point on Application 5767 approximately 0.75 of a mile south of Appenzell in Monroe County a distance of about 2.1 miles

Route 45057 Beginning at a point on Route 168 approximately 0.2 of a mile west of the north borough line of Stroudsburg Borough thence westerly through Stroud Township intersecting Route 168 at another point approximately 0.5 of a mile west of the north borough line of Stroudsburg Borough thence northwesterly northeasterly and northerly to a point of intersection with Route 45019 approximately 1.1 miles west of its intersection with Route 169 in Monroe County a distance of about 2.7 miles

Route 45058 Beginning at a point at the intersection of Routes 166 and 45011 about 0.8 of a mile northeast of the East Stroudsburg Borough line thence in a northwesterly direction through Smithfield Township to an intersection with an improved township road near Gregory Pond in Monroe County a distance of about 1.2 miles

Route 45059 Beginning at a point on Route 167 about 0.7 of a mile southwest of its intersection with Route 461 thence in a southeasterly southwesterly and westerly direction through Smithfield Township to a point on the east borough line of East Stroudsburg Borough in Monroe County a distance of about 3.5 miles

Route 45060 Beginning at a point on Route 169 about 200 feet north of the intersection of Routes 45019 and 169 thence easterly through Stroud Township to a point on Route 497 0.5 of a mile north of the intersection of Routes 167 and 497 in Monroe County a distance of about 1.5 miles

NORTHAMPTON COUNTY

Route 48065. Beginning at a point in the village of Hopeville, and extending in a general northerly direction through Bethlehem Township to a point on Route 48012; beginning again on Route 48012 and continuing in a general northerly direction to a point on Route 159, about 0.9 of a mile east of Farmersville, in Northampton County, a distance of about 1.9 miles.

Route 48066. Beginning at a point on Route 48010, about 0.9 of a mile northeast of the Williams-Lower Saucon Township line, and extending in a general northeasterly direction through Williams Township about 0.9 of a mile to the Glendon Borough-Williams Township line; thence along a road dividing Williams Township and Glendon Borough to a point where said road enters Glendon Borough, in Northampton County, a distance of about 1.7 miles.

Route 48067. Beginning at a point on Route 48049, about 1.0 mile northwest of the Monocacy Creek, thence northerly in Hanover and East Allen Townships to a point on Route 48048 abut 1.5 miles south of Frank's Corners, in Northampton County, a distance of about 3.3 miles.

Route 48068. Beginning at a point on Route 48061 at Kreidersville, and extending in a northwesterly, northerly, westerly and northerly direction through Allen and Lehigh Townships to a point on Route 471 at Indian Creek

Park, near Pennsville, in Northampton County, a distance of about 3.0 miles.

Route 48069. Beginning at a point on the Chapman Borough-Moore Township line, and extending in a northeasterly and southeasterly direction through Moore Township to a point on Route 48044, about 1.4 miles southwest of Moorestown, in Northampton County, a distance of about 0.9 of a mile.

Route 48070. Beginning at a point on Route 175, about 0.6 of a mile east of an intersection with Route 563, and extending in a northeasterly direction through Upper Nazareth Township to a point on the Nazareth Borough-Upper Nazareth Township line, in Northampton County, a distance of about 0.9 of a mile.

Route 48071. Beginning at a point on Route 48040, about 1.15 miles northeast of an intersection with Route 48043, and extending in a general northerly direction through Bushkill and Plainfield Townships to a point on Route 752 about 0.25 of a mile southwest of an intersection with Route 168, in Northampton County, a distance of about 4.2 miles.

Route 48072. Beginning at a point on Route 48056, at the intersection of Route 48058, and extending in a general northerly direction through Lehigh Township to the Carbon-Northampton County line, in Northampton County, a distance of about 1.25 miles.

Route 48073. Beginning in the village of Riverton, thence in a general northerly direction through Upper Mount Bethel Township along the west bank of the Delaware River, to a point on Route 517, in Northampton County, a distance of about 8.5 miles.

Route 48074. Beginning at a point on the east Bangor Borough-Upper Mount Bethel Township line, and extending in a general southeasterly direction through Upper Mount Bethel Township to a point on Route 48028 about 1.3 miles south of an intersection with Route 166, in Northampton County, a distance of about 1.3 miles.

Route 48075. Beginning at a point on Route 48035-Spur "E," about 0.2 of a mile north of the Bangor Borough-Washington Township line, and extending in a general northeasterly direction through Washington and Upper Mount Bethel Townships to a point on Route 48032 at North Bangor, in Northampton County, a distance of about 1.9 miles.

Route 48076. Beginning at a point on Route 165, about 0.2 of a mile east of Pen Argyl, thence northerly through Plainfield Township to a point on Route 48032, in Northampton County, a distance of about 0.2 of a mile.

NORTHUMBERLAND COUNTY

Route 49075. Beginning at a point on Route 49008, about 0.2 of a mile southwest of its intersection with Route 49009, thence in a general southerly and southeasterly direction through Jordan Township to a point on Route 49007, about 0.7 of a mile southwest of Hebe, in Northumberland County, a distance of about 2.7 miles.

Route 49076. Beginning at a point on Route 49013, about 0.75 of a mile east of the intersection of Routes 49014 and 49013, thence in a southwesterly direction through West Cameron and Upper Mahanoy Townships to a point on Route 49010, about 0.4 of a mile east of Greenbrier, in Northumberland County, a distance of about 3.7 miles.

Route 49077. Beginning at a point on Route 49010, about 0.3 of a mile east of the intersection of Routes 49010 and 49011, thence in a northerly and northeasterly direction through Upper Mahanoy Township to a point on Route 459 at or near the Upper Mahanoy-East Cameron Township line, in Northumberland County, a distance of about 2.0 miles.

Route 49078. Beginning at a point on Route 49013, about 1.0 mile south of the intersection of Routes 49013 and 49012, thence southeasterly through East Cameron Township to a point on Route 459, about 1.75 miles southwest of the intersection of Routes 459 and 49012, in Northumberland County, a distance of about 1.3 miles.

Route 49079. Beginning at a point on Route 49021, about 1.25 miles northeast of the intersection of Routes 49021 and 336 at Mahanoy Creek, thence in a general northeasterly direction through Little Mahanoy and Lower Augusta Townships to a point on Route 49023, about 0.1 of a mile southeast of Resler, in Northumberland County, a distance of about 2.3 miles.

Route 49080. Beginning at a point on Route 49081, approximately 0.7 of a mile south of its intersection with Route 49027, thence in a westerly direction through Rockefeller Township to a point on Route 49027, about 1.0 mile south of the intersection of Routes 49027 and 49028, in Northumberland County, a distance of about 0.8 of a mile.

Route 49081. Beginning at a point on Route 49027, at or near the Shamokin-Zerbe Township line, thence in a northeasterly and northwesterly direction through Shamokin and Rockefeller Townships to a point on Route 49027, about 0.1 of a mile west of its intersection with Route 49028, in Northumberland County, a distance of about 4.3 miles.

Route 49082. Beginning at a point on Route 161 at Weigh Scale, thence in a northwesterly direction through Ralpho and Shamokin Townships to a point on Route 49033, about 0.8 of a mile southwest of the intersection of Routes 49033 and 161, in Northumberland County, a distance of about 0.8 of a mile.

Route 49083. Beginning at a point on Route 495, about 0.5 of a mile southwest of Shamokin Borough, thence in a general southwesterly direction through Coal Township, via Bear Valley, for a distance of about 1.3 miles, in Northumberland County.

Route 49084. Beginning at a point on Route 161, about 0.75 of a mile north of Shamokin Borough, thence in a northerly and northwesterly direction through Coal Township, via the Shamokin State Hospital, for a distance of about 0.5 of a mile, in Northumberland County.

Route 49085. Beginning at a point at or near the intersection of the northern line of Kulpmont Borough and the western line of Marion Heights Borough, thence in a northwesterly direction along the western limit of Marion Heights Borough; thence in a general westerly and southwesterly direction through Mount Carmel and Coal Townships, via Sagon, to a point on Route 161 about 0.2 of a mile west of the intersection of Route 49015, in Northumberland County, a distance of about 3.6 miles.

Route 49086. Beginning at a point on Route 49015, at or near its intersection with Route 49018, thence in a southeasterly direction through Mount Carmel Township to the Mount Carmel Township-Schuylkill County line, in Northumberland County, a distance of about 0.4 of a mile.

Route 49087. Beginning at a point on the south borough line of Kulpmont Borough, thence in a southerly and southeasterly direction through Mount Carmel Township to a point on Route 49017, about 0.5 of a mile north of the intersection of Routes 49017 and 49015, in Northumberland County, a distance of about 1.4 miles.

Route 49088. Beginning at a point on Route 49017, approximately 1.3 miles west of the Mount Carmel Borough line, thence in a northwesterly direction through Mount Carmel Township to a point on Route 49087, about 0.2 of a mile north of the intersection of Route 49087 and Route 49017, in Northumberland County, a distance of about 0.4 of a mile.

Route 49089. Beginning at a point on Route 161, about 0.25 of a mile east of its intersection with Route 49038, thence in an easterly direction through Mount Carmel Township to a point on Route 161 at or near its intersection with Route 49072, in Northumberland County, a distance of about 0.6 of a mile.

Route 49090. Beginning at a point on Route 49038, about 1.25 miles northwest of the intersection of Routes 49038 and 161, thence in a southwesterly direction through Mount Carmel Township to a point on the eastern limit of Marion Heights Borough, in Northumberland County, a distance of about 0.6 of a mile.

Route 49091. Beginning at a point on Route 283, about 0.4 of a mile southwest of the Ralpho Township-Columbia County line at the crossing of the South Branch of Roaring Creek, thence in an easterly direction through Ralpho Township to the Ralpho Township-Columbia County line at the South Branch of Roaring Creek, in Northumberland County, a distance of about 0.6 of a mile.

Route 49092. Beginning at a point on Route 283, about 1.0 mile west of the intersection of Routes 283 and 49032, thence in a northwesterly and northeasterly direction through Upper Augusta Township to a point on Route 49041, about 1.0 mile northeast of the intersection of

Routes 49042 and 49041, in Northumberland County, a distance of about 1.5 miles.

Route 49093. Beginning at a point on Route 182, at or near Union Corner Public School, thence in a westerly direction through Rush Township to a point on Route 49045 about 1.3 miles southeast of its intersection with Route 49071, in Northumberland County, a distance of about 1.6 miles.

Route 49094. Beginning at a point on Route 473, about 0.3 of a mile south of the intersection of Routes 49059 and 49058, thence in a southeasterly and easterly direction through Turbot Township to a point on Route 635, about 1.0 mile west of the Northumberland-Montour County line, in Northumberland County, a distance of about 2.2 miles.

Route 49095. Beginning at a point on Route 473, about 1.0 mile northwest of the intersection of Routes 473 and 240, thence in a southeasterly direction through Lewis Township to the northwestern line of Turbotville Borough, in Northumberland County, a distance of about 1.0 mile.

Route 49096. Beginning at a point on Route 49068, about 0.1 of a mile northwest of Chillisquaque Creek, thence in a general northerly direction through Lewis Township to the crossing of Chillisquaque Creek, in Northumberland County, a distance of about 1.5 miles.

PERRY COUNTY

Route 50033 Beginning at a point on Route 50005 about 1.0 mile east of the village of Bridgeport thence in a general southerly direction through Spring Township to a point at the termination of Route 50006 at or near Oak Grove Church in Perry County a distance of about 2.1 miles

Route 50034 Beginning on Route 30 at or near Kinkora thence in a southwesterly direction through Penn Township along Cove Creek to a road intersection in Perry County a distance of approximately 2.1 miles

Route 50035 Beginning at a point on Route 31 approximately 0.5 of a mile west of Newport thence westerly along Little Buffalo Creek through Oliver Juniata and Centre Townships to a point on Route 50005 approximately 0.5 of a mile south of the Juniata-Centre Township line in Perry County a distance of about 5.1 miles

Route 50036 Beginning at a point on Route 50004 about 0.5 of a mile east of Pine Grove School thence in an easterly direction through Miller Township to Losh Run Station in Perry County a distance of about 3.8 miles

Route 50037 Beginning at Route 50012 about 1.0 mile east of Spring Grove School thence in a southerly direction through Saville Township to a point on Route 50001 at or near Irvine School in Perry County a distance of about 0.9 of a mile

Route 50038 Beginning at a point at the termination of Route 50013 thence in a southwesterly direction through Juniata Township to a point on Route 50005 about 1.0 mile north of the intersection of Routes 50005 and 305 in Perry County a distance of about 0.8 of a mile

Route 50039 Beginning at a point at the terminus of Route 50032 thence in a northwesterly direction through Juniata and Tuscarora Townships to a point on Route 50001 about 1.25 miles west of Sugar Run School in Perry County a distance of about 0.9 of a mile

Route 50040 Beginning at a point on Route 50017 at or near Hunter School thence in a southwesterly direction through Buffalo and Howe Townships to a point on Route 50002 about 0.5 of a mile north of the intersection of Routes 50002 and 50029 in Perry County a distance of about 3.5 miles

Route 50041 Beginning at a point on Route 195 at Mt Patrick thence in a northwesterly direction through Buffalo Township to a point on Route 50017 at or near Hunter's School in Perry County a distance of about 3.0 miles

Route 50042 Beginning at a point on Route 50019 about 0.5 of a mile east of Wardville thence in an easterly direction through Greenwood Township to a point on Route 50021 about 0.5 of a mile south of Nekada beginning again on Route 50021 at Nekada thence in an easterly direction through Greenwood and Liverpool Townships to a point on Route 293 in Perry County a distance of about 4.8 miles

PIKE COUNTY

Route 51024 Beginning at a point on Route 167 about 0.4 of a mile southwest of Egypt Mills thence northeasterly and northwesterly through Lehman Township to a point on Route 51001 about 1.7 miles southwest of the intersection of Routes 51001 and 51003 in Pike County a distance of about 1.7 miles

Route 51025 Beginning at a point on Route 7 about 0.05 of a mile east of the intersection of Routes 51008 and 7 near the Sawkill School House thence southerly southeasterly and easterly through the Dingman Township to a point on Route 746 near the Dingman-Milford Township line in Dingman Township Pike County a distance of about 5.4 miles

Route 51026 Beginning at a point on Route 7 about one mile west of the Shohola-Milford Township line thence in a southerly direction through Dingman Township to a point on Route 51008 in Pike County a distance of about 2.9 miles

Route 51027 Beginning at a point on Application 1669 at Greentown thence in a general northeasterly direction through Greene Township to a road intersection in Pike County a distance of about 1.2 miles

Route 51028 Beginning at a point on Route 254 about 1.5 miles east of Paupack thence in a southeasterly direction through Palmyra and Blooming Grove Townships to the point of intersection of Routes 51019 and 51020 near the Palmyra-Blooming Grove Township line in Pike County a distance of about 2.6 miles

Route 51029 Beginning at a point on Route 334 about 0.6 of a mile north of the intersection of Routes 334 and 220 thence westerly through Lackawaxen Township to 0.7 of a mile

Route 51030 Beginning at a point on Route 255 about 0.6 of a mile north of Lackawaxen thence northerly through Lackawaxen Township in Pike County a distance of about 1.0 mile

POTTER COUNTY

Route 52035. Beginning at a point on Route 266, about 0.2 of a mile south of Sweden Valley, and extending in a general northwesterly direction through Sweden and Eulalia Townships to a point on Route 102 about 1.0 mile southeast of the Coudersport Borough-Eulalia Township line, in Potter County, a distance of about 1.3 miles.

Route 52036. Beginning at a point on Route 52011, about 0.2 of a mile southeast of Hebron, and extending in an easterly direction through Hebron Township to a point on Route 236 about 1.6 miles northwest of an intersection with Route 103, in Potter County, a distance of about 2.3 miles.

Route 52037. Beginning at a point on Route 103, about 0.5 of a mile east of an intersection with Route 236, and extending in a northeasterly, westerly and southwesterly direction through Eulalia and Hebron Townships to a point on Route 236 about 1.15 miles southeast of Hebron Centre, in Potter County, a distance of about 6.4 miles,

Route 52038. Beginning at a point on Route 52028, about 0.45 of a mile southeast of the Hector-Pike Township line, and extending in a general northeasterly direction through Pike and Hector Townships to the Potter-Tioga County line, in Potter County, a distance of about 2.8 miles.

Route 52039. Beginning at a point on Route 52028 at Hector, and extending in a northwesterly and northeasterly direction through Hector and Harrison Townships to a point on Route 103 about 0.7 of a mile southeast of Elmer, in Potter County, a distance of about 5.9 miles.

Route 52040. Beginning at a point on Ruote 52023, about 0.1 of a mile east of Ellisburg, and extending in a general southeasterly direction through Genesee and Allegheny Townships to a road intersection 0.7 of a mile east of Andrews Settlement, in Potter County, a distance of about 2.1 miles.

Route 52041. Beginning at a point on Route 52029, about 2.15 miles southeast of West Bingham, and extending in a northeasterly, northerly, westerly and northerly direction through Bingham Township to a point on Route 52031 immediately southwest of Bingham Center, in Potter County, a distance of about 2.9 miles.

Route 52042. Beginning at a point on Route 52022, about 2.3 miles northeast of an intersection with Route 566, and

extending in a northeasterly direction through Oswayo and Genesee Townships to a point on Route 52024 at Kinney Corners, in Potter County, a distance of about 3.3 miles.

Route 52043. Beginning at a point on Route 52024 at Kinney Corners, and extending in a general northeasterly direction through Genesee Township to the Pennsylvania-New York State line, in Potter County, a distance of about 0.6 of a mile.

Route 52044. Beginning at a point on Route 52033, about 1.3 miles northwest of the northern terminus of State-aid Application 4809, and extending in a northwesterly and northerly direction through Harrison Township to the intersection of Routes 52032 and 52034 at White's Corners, in Potter County, a distance of about 2.6 miles.

SCHUYLKILL COUNTY

Route 53076. Beginning at a point on Route 140, about 0.25 of a mile southwest of the southern borough line of Pine Grove Borough, thence in a southeasterly direction through Pine Grove Township, connecting with Route 06004 at a point on the Pine Grove Township-Berks County line, in Schuylkill County, a distance of about 2.6 miles.

Route 53077. Beginning at a point on Route 310, about 0.6 of a mile north of the intersection of Routes 310 and 53003, thence in a northeasterly direction through Wayne and South Manheim Townships to a point on Route 53007 about 0.5 of a mile northwest of the intersection of Routes 53007 and 53003, in Schuylkill County, a distance of about 3.7 miles.

Route 53078. Beginning at a point on Route 53047, about 0.4 of a mile west of the intersection of Routes 53051 and 53047, at the village of Rough and Ready, thence in a general southerly and westerly direction through Upper Mahontango Township to a point on Route 53047 about 0.75 of a mile east of Klingerstown, in Schuylkill County, a distance of about 3.9 miles.

Route 53079. Beginning at a point on the Cressona Borough-North Manheim Township line, thence in a general easterly direction along Panther Run, Manheim and Wayne Townships, to a point on Route 53004 about 1.75 miles east of the North Manheim-Wayne Township line, in Schuylkill County, a distance of about 3.5 miles

Route 53080. Beginning at a point on Route 140, at or near the crossing of the Schuylkill River, thence in a northeasterly and northwesterly direction through North Manheim Township to a point on the southern borough line of Palo Alto Borough at Bacon Street, in Schuylkill County, a distance of about 0.4 of a mile.

Route 53081. Beginning at a point on Route 53013 in the village of Drehersville, thence southeasterly through East Brunswick and West Brunswick Townships to the Berks-Schuylkill County line, in Schuylkill County, a distance of about 1.6 miles.

Route 53082. Beginning at a point on Route 53019, at or near the intersection of Routes 53019 and 53020, thence in a southwesterly direction through West Penn and East Brunswick Townships for a distance of about 1.7 miles to a road intersection; thence in a northerly direction through East Brunswick and West Penn Townships to an intersection with Route 53019 at or near the intersection of Routes 53019 and 754, in Schuylkill County, a distance of about 3.4 miles.

Route 53083. Beginning at a point on Route 53057, about 0.1 of a mile east of the Barry-Eldred Township line, thence northeasterly through Barry Township for a distance of about 0.5 of a mile to a road intersection; thence southeasterly through Barry and Butler Townships to Lavelle; thence in a general northeasterly direction through Butler Township to a point on Route 53084, in Schuylkill County, a distance of about 3.1 miles.

Route 53084. Beginning at a point on the Columbia-Schuylkill County line near Locust Dale, thence in an easterly direction through Butler Township to a point on the west line of Ashland Borough, in Schuylkill County, a distance of about 0.9 of a mile.

Route 53085. Beginning at a point on Route 53047, about 0.4 of a mile west of the intersection of Routes 53051 and 53047 at the village of Rough and Ready, thence in a northwesterly direction through Upper Mahantango Township to a point on the Upper Mahantango Township-Northumberland County line, in Schuylkill County, a distance of about 0.5 of a mile.

Route 53086. Beginning at a point on the northern borough line of Gordon Borough, thence in a general northerly direction through Butler Township to the southern borough line of Ashland Borough, in Schuylkill County a distance of about 1.9 miles.

Route 53087. Beginning at a point on the eastern borough line of St. Clair Borough, thence in a general northeasterly and northerly direction through East Norwegian, Blythe and Ryan Townships to a point on Route 53037, at or near the Ryan-Mahanoy Township line, in Schuylkill County, a distance of about 6.8 miles.

Route 53088. Beginning at a point on Route 290 at Lost Creek No. 2, about 0.75 of a mile west of the western borough line of Shenandoah Borough, thence in a general northwesterly direction through West Mahanoy Township to the village of Raven Run, in Schuylkill County, a distance of about 1.7 miles.

Route 53089. Beginning at a point on Route 53088, about 0.2 of a mile southeast of the village of Raven Run, thence in a northeasterly and southeasterly direction through West Mahanoy and Union Townships to the northwestern limit of State-aid Application 9021, about 0.2 of a mile northwest of the intersection of Route 755 and State-aid Application 9021, in Schuylkill County, a distance of about 3.6 miles.

Route 53090. Beginning at a point on Route 290 at Mintzers, thence northwesterly by way of Tamanend, through Rush Township, to a point on Route 53041 at Quakake, in Schuylkill County, a distance of about 3.4 miles.

Route 53091. Beginning at a point on Route 53068, at or near Zion's Grove, thence in a general northwesterly direction through North Union Township to a point on the Schuylkill-Columbia County line, in Schuylkill County, a distance of about 2.6 miles.

Route 53092. Beginning at a point on Route 185, approximately 0.1 of a mile south of McAdoo Borough, thence northeasterly through Kline Township to a point on the Schuylkill-Carbon County line, in Schuylkill County, a distance of about 0.9 of a mile.

SOMERSET COUNTY

Route 55114 Beginning at the northern terminus of Route 55108 thence northerly and easterly through Addison Township to the intersection of Route 55113 near the borough of Confluence in Somerset County a distance of about 3.2 miles

Route 55115 Beginning at the Ursina Borough-Lower Turkeyfoot Township line thence in a southerly direction through Lower Turkeyfoot Township to the intersection with Route 50 in the village of Harnedsville in Somerset County a distance of about one mile

Route 55116 Beginning at a point on Route 51 approximately 0.5 of a mile south of Salisbury thence in a southwesterly westerly and northwesterly direction through Elk Lick Township to the intersection of Route 993 in the village of Springs in Somerset County a distance of about 4.5 miles

Route 55117 Beginning at a point on Route 55005 approximately 1.6 miles east of Wellersburg Borough thence in a northwesterly and southwesterly direction through Southampton Township by way of Gladdens to an intersection with Route 55005 in Somerset County a distance of about 2.4 miles

Route 55118 Beginning at a point on Route 55040 near the Middlecreek and Upper Turkeyfoot Township line thence in a northerly and easterly direction by way of the village of Barronvale to Route 55048 in Somerset County a distance of about 2.9 miles

Route 55119 Beginning at a point of intersection with Route 55033 about 2.75 miles east of the village of Kingwood thence in a northeasterly direction through Upper Turkeyfoot Township to a point on Route 50 at the Dan Marker farm approximately 1.3 miles northeast of the village of Kingwood in Somerset County a distance of about 3.0 miles

Route 55120 Beginning at a point on Route 55043 approximately one mile west of the village of Bando thence in a westerly direction through Milford Township to a terminus on Route 55042 at or near the village of Gebhart in Somerset County a distance of about 2.6 miles

Route 55121 Beginning at a point on Route 808 approximately one mile south of Berlin thence in an easterly and southerly direction through Brothers Valley Township to the junction of Route 808 in Somerset County a distance of approximately 3.4 miles

Route 55122 Beginning at a point on Route 55050 at the village of Glenn Savage thence in a southeasterly and southerly direction through Allegheny and Fairhope Townships by way of Shaffers Run to a point on Route 55005 about 0.5 of a mile north of Fairhope in Somerset County a distance of about 5.8 miles

Route 55123 Beginning at a point on Route 49 in the village of Brotherton thence in a northerly direction through Stony Creek Township to the junction of Route 55057 near the Schrock School House in Somerset County a distance of about 2.1 miles

Route 55124 Beginning at the northern terminus of Route 55112 approximately 1.4 miles north of the village of Geiger thence in a northeasterly direction through Somerset and Quemahoning Townships by way of Baer School to the junction of Route 55076 approximately 0.25 of a mile south of Texas School in Somerset County a distance of about 4.1 miles

Route 55125 Beginning at a point on Route 52 about 0.2 of a mile southwest of the intersection of Routes 55096 and 52 thence southerly for 0.1 of a mile thence in a northeasterly direction through Jenner and Conemaugh Townships to a terminus on Route 52 near the village of Woodstown over what is usually known as the Beulah Road beginning again at a point on Route 52 0.7 of a mile northeast of the borough of Boswell thence in a southeasterly easterly and northerly direction through Jenner Township by way of the village of Pilltown to a road intersection about 0.1 of a mile south of Route 52 in Somerset County a total distance of about 4.5 miles

Route 55126 Beginning at a point on the Hooversville Borough line thence in a northeasterly direction through Shade Township by way of Hooversville Cemetery to the intersection with Route 55078 about 0.3 of a mile south of Shaffer Church in Somerset County a distance of about 2.1 miles

Route 55127 Beginning at the eastern terminus of Route 55104 in Conemaugh Township at a point approximately 1.5 miles east of Route 52 and 1.5 miles north of the village of Davidsville thence in an easterly direction through Conemaugh and Paint Townships by way of Paint Creek Station on the Baltimore and Ohio Railroad to the Paint Township-Paint Borough line in Somerset County a distance of about 3.3 miles

Route 55128. Beginning at a point on Route 222 near Ogletown, thence in a northerly and northwesterly direction through Ogle Township to the Somerset-Cambria County line, in Somerset County, a distance of about 3.3 miles.

Route 55129. Beginning at a point on Route 55088, near the intersection of Application 6448, thence in a northeasterly direction through Shade Township to a point beyond a township road intersection, in Somerset County, a distance of about 1.0 mile.

Route 55130. Beginning at a point on Route 55079, about 1.1 miles east of the Central City Borough-Shade Township line, thence extending in a southeasterly direction through Shade Township for a distance of about 2.9 miles to the village of Daley, at a cross road; thence continuing in a general northerly direction for a distance of about 1.2 miles to a road intersection; thence continuing in a northeasterly and southeasterly direction to the Somerset-Bedford County line, in Somerset County, a total distance of about 5.3 miles.

Route 55131. Beginning at a point on Route 55042 near Gebharts, thence in a southeasterly direction through Milford Township to a point on Route 53043, about 0.5 of a mile north of Rockwood Borough, in Somerset County, a distance of about 2.0 miles.

SULLIVAN COUNTY

Route 56031 Beginning at a point on Route 56013 about 1.3 miles east of Wheelerville thence in a southerly and southeasterly direction through Fox Township to a point on Route 56008 about 0.4 of a mile west of its intersection with Route 56013 near the village of Shunk in Sullivan County a distance of about 2.2 miles

Route 56032 Beginning at a point on Route 610 about 0.2 of a mile southwest of the village of Piatt thence in a northeasterly direction through Fox and Elkland Township by way of Piatt to a point on Route 56015 about 1.2 miles northeast of its intersection with Route 610 in Sullivan County a distance of about 2.2 miles

Route 56033 Beginning at a point on Route 56017 at Eldredsville thence in a northwesterly direction through Elkland Township to a point on Route 56015 in Sullivan County a distance of about 1.2 miles

Route 56034 Beginning at a point on Route 56021 about 1.0 mile south of the intersection of Routes 56018 and 56021 thence in a general southeasterly direction through Forks Township crossing Yellow Run to a point on Route 472 about 0.3 of a mile west of the intersection of Routes 472 and 56022 in Sullivan County a distance of about 2.9 miles

Route 56035 Beginning at a point on Route 17 about 0.2 of a mile northeast of its intersection with Route 56024 near Satterfield Junction thence in an easterly direction through Cherry Township to a point on Route 17-Spur near Shinersville in Sullivan County a distance of about 1.5 miles

Route 56036 Beginning at a point on Route 217 about 0.2 of a mile northeast of the Dushore Borough line near Ellery Weaver's farm thence in a southeasterly direction through Cherry Township for a distance of about 0.8 of a mile to a point of intersection with Route 56026 thence continuing in a northeasterly and southeasterly direction through Cherry Township to a point on Route 56030 aboot 0.1 of a mile north of its intersection with Route 56026 in Sullivan County a distance of about 3.3 miles

TIOGA COUNTY

Route 58079 Beginning at the Lycoming County line about 0.8 of a mile west of the point where Route 21 crosses said line thence in a northerly direction through Liberty Township to an intersection with Route 58031 in Tioga County a distance of about 0.2 of a mile

Route 58080 Beginning at a point on Route 58031 at the intersection of Route 58034 in the village of Nauvoo thence in a southwesterly westerly and northwesterly direction through Liberty and Morris Townships to the village of Three Springs Run and its intersection with Route 58031 in Tioga County a distance of approximately 3.4 miles

Route 58081 Beginning at a point on Route 58053 at East Point thence southerly westerly and northwesterly in Liberty Township to a point on Route 58053 about one mile east of Liberty Borough in Tioga County a distance of about 5.7 miles

Route 58082 Beginning at a point on Route 20-Spur approximately one mile west of the Tioga-Bradford County line thence in a northerly and easterly direction through Union Township to a point on the Tioga-Bradford County line in Tioga County a distance of about 1.5 miles

Route 58083 Beginning at a point on Route 58013 at Draper thence in a southerly direction through Delmar and Morris Townships in Tioga County a distance of about 2.8 miles

Route 58084 Beginning at a point on Route 58041 about two miles northeast of Cherry Flats thence in a southerly and easterly direction through Covington Township to the Covington Township-Putnam Borough line in Tioga County a distance of about 4.8 miles

Route 58085 Beginning at a point of intersection with Route 196 at Canoe Camp thence in a southeasterly direction through Richmond and Covington Townships to a point of intersection with Route 58060 in Tioga County a distance of about 3.5 miles

Route 58086 Beginning at a point on Route 212 about 0.7 of a mile northeast of the intersection of Routes 212 and 58061 near Mainesburg thence in a southeasterly direction through Sullivan Township for a distance of 1.7 miles to a road intersection thence northerly to Route 212 in Tioga County a total distance of about 3.3 miles

Route 58087 Beginning at a point on Route 212 approximately 1.8 miles west of the Tioga-Bradford County line thence in a southeasterly direction through Sullivan Township crossing Route 58060 to a point on the Bradford County line in Tioga County a distance of about 2.4 miles

Route 58088 Beginning at an intersection with Route 58044 about 1.5 miles northeast of where Route 58044 crosses the Charleston-Richmond Township line thence easterly through Richmond Township to the Mansfield Borough line about 0.1 of a mile north of where Route 58045 crosses the borough line in Tioga County a distance of about 4.0 miles

Route 58089 Beginning at a point on the southern borough line of Knoxville Borough at the Cowanesque River thence in a southerly westerly and southeasterly direction through Deerfield and Chatham Townships by way of Gravel Deer Lick School to a point on Route 58024 approximately 0.5 of a mile north of Route 292 in Tioga County a distance of about 6.2 miles

Route 58090 Beginning at the end of Route 58072 thence in an easterly and northerly direction through Tioga and Jackson Townships to a point on Route 567 approximately 0.2 of a mile southwest of Jackson Summit in Tioga County a distance of about 5.4 miles

Route 58091 Beginning at a point on Route 58029 approximately 0.5 of a mile north of Farmington Center near a church thence in a northerly and northeasterly direction through Farmington and Osceola Townships to a point on the Osceola-Elkland Township line in Tioga County a distance of about 2.2 miles

Route 58092 Beginning at a point on Route 22 at Somerslane thence in a general northeasterly direction through Lawrence and Jackson Townships by way of East Lawrence to a point on Route 58074 about 0.3 of a mile southwest of the New York State line in Tioga County a distance of about 5.4 miles

VENANGO COUNTY

Route 60055 Beginning at a point on Route 60007 near Lovell School thence in a northwesterly direction through Scrubgrass and Clinton Townships by way of Rankin Church to a point on Route 60010 about 0.3 of a mile north of Pine Hill School in Venango County a distance of about 2.7 miles

Route 60056 Beginning at a point on Route 60013 known as Mulls Corners thence in a westerly and northerly direction 2.3 miles thence in an easterly direction 0.9 of a mile to an intersection at the Al Neely farm thence in a southeasterly direction 1.3 miles to a point known as Distler's Corners being an intersection with State Highway Route 60013 all in Richland Township Venango County a distance of approximately 4.5 miles

Route 60057 Beginning at a point in Richland Township Venango County on Legislative Route 75 approximately one mile north of Distler's Corners thence in an easterly direction for a distance of approximately one mile to a point at or near the Venango-Clarion County line thence in a northerly direction by way of Crisswell School to an intersection with Route 60014 at Nickleville in Richland Township Venango County a total distance of approximately 4.35 miles

Route 60058 Beginning on State Highway Route 91 near Station 66/91 and running thence in a general northwesterly direction through Sugar Creek Township to an intersection with the concrete pavement on Rocky Grove Avenue in Venango County a distance of about 1.2 miles

Route 60059 Beginning at the city line of Oil City at the intersection of Ninth Street and Central Avenue Extension and running in a general southerly direction to an intersection with old State-aid Application 56 in Cranberry Township Venango County a distance of approximately 0.3 of a mile

Route 60060 Beginning at the intersection of the Allegheny Highway State Highway Route 750 and the township road leading to Henry's Bend and continuing thence in a general northerly direction through President Township to the Allegheny River at Henry's Bend in Venango County a distance of approximately 3.0 miles

Route 60061 Beginning at the dividing line between Venango and Mercer Counties at a point 0.8 of a mile easterly from Sheatz's Corners Mercer County thence easterly through French Creek Township by way of Perrine Corners to the dividing line between French Creek Township and Utica Borough thence along the dividing line between French Creek Township and Utica Borough to Carnahan Corner on the dividing line between French Creek Township and Utica Borough in Venango County a distance of about 1.4 miles

Route 60062 Beginning at a point at the Venango-Crawford County line known as Bean Corners on Route 60036 and extending in an easterly direction through Canal Township by way of Swamp School Dickey Corner Deeter Corner Mount Pleasant School and Baker Hill Church to a point on the dividing line between Canal and Jackson Townships thence continuing easterly and southerly in Jackson Township by way of Young's Corners to the Sugar Creek Memorial Church Corner thence westerly to a point on the dividing line between Jackson and Sugar Creek Townships at McKenzie Corner thence continuing in a southerly and easterly direction in Sugar Creek Township to a point on State Highway Route 90 near the Homan Bridge in Venango County a distance of about 8.5 miles

Route 60063 Beginning at a point on Rural Route 60032 at Bethel Corners in Oakland Township Venango County thence northwesterly through Oakland Township a distance of approximately 1.7 miles to an intersection with Rural Route 60039 at Hasletts Corners beginning again at a point on Route 60039 at Boyd Center thence in a northerly direction through Oakland Jackson and Plum Townships a distance of approximately 3.3 miles to an intersection with Rural Route 60041 near Sunville in Plum Township Venango County a total distance of approximately 5.0 miles

WARREN COUNTY

Route 61042 Beginning at a point on Route 93 about 1.0 mile west of the Cobham School thence by way of Cobham School to a point on Route 61030 at the Plank Road School in Watson Township Warren County a distance of about 2.8 miles

Route 61043 Beginning at a point on Route 61010 at the foot of Coal Hill thence running in a general northeasterly direction through Pittsfield Township to a point of intersection on Route 61012 near the New York Central Railroad at the Pittsfield Station in Warren County a distance of about 2.6 miles

Route 61044 Beginning at the northern terminus of Route 61012 thence in a northerly direction by way of road formerly known as Dalrymple Street in the town of Pittsfield Pittsfield Township Warren County to a point of intersection with Route 88 a distance of about 0.4 of a mile

Route 61045 Beginning at a point on the south borough line of Youngsville thence in a general southwesterly direction through Brokenstraw Township by way of York Hill School to a road intersection in Warren County a distance of about 3.8 miles

Route 61046 Beginning at a point on the township road at Booker Mill School thence in an easterly direction through Pleasant Township to a point on the dividing line between Pleasant and Mead Townships thence continuing in an easterly direction through Mead Township to the west borough line of Clarendon in Warren County a distance of about 4.2 miles

Route 61047 Beginning at a point on State-aid Application 4104 at the intersection of Mohawk Avenue and Harmon Street thence easterly through Pleasant Township along Harmon Street to Crescent Park thence southeasterly through Pleasant Township along Crescent Park and the River Road to a point on the township line between Pleasant and Mead Townships thence in a general easterly direction through Mead Township along the River Road to a point of intersection on Route 95 near the south end of the Glade Bridge in Warren County a distance of about 2.0 miles

Route 61048 Beginning at the east borough line of Warren Borough thence in a general easterly direction through Glade Township to Hemlock in Warren County, a distance of about 3.7 miles

Route 61049 Beginning at a point on Route 61034 at Hatch Corners thence in an easterly direction through Glade Township to a point on Route 61037 approximately 0.5 of a mile northeast of Smith Corners in Warren County a distance of about 4.4 miles

Route 61050 Beginning at a point on Route 61038 about 2.0 miles east of Russell thence in a southeasterly direction on the Cole Hill Road through Pine Grove and Elk Townships to a point on Route 61037 at Scandia in Warren County a distance of about 4.0 miles

Route 61051 Beginning at a point on Route 61021 at Broughton Corners in Freehold Township and running in a northerly direction by way of Forest Chapel Church to Jamieson Corners thence in a westerly direction to Russell Corners thence in a northerly and northwesterly direction to a point on the dividing line between Pennsylvania and New York in Warren County a distance of about 3.6 miles

Route 61052 Beginning at a point on Route 94 near the Hale School in Pine Grove Township and running in a northeasterly direction on the Martin Road to Gouldtown thence northerly to a point on the Pennsylvania-New York State line in Warren County a distance of about 2.1 miles

WASHINGTON COUNTY

Route 62142 Beginning at an intersection with Route 62121 in the village of East Finley thence in a southwesterly direction through East Finley Township by way of Liberty thence westerly to an intersection with the Burnsville-Claysville road at Windy Gap Church thence in a southwesterly direction over the Burnsville-Claysville road to a point intersecting Route 62007 in the village of Burnsville in Washington County a distance of about 5.9 miles

Route 62143 Beginning at a point on Route 62114 in East Finley Township at or near the East Finley-Morris Township line and extending in an easterly southwesterly northeasterly and easterly direction through East Finley and Morris Townships to a point on Route 62124 about 0.25 of a mile northwest of an intersection with Route 109 in Washington County a distance of about 4.3 miles

Route 62144 Beginning at a point on the county road extending between Prosperity and Lindley's Mills about 0.4 of a mile northwest of the terminus of Route 62082 and extending in a northerly and easterly direction through Morris Township to an intersection with Route 62102 about 0.4 of a mile northwest of Bane Creek in Washington County a distance of about 2.3 miles

Route 62145 Beginning at a point on Route 62082 in Amwell Township near the junction of Ten Mile Creek and Little Ten Mile Creek thence in a northeasterly and southeasterly direction by way of Ten Mile Creek through Amwell and West Bethlehem Townships to the Marianna Borough line in Washington County a distance of about 0.7 of a mile

Route 62146 Beginning at a point on Route 62078 near the Lutheran Church thence in a general northerly direction through West Bethlehem Township by way of West Bethlehem High School to a point on a county road at West Zollarsville in Washington County a distance of about 1.4 miles

Route 62147 Beginning at a point on Route 62012-Spur "E" near Millsboro Bridge over Ten Mile Creek thence northwesterly through East Bethlehem Township to a point on Route 62018 near Sandy Plains in Washington County a distance of about 1.5 miles

Route 62148 Beginning at a point on Route 62085 about 0.5 of a mile northwest of the North Bethlehem-West Bethlehem Township line thence in a northeasterly and northwesterly direction through North Bethlehem Township to a point on Route 62062 0.5 of a mile northeast of the intersection of Routes 62062 and 62085 in Washington County a distance of about 1.8 miles

Route 62149 Beginning at a point on Route 62095 near its intersection with a county road thence in a northeasterly direction through East Pike Run Township to a point on Route 268 about 0.6 of a mile south of the California Borough line in Washington County a distance of about 1.6 miles

Route 62150 Beginning at a point on Route 268 about 0.25 of a mile southwest of the California Borough-East Pike Run Township line thence in a southeasterly northeasterly and southeasterly direction through East Pike Run Township to a point on Route 268 about 0.1 of a mile southwest of the California Borough-East Pike Run Township line in Washington County a distance of about 0.6 of a mile

Route 62151 Beginning at a point on Route 62096 immediately south of the Blaine-Donegal-Buffalo Township line and extending in an easterly northeasterly and southeasterly direction through Buffalo and Blaine Townships to a point on Route 62135 about 0.1 of a mile north of White School in Washington County a distance of about 1.9 miles

Route 62152 Beginning at the point of intersection with Route 62128 at the Liberty M. E. Church thence in a northeasterly direction through Amwell Township to Route 62131 at a point about 0.6 of a mile west of Judge Chamber's School in Washington County a distance of about 1.2 miles

Route 62153 Beginning at a point on Route 325 about 1.5 miles north of Horne's School thence in a westerly northwesterly and northerly direction through Amwell Township by way of Van Kirk school to a point on Route 62128 about 0.3 of a mile southeast of Liberty M. E. Church in Washington County a distance of about 2.6 miles

Route 62154 Beginning at a point on a county road about 1.5 miles northwest of the Lone Pine School at Whitehill Farm thence in a northerly direction through Amwell Township by way of Redd Run School to a point on Route 113 at the Amwell-South Strabane Township line in Washington County a distance of about 3.5 miles

Route 62155 Begining at a point on Route 62054 about 0.4 of a mile west of the Somerset Township Consolidated School thence in a southerly and southeasterly direction through Somerset Township across Pigeon Creek to a point on Route 118 about 0.4 of a mile east of the Cokeburg Borough line in Washington County a distance of about 3.1 miles

Route 62156 Beginning at a point on Route 118 near Fallowfield Consolidated School thence in a general southerly direction through Fallowfield Township to a point on Route 519 near Doolittle Church in Washington County a distance of about 0.9 of a mile

Route 62157 Beginning at a point on Route 62016 at Redd's Mill thence extending in an easterly and southeasterly direction through Fallowfield Township to a point at the intersection of a county road and Route 118 in Washington County a distance of about 1.8 miles

Route 62158 Beginning at a point on Route 62110 about 0.2 of a mile west of an intersection with Route 62117 and extending in a northerly direction through Blaine and Hopewell Townships to an intersection with Routes 62104 and 62106 in Washington County a distance of about 1.8 miles

Route 62159 Beginning at the Washington City-Canton Township line on Caldwell Avenue thence through Canton Township over Caldwell Avenue to the intersection with Greene Street thence over Greene Street to the intersection with Hayes Avenue thence to the Canton Township-Washington City line on West Wylie Avenue in Washington County a distance of about 1.4 miles

Route 62160 Beginning at a point on Route 62040 about 0.8 of a mile northwest of Farquhar School thence in a northeasterly direction through Somerset and Fallowfield Townships crossing Sawmill Creek to a point on Route 62040 approximately 0.2 of a mile northwest of Dickey School in Washington County a distance of about 2.7 miles

Route 62161 Beginning at a point on Route 247 about 0.6 of a mile southwest of the intersection of Routes 247 and 247-Spur thence northwesterly southwesterly and northwesterly through Carroll Township to a point on a county road about one mile north of the intersection of the Fallowfield-Carroll Township line in Washington County a distance of about 1.8 miles

Route 62162. Beginning at a point on Route 62092, about 0.8 of a mile northwest of the intersection of Routes

62092 and 108, thence in a general northwesterly direction through North Strabane and Chartiers Townships to a point on Route 802 near the Houston Borough-Chartiers Township line, in the village of Moninger, in Washington County, a distance of about 1.7 miles.

Route 62163 Beginning at a point on Route 62090 near the Houston Borough line thence in a northeasterly and easterly direction through North Strabane Township to the Cannonsburg Borough line in Washington County a distance of about 0.9 of a mile

Route 62164 Beginning at a point on Route 108 at the Canonsburg Borough-North Strabane Township line thence in a southeasterly direction through North Strabane Township to a point on Application 4274 about 0.9 of a mile northeast of Hill Church in Washington County a distance of about 0.7 of a mile

Route 62165 Beginning at a point on Route 62034 about 0.6 of a mile west of Linden thence in a general northerly direction through North Strabane Township to a point on a county road near Pump Station in Washington County a distance of about 2.3 miles

Route 62166 Beginning at a point on Route 736 near Houston Mission Church thence in a northwesterly direction through Union Township to a point on Route 62073 about 0.7 of a mile northeast of Mingo School in Washington County a distance of about 1.2 miles

Route 62167 Beginning at a point on Route 62037 about 0.6 of a mile northwest of Beech Knob School and extending in a general northeasterly direction through Cross Creek Township to a point on Route 62035 about 0.1 of a mile southwest of the Cross Creek-Smith Township line in Washington County a distance of about 2.1 miles

Route 62168 Beginning at a point on Route 62167 about 0.5 of a mile southwest of an intersection with Route 62035 and extending in a general northwesterly direction through Cross Creek Township to a point on the county road immediately northeast of the village of Cross Creek in Washington County a distance of about 1.6 miles

Route 62169 Beginning at a point of intersection with State Highway Route 545 0.25 of a mile west of Venice thence in a northwesterly and southerly direction through Cecil and Mt Pleasant Townships by way of South View crossing Millers Run and by way of Atcheson Station crossing Route 545 and continuing by way of Meyers Place to an intersection with a county road 1.3 miles northwest of Westland in Washington County a distance of about 4.7 miles

Route 62170 Beginning at a point on Route 62014 about 0.6 of a mile east of Peters Township Consolidated School at McMurray thence in a northerly direction through Peters Township crossing Brush Run to a road intersection in Washington County a distance of about 0.6 of a mile

Route 62171 Beginning at a point on Route 62030 about 0.3 of a mile south of Peters U B Church thence in a westerly and northwesterly direction through Peters Township to a point on a county road about 0.7 of a mile northeast of Peters Township Consolidated School in Washington County a distance of about 0.9 of a mile

Route 62172 Beginning at a point on the county road in the village of Bulger and extending in a southerly direction through Smith Township to a point on Route 62031 about 0.3 of a mile northwest of the Mt Pleasant-Smith Township line in Washington County a distance of about 2.1 miles

Route 62173 Beginning at a point on Route 62009 in the village of Robinson and extending in a northeasterly direction through Robinson Township to the Allegheny-Washington County line a distance of about 0.6 of a mile

WAYNE COUNTY

Route 63064 Beginning at a point on Route 171 just west of the crossing of the South Fork of the Wallenpaupack Creek thence in a southwesterly direction through Dreher Township to an intersection with Route 561 in Wayne County a distance of about 0.2 of a mile

Route 63065 Beginning at a point on Route 63007 at Callapoose thence in a southwesterly direction through Sterling Township to a point on Route 63006 about 0.75 of a mile southeast of the Salem-Sterling Township line in Wayne County a distance of about 1.3 miles

Route 63066 Beginning at a point on Route 575 about 1.0 mile east of Hamlin thence in a southerly and southeasterly direction through Salem Township by way of Hub to a road intersection in Wayne County a distance of about 3.7 miles

Route 63067 Beginning at a point on Route 171 about 0.1 of a mile south of the Lake-Salem Township line thence in a northeasterly direction through Salem and Lake Townships to a point on Route 63010 about 0.25 of a mile north of the intersection of Routes 63011 and 63010 in Wayne County a distance of about 1.8 miles

Route 63068 Beginning at a point on Route 63019 near Clemo thence in a northwesterly and northeasterly direction through Cherry Ridge Township to a point on Route 63020 about 0.6 of a mile southwest of the Milford and Owego turnpike road in Wayne County a distance of about 2.2 miles

Route 63069 Beginning at a point on Route 171 near Hoadleys thence in an easterly direction through Cherry Ridge Township to a point on the Milford and Owego turnpike road in Wayne County a distance of about 1.2 miles

Route 63070 Beginning at a point on the Bethany and Dingman's Choice turnpike road about 0.5 of a mile west of the Wayne-Pike County line thence in a southerly direction through Palmyra Township to a point on Route 255 about 0.1 of a mile west of the Wayne-Pike County line in Wayne County a distance of about 0.9 of a mile

Route 63071 Beginning at the eastern terminus of Route 63037 thence in a southerly direction through Clinton Township to an intersection with Route 63036 thence in an easterly and northerly direction to a point on Route 227 about 0.5 of a mile south of Aldenville in Wayne County a distance of about 3.9 miles

Route 63072 Beginning at a point on Route 63033 directly east of Glass Pond No 1 thence extending in a westerly and southwesterly direction along the southeastern side of Glass Pond No 1 in Dyberry Township Wayne County a distance of about 0.9 of a mile

Route 63073 Beginning at a point on Route 63033 about 0.5 of a mile south of the Dyberry-Texas Township line thence in a southeasterly direction through Texas Township to the Honesdale Borough line in Wayne County a distance of about 0.9 of a mile

Route 63074 Beginning at a point on Route 335 about 1.5 miles southwest of Beach Lake thence in a northwesterly and northeasterly direction through Berlin Township to a point on Route 63030 about 1.25 miles south of the Damascus-Berlin Township line in Wayne County a distance of about 2.9 miles

Route 63075 Beginning at a point on Route 63027 about 3.0 miles south of Milanville thence in a westerly direction through Damascus Township to a road intersection in Wayne County a distance of about 1.5 miles

Route 63076 Beginning at a point on the Belmont and Easton turnpike road near the Clinton-Mt Pleasant Township line thence in a general southeasterly direction through Clinton and Mt Pleasant Townships to a point on Route 227 about 0.5 of a mile south of the Clinton-Mt Pleasant Township line in Wayne County a distance of about 1.4 miles

Route 63077 Beginning at a point on the Bethany and Dingman's Choice Turnpike road thence in a northeasterly direction through Dyberry Township to a point on Route 63041 about 1.0 mile south of the Lebanon-Dyberry Township line in Wayne County a distance of about 1.5 miles

Route 63078 Beginning at a point on the Dyberry and West Damascus turnpike in Lebanon Township about 0.3 of a mile northwest of Girdland thence in a general northerly direction through Lebanon Township to a point on the Cochecton and Great Bend turnpike road about 0.2 of a mile northwest of the Lebanon-Damascus Township line in Wayne County a distance of about 2.1 miles

Route 63079 Beginning at a point on Route 63029 about 0.25 of a mile southwest of Calkins thence in a northerly westerly and southerly direction through Damascus Township to a point on Route 63029 about 1.2 miles west of Calkins in Wayne County a distance of about 3.3 miles

Route 63080 Beginning at a point on Route 227 about 1.5 miles southeast of Pleasant Mount thence in a northerly direction in Mount Pleasant Township to intersect the Cochecton and Great Bend turnpike road near the inter-

section of the turnpike road and Route 63055 in Wayne County a distance of about 0.5 of a mile

Route 63081 Beginning at a point on Route 63043 about 1.25 miles south of the intersection of Routes 173 and 63043 thence in a northeasterly direction through Damascus Township to a point on Route 63044 about 1.5 miles west of Galilee in Wayne County a distance of about 1.6 miles

Route 63082 Beginning at a point on Route 584 about 0.1 of a mile southeast of the intersection with Route 63054 thence in a general easterly direction through Mount Pleasant and Buckingham Townships to a point on Route 63041 about 2.0 miles north of the Buckingham-Lebanon Township line in Wayne County a distance of about 2.9 miles

Route 63083 Beginning at a point on Route 365 about 0.5 of a mile east of Starlight thence in a westerly and northwesterly direction through Buckingham and Scott Townships to a road intersection about 0.4 of a mile northwest of the Buckinham-Scott Township line in Wayne County a distance of about 1.5 miles

WYOMING COUNTY

Route 65056. Beginning at a point on Route 65009 near Falls, thence in a general southerly direction through Falls Township to a road intersection about 0.4 of a mile northwest of the Falls Township-Lackawanna County line, in Wyoming County, a distance of about 2.4 miles.

Route 65057. Beginning at the western end of Route 65034, thence in a southerly direction through Falls Township to a point on Route 232 about 0.25 of a mile south of the Tunkhannock-Falls Township line in Wyoming County a distance of about 2.3 miles.

Route 65058. Beginning at a point on Route 365, about 1.0 mile east of the intersection of Routes 365 and 65012, thence in a northeasterly direction through Falls Township, by way of Dixon Corners, to a point on the Falls Township-Lackawanna County line, in Wyoming County, a distance of about 1.8 miles.

Route 65059. Beginning at a point on Route 92, at or near the Susquehanna River, thence in a general northwesterly direction through Eaton Township to the Susquehanna River, in Wyoming County, a distance of about 3.8 miles.

Route 65060. Beginning at a point on Route 65028, about 0.4 of a mile east of the intersection of Routes 65028 and 65029, thence in a northwesterly direction through Nicholson Township to a point on the Nicholson Township-Susquehanna County line, in Wyoming County, a distance of about 0.4 of a mile.

Route 65061. Beginning at a point on Route 241, about 0.25 of a mile southeast of Taques Creek, thence in a general northerly direction through Tunkhannock and Washington Townships to a point on Route 65053 about 0.8 of a mile southeast of the intersection of Routes 65053 and 65036, in Wyoming County, a distance of about 1.7 miles.

Route 65062. Beginning at the western terminus of Route 65042, thence in a general northwesterly direction through Windham Township, by way of Golden Bill, to a point on the Windham Township-Bradford County line, in Wyoming County, a distance of about 2.7 miles.

Route 65063. Beginning at a point on the northeastern line of Meshoppen Borough, thence in a northeasterly direction through Meshoppen Township for 0.75 of a mile to a road intersection; thence in a general northeasterly direction through Meshoppen Township to the Meshoppen Township-Susquehanna line, in Wyoming County, a distance of about 2.75 miles.

YORK COUNTY

Route 66117 Beginning at a point on Route 66004 about 0.25 of a mile southwest of Sticks in Codorus Township thence southerly through Codorus and Manheim Townships to the Maryland State line in York County a distance of about 2.0 miles

Route 66118 Beginning at a point on Route 127 at Ruhles School House thence northeasterly through Shrewsbury Township by way of Keeney School to a point on Route 66011 near the Shrewsbury-Hopewell Township line in York County a distance of about 2.4 miles

Route 66119 Beginning at a point on the western line of Stewartstown Borough near the cemetery thence westerly and southerly through Hopewell Township by way of Ebaugh School to a point on the Maryland State line about 0.7 of a mile west of Route 66109 in York County a distance of about 3.0 miles

Route 66120 Beginning at a point on Route 66078 about 0.3 of a mile southeast of an intersection with Route 66077 thence extending in a general northerly direction through West Manheim and Manheim Townships by way of Dubs Church to a point on Route 441 at the intersection with Route 66007 in York County a distance of about 2.8 miles

Route 66121 Beginning at a point intersecting Route 441 in the village of Marburg thence in a southerly direction through Manheim Township intersecting Route 66074 in the village of Hobart in York County a distance of about 2.45 miles

Route 66122 Beginning at a point on Route 715 about 0.25 of a mile west of the intersection of Route 715 and Application 2338 thence continuing in a general southwesterly direction through Shrewsbury and Codorus Townships by way of Rockville and Bortner's School to a point on Application 2003-B about 0.25 of a mile south of the intersection of Route 66010 and Application 2003-B in York County a distance of about 4.55 miles

Route 66123 Beginning at a point on Route 66011 about 0.5 of a mile west of Orwig thence northerly through Hopewell Township by way of Saddlers Church to a point on Route 66015 in York County a distance of about 1.4 mile

Route 66124 Beginning at a point on Route 66058 at Tollingers Corners thence southeasterly and northeasterly through East Hopewell Township by way of Manifold School to a point on Route 66058 about 1.5 miles southwest of Pleasant Grove in York County a distance of about 2.3 miles

Route 66125 Beginning at a point intersecting Route 675 about 2.0 miles south of the village of Airville thence in a westerly direction through Lower Chanceford Township by way of Marten Mill and Jameson's School to a point intersecting Route 66013 near Pleasant Grove in York County a distance of about 3.75 miles

Route 66126 Beginning at a point on Route 66062 at Ailston thence northeasterly through Peach Bottom Township in York County a distance of about 0.5 of a miles

Route 66127 Beginning at a point on Route 127 about 2.25 miles north of Shrewsbury Borough thence in a northeasterly and northwesterly direction through Shrewsbury and Springfield Townships by way of Potosi to a point intersecting Route 66084 about 0.45 of a mile east of Route 127 in York County a distance of about 1.8 miles

Route 66128 Beginning at a point on Route 66007 about 0.3 of a mile west of the intersection of Route 66007 and Application 2003 thence southerly westerly and northerly through North Codorus Township to a point on Route 66007 about 1.0 mile west of the intersection of Route 66007 and Application 2003 in York County a distance of about 0.75 of a mile

Route 66129 Beginning at a point intersecting Route 127 1.0 mile south of the borough of Loganville thence in a northeasterly direction through Springfield and North Hopewell Townships intersecting Route 66004 about 1.0 mile north of the village of Graydon in York County a distance of about 3.6 miles

Route 66130 Beginning at a point intersecting Route 66007 at Mt Carmel Church and School thence in a northeasterly direction through Heidelberg Township to a point intersecting Routes 66009 and 66008 about 0.2 of a mile north of the village of Iron Ridge in York County a distance of about 1.05 miles

Route 66131 Beginning at a point on Route 230 at the intersection of Routes 230 and 66048 thence in a southeasterly and northeasterly direction through North Codorus Township to a point on Application 2003 near Berkheimer's School in York County a distance of about 0.75 of a mile

Route 66132 Beginning at a point intersecting Route 66048 about 0.5 of a mile southeast of Lehman thence in an easterly direction through North Codorus Township to a point intersecting Route 66048 about 1.25 miles southwest of Zeigler's Church in York County a distance of about 2.9 miles

Route 66133 Beginning at a point on Application 1994

at or near the farm of Archie Heffner thence in a general northwesterly direction through Chanceford Township by way of Roy Werner's farm to a point on Route 216 near its intersection with Routes 66012 and 66116 in York County a distance of about 2.1 miles

Route 66134 Beginning at a point on Route 66093 about 0.8 of a mile north of Gnatstown thence in a general northwesterly and westerly direction through Jackson and Paradise Townships to a point on Route 66092 at Maple Grove in York County a distance of about 2.05 miles

Route 66135 Beginning at a point on Route 66008 about 0.1 of a mile north of Menges Mills thence extending in a westerly direction through Jackson Township to a point on Route 66009 about 0.3 of a mile north of the intersection of Routes 66009 and 66093 in York County a distance of about 1.3 miles

Route 66136 Beginning at a point on Route 66008 about 0.35 of a mile northeast of the intersection of Routes 66008 and 66009 thence in a southeasterly and easterly direction through Jackson Township to a point on Route 230 at the Jackson Township-Spring Grove Borough line in York County a distance of about 0.4 of a mile

Route 66137 Beginning at a point intersecting Route 66048 in the village of Lehman thence in a northeasterly direction through North Codorus Township by way of Lehman School to a point intersecting Route 66007 about 0.1 of a mile south of Stovertown in York County a distance of about 2.55 miles

Route 66138 Beginning at a point about 0.8 of a mile northwest of the intersection of Routes 66009 and 66008 thence in a general northwesterly direction through Jackson Township intersecting Route 66093 thence from a point on Route 66093 northwesterly through Jackson and Paradise Townships crossing Routes 126 and 66002 to a point on Route 66005 about 0.1 of a mile west of the intersection of Routes 66005 and 66002 in York County a distance of about 5.6 miles

Route 66139 Beginning at a point on the east line of Jacobus Borough thence easterly and northerly through Springfield and York Townships by way of Hengt's School to Route 66050 near its intersection with Route 66052 in York County a distance of about 2.50 miles

Route 66140 Beginning at a point on the west line of Dallastown Borough at Franklin Street thence by way of Blymire's School through York Township to a point on Route 216 at Sprenkle's School in York County a distance of about 1.65 miles

Route 66141 Beginning at a point on Route 216 near its intersection with Route 66014 thence northerly through Windsor Township to the Windsor Borough line in York County a distance of about 1.0 mile

Route 66142 Beginning at a point intersecting Route 216 about 2.0 miles southeast of the borough of Red Lion near Portmer's School thence in an easterly direction through Windsor Chanceford Windsor and Lower Windsor Townships by way of East End Church and the village of Rockey to a point intersecting Route 66012 about 0.65 of a mile north of Rockey in York County a distance of about 3.5 miles

Route 66143 Beginning at a point on Route 126 about 0.3 of a mile west of the intersection of Routes 126 and 492 thence extending in a general northwesterly direction through West Manchester and Dover Townships by way of Botts and Strayers School to a point on Route 66002 near Salem Church in York County a distance of about 5.3 miles

Route 66144 Beginning at a point on Route 66099 near the intersection of Routes 66099 and 124 thence westerly and southwesterly through West Manchester Township to a point on Route 66005 about 0.5 of a mile west of the intersection of Routes 66005 and 126 in York County a distance of about 1.55 miles

Route 66145 Beginning at a point on Route 332 at Hill Street thence in a general southerly direction through Spring Garden and York Townships over U S Public Works Project Number N R S 803-A to a point on Route 216 at the intersection of Routes 216 and 66053 in York County a distance of about 1.5 miles

Route 66146 Beginning at a point intersecting Route 332 about 0.1 of a mile west of the village of Golden thence in a northwesterly direction through Windsor and Springettsbury Townships by way of Locust Grove Church intersecting Route 66090 about 0.4 of a mile south of the village of Spring Plains in York County a distance of about 1.45 miles

Route 66147 Beginning at a point on Route 332 near Golden thence in a northerly direction through Windsor and Springettsbury Townships by way of Witmer's School to a point on Route 66090 beginning again at a point on Route 66090 about 0.5 of a mile north of the Windsor-Springettsbury Township line thence in a northeasterly direction through Springettsbury and Hellam Townships to a point on Route 66019 about 0.5 of a mile north of the Hellam-Windsor Township line in York County a distance of about 1.85 miles

Route 66148 Beginning at a point intersecting Route 66017 about 0.75 of a mile south of Hallam Borough thence in a southwesterly direction through Hellam Township by way of Musser's School to a point intersecting Route 66019 about 1.0 mile south of Route 128 in York County a distance of about 0.65 of a mile

Route 66149 Beginning at a point on Route 714 about 0.75 of a mile south of the Lower Windsor-Hellam Township line thence westerly through Lower Windsor Township to Route 66012 about 0.25 of a mile southeast of its intersection with Route 66004 in York County a distance of about 1.4 miles

Route 66150 Beginning at a point on Route 66035 about 0.5 of a mile northwest of the Red Run Church thence extending northerly and northwesterly through Washington Township to a point on Route 190 about 0.5 of a mile east of Kralltown in York County a distance of about 2.1 miles

Route 66151 Beginning at a point on Route 374 at Big Dam thence extending in a westerly and southwesterly direction through Washington and Franklin Townships to a point on Route 66022 about 0.25 of a mile west of the Franklin-Washington Township line in York County a distance of about 1.25 miles

Route 66152 Beginning at a point in the village of Starview on Route 66040 thence extending in an easterly direction through East Manchester Township to the bridge over Codorus Creek near Codorus Furnace thence in a westerly direction through Hellam Township for about 0.45 of a mile to a road intersection thence continuing in a general easterly direction through the village of High Mount to the intersection of Routes 66089 and 66018 thence by spur in a northwesterly direction by way of Mt Hebron Church through East Manchester Township for a distance of about 0.5 of a mile to intersect Route 66046 in York County a total distance of about 8.65 miles

Route 66153 Beginning at a point in East Manchester Township on the southeastern boundary line of York Haven Borough thence in a southeasterly and southerly direction through East Manchester Township to a point on the northeastern boundary line of Mount Wolf Borough in York County a distance of about 3.55 miles

Section 3 The highways established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the approval of this act but shall be taken over not later than the first day of January one thousand nine hundred thirty-six

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitiution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,

Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreably to order,

The House proceeded to the third reading and consideration of House Bill No. 2412, as follows:

An Act to declare the necessity of creating public bodies corporate and politic to be known as county housing authorities to engage in slum clearance and projects to provide dwelling accomodations for persons of small income to provide for the creation of such housing authorities to define the powers and duties of housing authorities and to provide for the exercise of such powers including acquiring property by purchase gift or eminent domain renting and selling property and including borrowing money issuing revenue and credit bonds and other obligations and giving security therefor to confer remedies on obligees of housing authorities to authorize housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof to define the application of local zoning regulations to projects built by such housing authorities to provide that the bonds of the authority shall be legal investments for funds in the hands of the Commonwealth political subdivisions and municipalities thereof and officers thereof and of insurance companies and associations savings banks and savings institutions and fiduciaries to provide that housing authorities their properties and securities shall be tax exempt and imposing duties and conferring powers on certain State officers and boards and for other purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act may be referred to as the "Housing Authorities Law"

Section 2 Declaration of necessity It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various counties of the Commonwealth and that such unsafe or unsanitary conditions arise from overcrowding and concentration of population the obsolete and poor condition of the buildings improper planning excessive land coverage lack of proper light air and space unsanitary design and arrangement lack of proper sanitary facilities and the existence of conditions which endanger life or property by fire and other causes that in all such counties many persons of low income are forced to reside in unsanitary or unsafe dwelling accommodations that in various counties of the Commonwealth there is a lack of safe or sanitary dwelling accommodations available to all the inhabitants thereof and that consequently many persons of low income are forced to occupy overcrowded and congested dwelling accommodations that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health safety morals and welfare of the citizens of the Commonwealth and impair economic values that these conditions cannot be remedied by the ordinary operations of private enterprises that the clearance replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency and the necessity in the public interest for the provision hereinafter enacted is hereby declared as a matter of legislative determination

Section 3 Definitions The following words terms and phrases where used or referred to in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Authority" or "housing authority" A public body and a body corporate and politic organized in accordance with the provisions of this act

"Bonds" Any bonds interim certificates notes debentures or other obligations of the authority issued pursuant to this act

"County" The county which is or is about to be included in the territorial boundaries of an authority when created hereunder

"Member" One of the members of an authority appointed in accordance with the provisions of this act

"Community facilities" Real and personal property and buildings and equipment for recreational or social assemblies for educational health or welfare purposes and necessary utilities when designed primarily for the benefit and use of the housing authority or the occupants of the dwelling accommodations

'Contract" Any agreement of an authority with or for the benefit of an obligee whether contained in a resolution trust indenture mortgage lease bond or other instrument

"Federal Government" The United States of America the Federal Emergency Administration of Public Works or any agency instrumentality corporate or otherwise of the United States of America

"Government" Includes the State and Federal Governments and any subdivision agency or instrumentality corporate or otherwise of either of them

"Housing project" All real and personal property buildings and improvements stores offices lands for farming and gardening and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking (a) to demolish clear remove alter or repair unsanitary or unsafe housing or (b) to provide safe and sanitary dwelling accommodations for persons of low income The term "housing project" may also be applied to the planning of the buildings and improvements the acquisition of property the demolition of existing structures the construction reconstruction alteration and repair of the improvements and all other work in connection therewith

"Mortgage" Deeds of trust mortgages building and loan contracts or other instruments conveying real property as

security for bonds and conferring a right to foreclose and cause a sale thereof

"Municipality" Any city borough town or township which is located within the territorial boundaries of an authority

"Obligee of the authority" or "obligee" Any bondholder trustee or trustees for any bondholders any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof and the United States of America when it is a party to any contract with the authority

"Real property" Lands lands under water structures and any and all easements franchises and incorporeal hereditaments and every estate and right therein legal and equitable including terms for years and liens by way of judgment mortgage or otherwise

"Trust indenture" Instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof

The singular shall include the plural and the masculine the feminine and neuter

Section 4 Creation of Housing Authority In each county of this Commonwealth there is hereby created a body corporate and politic to be known as the "Housing Authority" of said county provided however that such authority shall not become operative nor transact any business until and unless the Board of County Commissioners of the county in which it is created by proper resolution shall declare at any time hereafter that there is need for an authority to function in said county and shall issue a certificate reciting the adoption of such a resolution If the Board of County Commissioners fails to adopt such a resolution and issue such a certificate within ninety (90) days from the date of the enactment of this act any twenty-five (25) citizens and taxpayers resident in such county may submit over their signatures to the Governor of the Commonwealth a petition setting forth that there is need for an authority to function in said county and requesting that the Governor declare the existence of such need If the Governor after receipt of such petition shall determine that there is need for such a housing authority in a county he shall issue a certificate declaring such need

The Board of County Commissioner or the Governor as the case may be shall declare that there is need for a housing authority in a county if said Board of the Governor shall find (1) that unsanitary or unsafe inhabited dwelling accommodations exist in the county or (2) that there is a lack of safe or sanitary dwelling accommodations in the county for all the inhabitants thereof In determining whether dwelling accommodations are unsafe or unsanitary said Board or the Governor as the case may be shall take into consideration the degree of overcrowding the percentage of land coverage the light and air available to the inhabitants of such dwelling accommodations the size and arrangement of the rooms the sanitary facilities and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes

A housing authority shall constitute a public body corporate and politic of the county for the public purposes set forth and shall exercise an essential governmental function in effectuating such purposes The Board of County Commissioners or the Governor as the case may be shall cause the aforesaid certificate issued by said Board or the Governor respecting the need for an authority in a county to be filed with the Prothonotary of the Court of Common Pleas of said county who shall file such certificate in his office

In any suit action or proceeding involving the validity or enforcement of or relating to any contract of the authority the authority shall be conclusively deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate of the creation of the housing authority by the Board of County Commissioners or the Governor respecting the need for an authority in a county A copy of such certificate duly certified by the Prothonotary of the Court of Common Pleas of said county shall be admissible in evidence in any such suit action or proceeding and shall be conclusive proof of the filing and contents thereof

Section 5 Appointment Qualifications and Tenure of Members When the aforesaid certificate of the Board of County Commissioners or the Governor respecting the need of a housing authority in a county has been filed with the Prothonotary of the Court of Common Pleas of said county the President Judge of the Court in which the proceedings are filed shall appoint five (5) persons to be members of the housing authority No public official may become a member of a housing authority

The members who are first appointed shall serve for terms of one two three four and five years respectively from the date of their appointment Thereafter the term of office shall be five years A member shall hold office until his successor has been appointed and has qualified Vacancies shall be filled within ten (10) days for the unexpired term A member shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties

An authority shall select from among its members a chairman and a vice-chairman and it may employ a secretary (who shall be executive director) technical experts and such other officers agents and employes permanent and temporary as it may require and shall determine their qualifications Three members shall constitute a quorum An authority may call upon the chief law officer of the county for such legal services as it may require or it may employ its own counsel and legal staff Members of the authorities shall not be liable personally on the bonds or other obligations of the authority and the rights of creditors of the housing authority shall be solely against such authority An authority may delegate to one or more of its agents or employes such powers or duties as it may deem proper

Section 6 Duty of the Authority and Members of the Authority The authority and its members shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this act and the laws of the Commonwealth and in addition thereto with each and every term provision and covenant in any contract of the authority on its part to be kept or performed

Section 7 Interested Members or Employes No member or employe of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project If any member or employe of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority Failure to so disclose such interest shall constitute misconduct in office

Section 8 Removal of Members The President Judge of said appointing court may remove a member for inefficiency or neglect of duty or misconduct in office but only after the member shall have been given a copy of the charges against him at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel

Any obligee of the authority may file with the President Judge of said appointing court written charges that the authority is violating wilfully any law of the Commonwealth or any term provision or covenant in any contract to which the authority is a party Such officer shall give each of the member a copy of such charges at least ten days prior to the hearing thereon and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of such charges remove any member of the authority who shall have been found to have acquiesed in any such wilful violation

A member shall be deemed to have acquiesed in a wilful violation by the authority of a law of this Commonwealth or of any term provision or covenant contained in a contract to which the authority is a party if before a hearing is held on the charges against him he shall not have filed a written statement with the authority

of his objections to or lack of participation in such violation

Section 9 Powers of Authority Any authority shall constitute a public body and a body corporate and politic exercising public powers and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act including the following powers in addition to others herein granted

To investigate into living dwelling and housing conditions and into the means and methods of improving such conditions to determine where unsafe or unsanitary dwelling or housing conditions exist to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing replanning and reconstruction of areas in which unsafe or unsanitary dwelling or housing conditions exist and the providing of dwelling accommodations for persons of low income and to co-operate with any city municipal or regional planning agency to prepare carry out and operate housing projects to provide for the construction reconstruction improvement alteration or repair of any housing project or any part thereof to take over by purchase lease or otherwise any housing project located within its boundaries undertaken by any government to act as agent for the Federal Government in connection with the acquisition construction operation or management of a housing project or any part thereof to arrange with any city or municipality located in whole or in part within its boundaries or with the Federal or State government for the furnishing planning replanning installing opening or closing of streets roads roadways alleys sidewalks or other places or facilities or for the acquisition by such city municipality or the Federal or State government of property options or property rights or for the furnishing of property or sevices in connection with a project to arrange with the Commonwealth its subdivisions and agencies and any county city or municipality of the State to the extent that it is within the scope of each of their respective functions (a) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority or the occupants of any housing projects and (b) to provide and maintain parks and sewerage water and other facilities adjacent to or in connection with housing projects and (c) to change the municipality map to plan replan zone or rezone any part of the municipality to lease or rent any of the dwelling or other accommodations or any of the lands buildings structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor to enter upon any building or property in order to conduct investigations or to make surveys or soundings to purchase lease obtain options upon acquire by gift grant bequest devise or otherwise any property real or personal or any interest therein from any person firm corporation municipality or government to acquire by eminent domain any real property including improvements and fixtures thereon Provided however That when exercised in its own name the Authority shall first have acquired by purchase or option more than fifty per centum of the real property or site involved to sell exchange transfer assign or pledge any property real or personal or any interest therein to any person firm corporation municipality or Federal or State government to own hold clear and improve property to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable to procure insurance or guarantees from a Federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project to borrow money upon its bonds notes debentures or other evidences of indebtedness and to secure the same by pledges of its revenues and (subject to the limitations hereinafter imposed) by mortgages upon property held or to be held by it or in any other manner in connection with any loan to agree to limitations upon its right to dispose of any housing project or part thereof or to undertake additional housing projects in connection with any loan by the Federal or State government to agree to limitations upon the exercise of any powers conferred upon the authority by this act to invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control to sue and be sued to have a seal and to alter the same at pleasure to have perpetual succession to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority to make and from time to time amend and repeal by-laws rules and regulations not inconsistent with this act to carry into effect the powers and purposes of the authority to conduct examinations and investigations and to hear testimony and take proof under oath or affirmation at public or private hearings on any matter material for its information to issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the Commonwealth or unable to attend before the authority or excused from attendance and to make available to such agencies boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within its territorial limits its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health morals safety or welfare Any of the investigations or examinations provided for in this act may be conducted by the authority or by a committee appointed by it consisting of one or more members or by the counsel or by an officer or employe specially authorized by the authority to conduct it Any member counsel for the authority or any person designated by it to conduct an investigation or examination shall have power to administer oaths take affidavits and issue subpoenas or commissions An authority may exercise any or all of the powers herein conferred upon it either generally or with respect to any specific housing project or projects through or by an agent or agents which it may designate including any corporation or corporations which are or shall be formed under the laws of this Commonwealth and for such purposes an authority may cause one or more corporations to be formed under the laws of this Commonwealth or may acquire the capital stock of any corporation or corporations Any corporate agent all of the stock of which shall be owned by the authority or its nominee may to the extent permitted by law exercise any of the powers conferred upon the authority herein In addition to all of the other powers herein conferred upon it an authority may do all things necessary and convenient to carry out the powers expressly given in this act No provisions with respect to the acquisition operation or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state

Section 10 Co-operation between Authorities Any two or more authorities may co-operate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing planning constructing or operating a housing project or projects located partly within the boundaries of each of said authorities

Section 11 Eminent Domain The authority shall have the right to acquire by eminent domain any real property including fixtures and improvements which it may deem necessary to carry out the purposes of this act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use If the property is acquired by eminent domain the title acquired shall be a fee simple absolute unless a lesser title shall be designated in the eminent domain proceedings and the procedure shall be in accordance with the procedure prescribed in Section forty-one of the Corporation Act of one thousand eight hundred seventy-four (Act approved the twenty-ninth day of April one thousand eight hundred seventy-four Pamphlet Laws seventy-three) as amended or supplemented and in Sections one and two of the Act approved the seventeenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred thirty-one) as amended or supplemented

Property already devoted to a public use may be acquired Provided That no property belonging to any municipality or to the Federal or State government

may be acquired without its consent and Provided further That no property belonging to a public utility company may be acquired without the approval of The Public Service Commission of the Commonwealth

Section 12 Acquisition of Land for Government The authority may acquire by purchase or by exercise of its power of eminent domain as aforesaid any property real or personal for any housing project being constructed or operated by a government The authority upon such terms and conditions with or without consideration as it shall determine may convey title or deliver possession of such property so acquired or purchased to such government for use in connection with such housing project

Section 13 Zoning and Building Laws All housing projects of an authority shall be subject to the planning zoning sanitary and building laws ordinances and regulations applicable to the locality in which the housing project is situated except that a site plan for a project may differ from those area provisions of the zoning ordinance which are applicable to standard lot and block subdivisions which have prevailed hitherto provided that the site plan assures equal or greater provisions of light air ventilation and amenity than the zoning ordinance requires

Section 14 Types of Bonds The authority shall have the power and is hereby authorized from time to time in its discretion to issue for any of its corporate purposes

(a) Bonds on which the principal and interest are payable

(1) Exclusively from the income and revenue of the housing project financed with the proceeds of such bonds or with such proceeds together with the proceeds of a grant from the Federal Government to aid in financing the construction thereof or

(2) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds provided however that the credit of the authority shall not be pledged to the payment of such bonds but such bonds shall be payable only (and the bonds shall so state on their face) from the revenues of the designated housing project or projects and the funds received from the sale or disposal thereof and if the authority so determines shall be additionally secured by a trust indenture pledging such revenues or in certain instances as hereinafter provided by a mortgage of the property comprising such designated housing project or projects and the revenues therefrom

(b) Bonds for the payment of the principal and interest of which the credit of the authority is pledged and which may be additionally secured by a pledge of the revenues of the authority or any part thereof pursuant to a resolution or trust indenture of the authority or in certain instances as hereinafter provided may be additionally secured by a mortgage of the property and revenues of the authority or any part thereof

Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof

The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of any municipality located within its boundaries or of the Commonwealth and neither the Commonwealth nor any such municipality shall be liable thereon nor in any event shall they be payable out of any funds or properties other than those of the authority The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction Bonds may be issued under this act notwithstanding any debt or other limitation prescribed by any statute

Section 15 Form and Sale of Bonds The bonds of the authority shall be authorized by its resolution and shall be issued in one or more series and shall bear such date or dates mature at such time or times not exceeding sixty (60) years from their respective dates bear interest at such rate or rates not exceeding six per centum (6%) per annum payable semi-annually be in such denominations (which may be made interchangeable) be in such form either coupon or registered carry such registration privileges be executed in such manner be payable in such medium of payment at such place or places and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide

The bonds may be sold at public sale held after notice published once at least ten days prior to such sale in a newspaper having a general circulation in the city and in a financial newspaper published in the City of New York State of New York or in the City of Philadelphia Commonwealth of Pennsylvania provided however that such bonds may be sold to the Federal Government at private sale without any public advertisement The bonds may be sold at such price or prices as the authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum (6%) per annum

Pending the authorization preparation execution or delivery of definitive bonds the authority may issue interim certificates or other temporary obligations to the purchaser of such bonds Such interim certificates or other temporary obligations shall be in such form contain such terms conditions and provisions bear such date or dates and evidence such agreements relating to their discharge or payment or the delivery of definitive bonds as the authority may by resolution trust indenture or mortgage determine

In case any of the officers whose signatures appear or any bonds or coupons shall cease to be such officers before the delivery of such bonds such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery

The authority shall have the power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest Provided however That bonds payable exclusively from the revenues of a designated project or projects shall be purchased out of any such revenues available therefor All bonds so purchased shall be cancelled This paragraph shall not apply to the redemption of bonds

Any provision of any law to the contrary notwithstanding any bonds interim certificates or other obligations issued pursuant to this act shall be fully negotiable

Section 16 Provisions of Bonds Trust Indentures and Mortgages In connection with the issuance of bonds or the incurring of any obligation under a lease and in order to secure the payment of such bonds or obligations the authority shall have the power

(1) To pledge by resolution trust indenture mortgage (subject to the limitations hereinafter imposed) or other contract all or any part of its rents fees or revenues

(2) To covenant against mortgaging all or any part of its property real or personal then owned or thereafter acquired or against permitting or suffering any lien thereon

(3) To covenant with respect to limitations on its right to sell lease or otherwise dispose of any housing project or any part thereof or with respect to limitations on its right to undertake additional housing projects

(4) To covenant against pledging all or any part of its rents fees and revenues to which its right then exists or the right to which may thereafter come into existence or against permitting or suffering any lien thereon

(5) To provide for the release of property rents fees and revenues from any pledge or mortgage and to reserve rights and powers in or the right to dispose of property which is subject to a pledge or mortgage

(6) The covenant as to the bonds to be issued pursuant to any resolution trust indenture mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise and as to the use and disposition of the proceeds thereof

(7) To covenant as to what other or additional debt may be incurred by it

(8) To provide for the terms form registration exchange execution and authentication of bonds

(9) To provide for the replacement of lost destroyed or mutilated bonds

(10) To covenant that the authority warrants the title to the premises

(11) To covenant as to the rents and fees to be charged the amount (calculated as may be determined) to be

raised each year or other period of time by rents fees and other revenues and as to the use and disposition to be made thereof

(12) To covenant as to the use of any or all of its property real or personal

(13) To create or to authorize the creation of special funds in which there shall be segregated (a) the proceeds of any loan and/or grant (b) all of the rents fees and revenues of any housing project or projects or parts thereof (c) any moneys held for the payment of the costs of operation and maintenance of any such housing projects or as a reserve for the meeting of contingencies in the operation and maintenance thereof (d) any moneys held for the payment of the principal and interest on its bonds or the sums due under its leases and/or as a reserve for such payments and (e) any moneys held for any other reserves or contingencies and to covenant as to the use and disposal of the moneys held in such funds

(14) To redeem the bonds and to covenant for their redemption and to provide the terms and conditions thereof

(15) To covenant against extending the time for the payment of its bonds or interest thereon directly or indirectly by any means or in any manner

(16) To prescribe the procedure if any by which the terms of any contract with bond holders may be amended or abrogated the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given

(17) To covenant as to the maintenance of its property the replacement thereof the insurance to be carried thereon and the use and disposition of insurance moneys

(18) To vest in an obligee of the authority the right in the event of the failure of the authority to observe or perform any covenant on its part to be kept or performed to cure any such default and to advance any moneys necessary for such purpose and the moneys so advanced may be made an additional obligation of the authority with such interest security and priority as may be provided in any trust indenture mortgage lease or contract of the authority with reference thereto

(19) To covenant and prescribe as to the events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived

(20) To covenant as to the rights liabilities powers and duties arising upon the breach by it of any covenant condition or obligation

(21) To covenant to surrender possession of all or any part of any housing project or projects upon the happening of an event of default (as defined in the contract) and to vest in an obligee the right without judicial proceedings to take possession and to use operate manage and control such housing projects or any part thereof and to collect and receive all rents fees and revenues arising therefrom in the same manner as the authority itself might do and to dispose of the moneys collected in accordance with the agreement of the authority with such obligee

(22) To vest in a trustee or trustees the right to enforce any covenant made to secure to pay or in relation to the bonds to provide for the powers and duties of such trustee or trustees to limit liabilities thereof and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any such covenant

(23) To make covenants other than in addition to the covenants herein expressly authorized of like or different character

(24) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties which may contain such covenants and provisions in addition to those above specified as the government or any purchaser of the bonds of the authority may reasonably require

(25) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority tend to make the bonds more marketable notwithstanding that such covenants acts or things may not be enumerated herein it being the intention hereof to give the authority power to do all things in the issuance of bonds in the provisions for their security that are not inconsistent with the constitution of the State and no consent or approval of any judge or court shall be required thereof provided however that the authority shall have no power to mortgage all or any part of its property real or personal except as provided in Section 17 hereof

Section 17 Power to mortgage when project financed with aid of a Government In connection with any project financed in whole or in part or otherwise aided by a government (whether through a donation of money or property a loan the insurance or guarantee of a loan or otherwise) the authority shall also have power to mortgage all or any part of its property real or personal then owned or thereafter acquired and thereby

(a) To vest in a government the right upon the happening of an event of default (as defined in such mortgage) to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings so long as a government shall be the holder of any of the bonds secured by such mortgage

(b) To vest in a trustee or trustees the right upon the happening of an event of default (as defined in such mortgage) to foreclose such mortgage through judicial proceedings or through the exercise of a power of sale without judicial proceedings

(c) To vest in other obligees the right to foreclose such mortgage by judicial proceedings

(d) To vest in an obligee including a government the right in foreclosing any mortgage as aforesaid to foreclose such mortgage as to all or such part or parts of the property covered thereby as such obligee (in its absolute discretion) shall elect the institution prosecution and conclusion of any such foreclosure proceedings and/or the sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforesaid

Section 18 Remedies of an Obligee of Authority An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractural restrictions binding upon such obligee

(a) By mandamus suit action or proceeding in law or equity to compel the authority and the commissioners officers agents or employes thereof to perform each and every term provision and covenant contained in any contract of the authority and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this act

(b) By suit action or proceeding in equity to enjoin any acts or things which may be unlawful or the violation of any of the rights of such obligee of the authority

(c) By suit action or proceeding in any court of competent jurisdiction to cause possession of any housing project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority

Section 19 Additional Remedies Conferrable by Mortgage or Trust Indenture Any authority shall have power by its trust indenture mortgage lease or other contract to confer upon any obligee holding or representing a specified amount in bonds lease or other obligations the right upon the happening of an "event of default" as defined in such instrument

(a) By suit action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof If such receiver be appointed he may enter and take possession of such housing project or any part or parts thereof and operate and maintain same and collect and receive all fees rents revenues or other charges thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct

(b) By suit action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust

Section 20 Remedies Cumulative All the rights and remedies hereinabove conferred shall be cumulative and in addition to all other rights and remedies that may be conferred upon such obligee of the authority by law or by any contract with the authority

Section 21 Limitations on Remedies of Obligee No interest of the authority in any property real or personal shall be subject to sale by the foreclosure of a mortgage thereon either through judicial proceedings or the exercise a power of sale contained in such mortgage except in the case of the mortgages provided for in Section 17 hereof All property of the authority shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same No judgment against the authority shall be a charge or lien upon its property real or personal The provisions of this section shall not apply to or limit the right of obligees to foreclose any mortgage of the authority provided for in Section 17 hereof and in case of a foreclosure sale thereunder to obtain a judgment or decree for any deficiency due on the indebtedness secured thereby and issued on the credit of the authority Such deficiency judgment or decree shall be a lien and charge the property of the authority which may be levied on and sold by virtue of an execution or other judicial process for the purpose of satisfying such deficiency judgment or decree

Section 22 Subordination of Mortgage to Agreement with Government The authority may agree in any mortgage made by it that such mortgage shall be subordinate to a contract for the supervision by a government of the operation and maintenance of the mortgaged property and the construction of improvements thereon in such event any purchaser or purchasers at a sale of the property of an authority pursuant to a foreclosure of such mortgage or any other remedy in connection therewith shall obtain title subject to such contract

Section 23 Contracts with Federal Government In addition to the powers conferred upon the authority by other provisions of this act the authority is empowered to borrow money or accept grants from the Federal government for or in aid of any housing project which such authority is authorized to undertake to take over any land acquired by the Federal government for the construction or operation of a housing project to take over or lease or manage any housing project constructed or owned by the Federal government and to these ends to enter into such contracts mortgages trust indentures leases or other agreements as the Federal government may require including agreements that the Federal government shall have the right to supervise and approve the construction maintenance and operation of such housing project It is the purpose and intent of this act to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the Federal government in the undertaking construction maintenance and operation of any housing project which the authority is empowered to undertake

Section 24 Security for Funds Deposited by Authorities The authority may by resolution provide that (1) all moneys deposited by it shall be secured by obligations of the United States or of the Commonwealth of a market value equal at all times to the amount of such deposits or (2) by any securities in which savings banks may legally invest funds within their control or (3) by an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon and all banks and trust companies are authorized to give any such security for such deposits

Section 25 Bonds Legal Investments All public officers and bodies of the Commonwealth municipal corporations political subdivisions all insurance companies and associations all savings banks and savings institutions including savings and loan associations all executors administrators guardians trustees and all other fiduciaries in the Commonwealth may legally invest funds within their control in bonds of the authority when they are secured by a pledge of the revenues of or a first mortgage lien on property and when such pledge or lien does not secure outstanding bonds in excess of sixty-six and two-thirds per centum of the value of such property provided however that the county any municipality and the Commonwealth and their respective officers may legally invest in any and all bonds of an authority

Section 26 Tax Exemptions The authority shall be exempt from the payment of taxes for State purposes including capital stock tax and other corporate taxes under the provisions of existing laws

Section 27 Reports The authority shall at least once a year file with the Governor of the Commonwealth and the Court of Common Pleas a report of its activities including a financial statement for the preceding year and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this act

All accounting and other transactions of the housing authority shall be subject to the inspection and approval and annual audit by the Auditor General of the Commonwealth or an agent designated by him

Section 28 Severability That if any one or more sections clauses sentences or parts of this act shall for any reason be adjudged unconstitutional or invalid such judgment shall not affect impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid and the inapplicability or invalidity of any section clause or provision of this act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance

Section 29 Act controlling That in so far as the provisions of this act are inconsistent with the provisions of any other law the provisions of this act shall be controlling

Section 30 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Eroe,	McCreary,	Shreiner,
Alexander,	Falkenstein,	McDermott,	Shugarts,
Allen,	Ferko,	McDevitt,	Simon,
Altenburg,	Finnerty,	McElroy,	Simpson,
Andrews,	Fitch,	McHenry,	Sinwell,
Arnold,	Flanagan,	Melchiorre,	Sloan,
Atkins,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Aukerman,	Flynn,	Merrell,	Smith, W. G.,
Baine,	Forrest,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Furman,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Stank,
Barnhardt,	Haberlen,	Muir,	Stevens,
Bernhard,	Hagerty,	Munley,	Stewart,
Blumberg,	Haluska,	Murrin,	Stockham,
Boose,	Hamilton, F. P.,	Nagel,	Stone,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stott,
Bradley,	Harkins,	Ominsky,	Sumney,
Brancato,	Harmuth,	O'Neill,	Surface,
Brennan,	Hart,	Parks,	Terry,
Brown, J. E.,	Hartman,	Patterson, C.,	Tronzo,
Brown, H. S.,	Hefferon,	Patterson, J. W.,	Trout,
Brownfield,	Hermansen,	Pearson,	Tumelty,
Brumbaugh,	Hetrick,	Perry,	Turner,
Burke,	Hindman,	Peters,	Van Allsburg,
Cannon,	Hirsch,	Pfaff,	Van Sickle,
Caputo,	Hoffner,	Phillips,	Walker,
Carr,	Holland,	Piole,	Wall,
Castor,	Holstrom,	Powers,	Wasserman,
Chervenak,	Hoopes,	Reising,	Weidemann,
Coakley,	Horst,	Reynolds,	Weiss,
Cochran,	Jackson,	Rhys,	Welliver,
Cohen,	Jones,	Roan,	Welsh,
Coleman,	Kane,	Robinson,	Westrick,
Condon,	Kelder,	Rooney,	White,
Conner,	Kelso,	Root,	Wickersham,
Coolahan,	Kilroy,	Ruffennach,	Winner,
Davies,	Kinney,	Ruth,	Witkin,
Decker,	Klingler,	Sarraf,	Wood,
Denning,	Kobelak,	Schrock,	Woodside,

Dent,	LaRue,	Schrope,	Yeakel
Diehl,	Linderman	Schwab,	Yourishin,
Dilley,	Long,	Schwartz,	Zappala,
Downey, G. E.,	Lovett,	Shaw,	Zimmerman,
Downey, J. J.,	Lynch,	Shepard,	Sarig,
Eberharter,	Male,	Shortz,	

NAYS—4

Gates,	McKinney,	Nothnagle,	Sproul,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 272, as follows:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended providing penalties for violations thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-eight) entitled "An act to require all magistrates and other officials in cities of the first second and third class authorized to take acknowledgments and administer oaths to perform such service free of charge for soldiers and widows of soldiers when making affidavit to papers for the purpose of drawing pensions" as amended by the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand thirty-five) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be the duty of any magistrate alderman justice of the peace or any other person authorized to take acknowledgments and administer oaths to perform such service for any soldier widow or orphan of a soldier or soldier's parents who may apply to them for the purpose of making affidavit to papers for the purpose of obtaining pensions and all other papers connected with and referring to the military service of any ex-service person free of charge therefor any person authorized to take acknowledgments and administer oaths violating the provisions of this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of ten ($10) dollars and costs and in default of payment of such fine and costs shall be committed to the county jail for a period not to exceed five days

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1587, entitled:

An Act making an appropriation to the Department of Welfare to pay the cost of administering the laws of the Commonwealth providing for mothers' assistance pensions for the blind and old age assistance

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,

Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1031, as follows:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks Yoeman (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs to be used during the fiscal biennium beginning June first one thousand nine hundred and thirty-five for paying gratuities for the children between the ages of sixteen and twenty-one years of soldiers sailors marines female field clerks yoemen (female) or members of the enlisted nurse corps of the United States who were killed in action or died from other cause during the World War between the sixth day of April one thousand nine hundred and seventeen and the second day of July one thousand nine hundred and twenty-one Such children must have lived in the Commonwealth of Pennsylvania for five years immediately preceding the date upon which the application is filed

Section 2 Gratuities shall be paid out of the appropriation made by this act for the account of such children as shall be certified by the State Veterans' Commission as coming within the class described in section one of this act and as attending any State or State-aided educational or training institution of a secondary or college grade or other institution of higher education within this Commonwealth Payments not to exceed the sum of two hundred dollars ($200) per school year per child shall be made to such institutions upon the submission by such institutions if proof that bills have been incurred or contracted for matriculation fees and other necessary fees tuition board room rent books and supplies for such children in a definite amount for the current school year Such proof shall be submitted to the State Veterans' Commission which shall attach the same to the requisitions prepared for payments out of the appropriation made by this act

Where a child within the class described is completing an educational or training course and before completing the course the child arrives at the age of twenty-one years it shall be lawful for the gratuity to be paid until the course is completed Provided however That gratuities may not be paid for any child for a longer period than four scholastic years

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-five

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2470, entitled:

An Act to amend the title and to further amend clauses (a) and (f) of section six of the act approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts and the consolidation of election districts; providing for the payment of expense incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," by changing the method of collecting and disbursing fees received or collected for examinations of voting machines.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1591 entitled:

An Act making an appropriation to the Department of Welfare for Pensions for the Blind

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows,, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrum,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2423, entitled:

An Act to amend section one of the act approved the seventeenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred and twenty-seven) entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit without the necessity of entering liens for such claims and repealing existing laws" by extending the right of action conferred thereby to the assignees of cities boroughs incorporated towns and first class townships

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows,, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1895, entitled:

An Act making an appropriation to carry into effect the provisions of an act approved the tenth day of July one thousand nine hundred and nineteen (P. L. 893), entitled "An act providing for assistance to certain mothers providing for the appointment of boards of trustees for the several counties of the Commonwealth and for the appointment of a State Supervisor and assistants and fixing the salaries of such State Supervisor and assistants defining the powers and duties of boards of trustees including the power of appointing assistants and investigators and the distribution of funds at their disposal providing for the apportionment of the State appropriation among the several counties and requiring counties coming under the provisions of this act to appropriate certain moneys and providing penalties" as amended.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. PETERS. Mr. Speaker, I desire to call up at this time House Bill No. 2026, Printer's No. 1323, on page 31, of today's calendar, bills on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2026, as follows:

An Act authorizing and empowering the officers of the Commonwealth to refund the license moneys paid under the act of July seventeenth one thousand nine hundred and nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" as amended providing for the method of reimbursement to such licensees and making an appropriation therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where any person corporation or copartnership during the years one thousand nine hundred nineteen one thousand nine hundred twenty one thousand nine hundred twenty-one one thousand nine hundred twenty-two one thousand nine hundred twenty-three one thousand nine hundred twenty-four one thousand nine hundred twenty-five one thousand nine hundred twenty-six and one thousand nine hundred twenty-seven paid to the Commissioner of Banking and thus into the State Treasury the license fee of fifty dollars ($50.00) per annum required by the act of July seventeenth one thousand nine hundred nineteen (Pamphlet Laws one thousand three) entitled "An act requiring licenses to sell steamship tickets or orders for transportation to or from foreign countries and providing penalties" and its amendments the Board of Finance and Revenue upon due proof that such money has been paid to the Commonwealth of which the books of the Secretary of Banking shall be evidence shall repay to every such person corporation or copartnership the moneys which have been paid by said licensees

Section 2 When the books of the Secretary of Banking shall show to the satisfaction of the said Board of Finance and Revenue upon a hearing duly had that such money was paid into the State Treasury in the manner above mentioned the Board of Finance and Revenue shall settle an account in the manner now provided for the settlement of accounts and shall thereupon draw their warrant on the State Treasurer in favor of every such person corporation or copartnership who shall have been shown to have paid in such money

Section 3 For the purpose of refunding said moneys the sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated for the purpose of such refund

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HOOPES. Mr. Speaker, I would like the sponsor of this bill to explain its provisions.

Mr. COOLAHAN. Mr. Speaker and members of the House, this is a bill designed to right a wrong, an act of nineteen hundred and nineteen, which has been declared illegal. There are two opinions by the Superior Court and the United States Supreme Court nullifying that act. The steamship agents paid under protest certain fees, which are still in abeyance and which have never been refunded. The act has been invalidated and these men would like to receive their money. They are still waiting for it. As I stated, the Supreme Court of the United States has invalidated the act.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	Melchiorre,	Sinwell,
Arnold,	Flinchbaugh,	Mentzer,	Sloan,
Atkins,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moran,	Sowers,
Baldi,	Green,	Moul,	Spangler,
Barber,	Habbyshaw,	Muir,	Sproul,
Barnhardt,	Haberlen,	Munley,	Stank,
Bernhard,	Hagerty,	Murrin,	Stevens,
Blumberg,	Haluska,	Nagel,	Stewart,
Boose,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Parks,	Surface,
Brown, H. S.,	Hartman,	Patterson, C.,	Terry,
Brown, J. E.,	Hefferon,	Patterson, J. W.,	Tronzo,
Brownfield,	Hermansen,	Pearson,	Trout,
Brumbaugh,	Hetrick,	Perry,	Tumelty,
Burke,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	VanAllsburg,
Caputo,	Hoffner,	Phillips,	VanSickle,
Carr,	Holland,	Piole,	Wasserman,
Castor,	Holstrom,	Powers,	Walker,
Chervenak,	Hoopes,	Reising,	Wall,
Coakley,	Horst,	Reynolds,	Weidemann,
Cochran,	Jackson,	Rhys,	Weiss,
Cohen,	Jones,	Roan,	Welliver,
Coleman,	Kane,	Robinson,	Welsh,
Condon,	Kelder,	Rooney,	Westrick,
Conner,	Kelso,	Root,	White,
Coolahan,	Kilroy,	Ruffenach,	Wickersham,
Davies,	Kinney,	Ruth,	Winner,
Decker,	Klinger,	Sarraf,	Witkin,
Denning,	Kobelak,	Schrock,	Wood,
Dent,	LaRue,	Schrope,	Woodside,
Diehl,	Linderman,	Schwab,	Yeakel,
Dilley,	Long,	Schwartz,	Yourishin,
Downey, G. E.,	Lovett,	Shaw,	Zappala,
Downey, J. J.,	Lynch,	Shepard,	Zimmerman,
Eberharter,	Male,	Shortz,	Sarig,
Eroe,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 564, entitled:

An Act making an appropriation to the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,

Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. BAINE. Mr. Speaker, I desire to call up at this time House Bill No. 719, Printer's No. 1207, on page 20, of today's calendar, bill on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 719, entitled:

An Act ratifying confirming and validating transactions by boards of school directors involving defects and errors of law but where there was no fraud corruption dishonesty or conspiracy to violate the law and exonerating school directors from surcharge or removal from office in such cases

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,

Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2875, entitled:

An Act to amend section two of the act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 110), entitled "A supplement to the act, approved the twenty-second day of July, one thousand nine hundred and thirteen (P. L. 928), entitled 'An act relating to domestic animals; defining domestic animals so as to include poultry; providing methods of improving the quality thereof, and of preventing, controlling, and eradicating diseases thereof; imposing certain duties upon practitioners of veterinary medicine in Pennsylvania; regulating the manufacture, use and sale of tuberculin, mallein and other biological products for use with domestic animals; defining the powers and duties of the State Livestock Sanitary Board, and the officers and employes thereof; fixing the compensation of the Deputy State Veterinarian; and providing penalties for the violation of this act,' regulating the bringing and importation of cattle, sheep, goats, swine, poultry and wild and semi-wild animals into the Commonwealth," providing that bovine cattle shall be brought into this Commonwealth in accordance with the rules and regulations promulgated by the Department of Agriculture.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. PETERS. Mr. Speaker, will the sponsor of this bill tell us about the goats in it?

Mr. JOHN A. SMITH. Mr. Speaker and members of

the House, for a number of years the Commonwealth of Pennsylvania has invested considerable money in testing cattle for bovine tuberculosis in the interest of the health of the people of this Commonwealth. The Commonwealth has no protection at the present time against the cattle imported from other states or from Canada. This bill will give the Department of Agriculture and the Bureau of Animal Industry control over the animals that are shipped into this state.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Bernhard,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eros,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2595, as follows:

An Act providing for priority and the attaching of the lien of mortgages judgments and other liens according to the date and time the same are filed for record

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all mortgages judgments and other liens shall have priority according to the date and time the same are filed for recording or entering the same in the office of the recorder of deeds or prothonotary and it shall be the duty of the recorder of deeds and the prothonotary to endorse thereon and on the record the date and time when a mortgage judgment or other lien was filed for entry at his office Hereafter the lien of any mortgage judgment or other lien shall attach only from the actual time the same is filed for recording or entering in the proper office If two or more mortgages judgments or liens encumbering the same real estate are filed for recording or entry upon the same day they shall have priority according to the actual time they are filed for recording or entry at the office of the recorder of deeds or prothonotary as the case may be Provided That this act shall not apply to or affect the priority of liens for taxes or municipal claims the liens of which shall attach and have priority as heretofore

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BARBER. Mr. Speaker, at the request of the sponsor I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 477, entitled:

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,

Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. TURNER. Mr. Speaker, I desire to call up at this time House Bill No. 805, Printer's No. 1259, on page 31, of today's calendar, bill on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 805, entitled:

An Act making an appropriation to the Trustees of the Pennsylvania Military College Chester Pennsylvania for the training and education of students.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	Melchiorre,	Sinwell,
Arnold,	Flinchbaugh,	Mentzer,	Sloan,
Atkins,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moran,	Sowers,
Baldi,	Green,	Moul,	Spangler,
Barber,	Habbyshaw,	Muir,	Sproul,
Barnhardt,	Haberlen,	Munley,	Stank,
Bernhard,	Hagerty,	Murrin,	Stevens,
Blumberg,	Haluska,	Nagel,	Stewart,
Boose,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Parks,	Surface,
Brown, H. S.,	Hartman,	Patterson, C.,	Terry,
Brown, J. E.,	Hefferon,	Patterson, J. W.,	Tronzo,
Brownfield,	Hermansen,	Pearson,	Trout,
Brumbaugh,	Hetrick,	Perry,	Tumelty,
Burke,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	VanAllsburg,
Caputo,	Hoffner,	Phillips,	VanSickle,
Carr,	Holland,	Piole,	Walker,
Castor,	Holstrom,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Lovett,	Schwartz,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Shepard,	Zimmerman,
Eberharter,	McCreary,	Shortz,	Sarig,
Eroe,	McDermott,		

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. COHEN. Mr. Speaker, I desire to call up at this time House Bill No. 1159, Senate Bill No. 86, Printer's No. 34, on page 39 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. COHEN.

The House resumed the consideration on third reading of House Bill No. 1159 (Senate Bill No. 86), entitled:

An Act to amend section one, as reenacted, sections two and three as amended, sections four and five, and section six as amended of the act approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes, through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 3, page 6, line 26, by inserting after the first word "medical" the word: "optometrical"

Amend Sec. 3, page 6, line 26, by inserting after the word "medical" where it appears for the second time, the word: "optometrical"

Amend Sec. 3, page 7, line 14, by inserting after the word "medical" the word "optometrical"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1133, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2871 (Senate Bill No. 1232), entitled as follows:

An Act to amend section one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended further defining and clarifying the status of goods to be affixed to the realty and outlining procedure in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and seven of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" as amended by the act approved the twelfth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-nine) are hereby further amended to read as follows

Section 1 Definition of Terms Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in this act "conditional sale" means any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price or upon the performance of any other condition or the happening of any contingency

"Buyer" means the person who buys the goods covered by the conditional sale or any legal successor in interest of such person

"Filing district" means the subdivision of the State in which conditional sale contracts or copies thereof are required by this act to be filed

"Goods" means all chattels personal other than things in action and money and machinery and equipment attached or to be attached to real estate and includes emblements industrial growing crops and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale

"Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer whether such event is the performance of an act by the buyer or the happening of a contingency

"Person" includes an individual partnership corporation and any other association

"Purchase" includes mortgage and pledge

"Purchaser" includes mortgagee and pledgee

"Seller" means the person who sells the goods covered by the conditional sale or any legal successor in interest of such person

Section 7 Fixtures [First As against a subsequent purchaser subsequent mortgagee or other subsequent encumbrancer of the realty for value and without notice of the reservation of property in the goods such reservation shall be void as to any goods so attached to the realty as to form a part thereof unless the conditional sale contract or a copy thereof shall be filed as required in section six before such purchase is made or such mortgage is given or such encumbrance is effected "Subsequent" as used in this paragraph refers to the time of attaching the goods to the realty

Second As against an owner a prior mortgagee or other prior encumbrancer of the realty who has not consented to the reservation of property in the goods if any of the goods are so attached to the realty as not to be severable without material injury to the freehold the reservation of property in the goods so attached shall be void notwithstanding the filing of the contract or a copy thereof unless such injury although material be such as can be completely repaired and the seller before retaking such goods furnishes or tenders to such owner prior mortgagee or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs "Prior" as used in this paragraph refers to the time of attaching the chattels to the realty

Third In order to entitle the conditional sale contract or copy thereof referred to in this section to be filed and indexed it shall have endorsed thereof or attached thereto a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto]

Goods to be affixed to realty shall not become a part of the said realty or of the freehold to which they are attached or are to be attached or of any operating plant of which they may form a part but shall be treated as severable and subject to removal as against the conditional vendee his heirs executors administrator successors and assigns and also as against any mortgagee encumbrancer owner purchaser or other persons having any interest in or liens against such real property or freehold until the unpaid balance due under the said conditional sale contract has been paid if prior to the said affixing or attaching of the goods to the realty the conditional sale contract or a copy thereof together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto shall have been filed in the office of the prothonotary for the county in which the said realty is situate Provided however if a prior owner or encumbrancer of the said realty shall demand a bond to protect him against loss to be caused by the removal of the said goods conditionally sold the conditional seller or his successor in interest shall deliver to the said prior owner or encumbrancer a good and sufficient bond conditioned for the immediate making of such repairs said bond to be in a sum equal to the cost of making the said repairs before commencing the detachment or removal of the said goods If the amount of the bond cannot be agreed upon by the parties upon petition by any party at interest the amount shall be fixed by the common pleas court of the county where the conditional sale contract is filed at the sum necessary to repair the damage caused to the physical structure by the removal of the goods conditionally sold

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 2, lines 20 and 21, by striking out with heavy-faced brackets the words "and machinery and equipment attached or to be attached to real estate"

Amend sec. 1, page 2, line 22, by inserting after the word "crops" the following: "machinery and equipment attached or to be attached to real estate"

Amend sec. 1, page 4, line 27, by striking out with heavy-faced brackets the word "prior"

Amend sec. 1, page 4, line 28, by inserting after the word "or" the following: "prior"

Amend sec. 1, page 4, line 29, by striking out with heavy-faced brackets the words "to be caused" and insert in lieu thereof: "resulting from damage which may be caused to the land or to the physical structure of the buildings or other improvements to which such goods are attached"

Amend sec. 1, page 5, line 3, by striking out with heavy-faced brackets the word "prior"

Amend sec. 1, page 5, line 3, by inserting after the word "or" the following: "prior"

Amend sec. 1, page 5, lines 12 and 13, by striking out with heavy-faced brackets the words "caused to the physical structure by the removal of the goods conditionally sold" and insert in lieu thereof: "to the land or to the physical structure of the buildings or other improvements to which such goods are attached caused by the removal of the goods conditionally sold. The provisions of section nine of this act shall not apply to any case in which the conditional sale contract shall be filed pursuant to the provisions of this section. "Prior" as used in this section refers to the time of attaching the goods to the realty."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2435 (Senate Bill No. 820), entitled:

An Act making an appropriation to the joint legislative committee appointed pursuant to a Resolution of the Senate and House of Representatives to investigate matters relating to unemployment relief

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, F. S.,	Hartman,	Parks,	Tahl,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Perry,	Tumelty,
Cannon,	Hirsch,	Peters,	Turner,
Caputo,	Hoffner,	Pfaff,	VanAllsburg,
Carr,	Holland,	Phillips,	VanSickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Roan,	Welliver,
Condon,	Kelder,	Robinson,	Welsh,
Conner,	Kelso,	Rooney,	Westrick,
Coolahan,	Kilroy,	Root,	White,
Davies,	Kinney,	Ruffennach,	Wickersham,
Decker,	Klinger,	Ruth,	Winner,
Denning,	Kobelak,	Sarraf,	Witkin,
Dent,	LaRue,	Schrock,	Wood,
Diehl,	Linderman,	Schrope,	Woodside,
Dilley,	Long,	Schwab,	Yeakel,
Downey, G. E.,	Lovett,	Schwartz,	Yourishin,
Downey, J. J.,	Lynch,	Shaw,	Zappala,
Eberharter,	Male,	Shepard,	Zimmerman,
Eroe,	McCreary,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1501 (Senate Bill No. 399), entitled:

An Act to amend sections two and fifteen of the act approved the twenty-fifth day of April, one thousand nine hundred and twenty-seven (P. L. 381), entitled "An Act Concerning Arbitration, and to make valid and enforceable written provisions and agreements for the arbitration of disputes in certain contracts, including contracts to which the State or any municipal subdivision thereof may be a party; regulating the procedure under such provisions and agreements; and conferring certain powers and imposing certain duties upon the courts with reference thereto"; by prescribing the time for making application to stay proceedings pending arbitration, by authorizing appeals from orders granting or refusing such stays, or from orders directing or refusing to direct the parties to proceed to arbitration, and regulating such appeals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler;
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Castor,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2883 (Senate Bill No. 1235), entitled:

An Act to further amend section ten of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputy and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or tollroads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work to be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repair to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the construction re-construction and maintenance foot bridges over certain bridges by the Department of Highways.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Siegel,
Altenburg,	Fitch,	McHenry,	Simon,

Andrews,	Flanagan,	McKinney,	Simpson,
Arnold,	Flinchbaugh,	Melchiorre,	Sinwell,
Atkins,	Flynn,	Mentzer,	Sloan,
Aukerman,	Forrest,	Merrell,	Smith, J. A.,
Baine,	Furman,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gates,	Mooney,	Snyder, F. E.,
Baker, J. J.,	Gerard,	Moore,	Snyder, J. L.,
Baldi,	Green,	Moran,	Sowers,
Barber,	Habbyshaw,	Moul,	Spangler,
Barnhardt,	Haberlen,	Muir,	Sproul,
Bernhard,	Hagerty,	Munley,	Stank,
Blumberg,	Haluska,	Murrin,	Stevens,
Boose,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Perry,	Tumelty,
Cannon,	Hirsch,	Peters,	Turner,
Caputo,	Hoffner,	Pfaff,	VanAllsburg,
Carr,	Holland,	Phillips,	VanSickle,
Castor,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Roan,	Welliver,
Condon,	Kelder,	Robinson,	Welsh,
Conner,	Kelso,	Rooney,	Westrick,
Coolahan,	Kilroy,	Root,	White,
Davies,	Kinney,	Ruffennach,	Wickersham,
Decker,	Klinger,	Ruth,	Winner,
Denning,	Kobelak,	Sarraf,	Witkin,
Dent,	LaRue,	Schrock,	Wood,
Diehl,	Linderman,	Schrope,	Woodside,
Dilley,	Long,	Schwab,	Yeakel,
Downey, G. E.,	Lovett,	Schwartz,	Yourishin,
Downey, J. J.,	Lynch,	Shaw,	Zappala,
Eberharter,	Male,	Shepard,	Zimmerman,
Eroe,	McCreary,	Shortz,	Sarig,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2855 (Senate Bill No. 1246), entitled:

An Act empowering boroughs to refund liens and bonds secured by liens on water-works and the appurtenances thereto and imposing no municipal liability existing or created at the time of the original acquisition of such water-works by the issue of refunding bonds secured solely by liens and imposing no municipal liability.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	VanAllsburg,
Caputo,	Hoffner,	Pfaff,	VanSickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klinger,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2008, entitled:

An Act requiring weighers of cargo of ships at ports in cities and to be licensed and providing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Ferko,	McDevitt,	Shreiner,
Alexander,	Finnerty,	McElroy,	Shugarts,
Allen,	Fitch,	McHenry,	Simon,
Altenburg,	Flanagan,	McKinney,	Simpson,
Andrews,	Flinchbaugh,	Melchiorre,	Sinwell,
Arnold,	Flynn,	Mentzer,	Sloan,
Atkins,	Forrest,	Merrell,	Smith, J. A.,
Aukerman,	Furman,	Moomaw,	Smith, W. G.,
Baine,	Gates,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gerard,	Moore,	Snyder, J. L.,
Baker, J. J.,	Green,	Moran,	Sowers,
Baldi,	Habbyshaw,	Moul,	Spangler,
Barber,	Haberlen,	Muir,	Sproul,
Barnhardt,	Hagerty,	Munley,	Stank,
Bernhard,	Haluska,	Murrin,	Stevens,
Blumberg,	Hamilton, F. P.,	Nagel,	Stewart,
Boose,	Hamilton, R. S.,	Nothnagle,	Stockham,
Boyer,	Harkins,	O'Keefe,	Stone,
Bradley,	Harmuth,	Ominsky,	Stott,
Brancato,	Hartman,	O'Neill,	Sumney,

Brennan,	Hefferon,	Parks,	Surface,
Brown, H. S.,	Hermansen,	Patterson, C.,	Terry,
Brown, J. E.,	Hetrick,	Patterson, J. W.,	Tronzo,
Brownfield,	Hindman,	Pearson,	Trout,
Brumbaugh,	Hirsch,	Perry,	Tumelty,
Burke,	Hoffner,	Peters,	Turner,
Cannon,	Holland,	Pfaff,	VanAllsburg,
Caputo,	Holstrom,	Phillips,	VanSickle,
Carson,	Hoopes,	Piole,	Walker,
Chervenak,	Horst,	Powers,	Wall,
Coakley,	Jackson,	Reising,	Wasserman,
Cochran,	Jones,	Reynolds,	Weidemann,
Cohen,	Kane,	Rhys,	Weiss,
Coleman,	Kelder,	Roan,	Welliver,
Condon,	Kelso,	Robinson,	Welsh,
Conner,	Kilroy,	Rooney,	Westrick,
Coolahan,	Kinney,	Root,	White,
Davies,	Klingler,	Ruffennach,	Wickersham,
Decker,	Kobelak,	Ruth,	Winner,
Denning,	LaRue,	Sarraf,	Witkin,
Dent,	Linderman,	Schrock,	Wood,
Diehl,	Long,	Schrope,	Woodside,
Dilley,	Lovett,	Schwab,	Yeakel,
Downey, G. E.,	Lynch,	Schwartz,	Yourishin,
Downey, J. J.,	Male,	Shaw,	Zappala,
Eberharter,	McCreary,	Shepard,	Zimmerman,
Eroe,	McDermott,	Shortz,	Sarig,
Falkenstein,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2793 (Senate Bill No. 876), entitled:

An Act to amend the act approved the eighth day of March one thousand nine hundred and thirty three (Pamphlet Laws nine) entitled "An act relating to banks trust companies savings banks and other banking institutions providing for the protection of depositors therein and empowering the Secretary of Banking to permit the withholding of payments to depositors under certain conditions" by extending its effective period.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	Melchiorre,	Sinwell,
Arnold,	Flinchbaugh,	Mentzer,	Sloan,
Atkins,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moran,	Sowers,
Baldi,	Green,	Moul,	Spangler,
Barber,	Habbyshaw,	Muir,	Sproul,
Barnhardt,	Haberlen,	Munley,	Stank,
Bernhard,	Hagerty,	Murrin,	Stevens,
Blumberg,	Haluska,	Nagel,	Stewart,
Boose,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Parks,	Surface,
Brown, H. S.,	Hartman,	Patterson, C.,	Terry,
Brown, J. E.,	Hefferon,	Patterson, J. W.,	Tronzo,
Brownfield,	Hermansen,	Pearson,	Trout,
Brumbaugh,	Hetrick,	Perry,	Tumelty,
Burke,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	VanAllsburg,
Caputo,	Hoffner,	Phillips,	VanSickle,
Carr,	Holland,	Piole,	Walker,
Carson,	Holstrom,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Lovett,	Schwartz,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Shepard,	Zimmerman,
Eberharter,	McCreary,	Shortz,	Sarig,
Eroe,	McDermott,		

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1603, entitled:

An Act to amend section two hundred and four of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share-holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended; further regulating the establishment and maintenance of branch banks, offices and agencies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Falkenstein,	McCreary,	Shreiner,
Alexander,	Ferko,	McDermott,	Shugarts,
Allen,	Finnerty,	McDevitt,	Simon,
Altenburg,	Fitch,	McElroy,	Simpson,
Andrews,	Flanagan,	McHenry,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,

Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, R. S.,	Hartman,	Parks,	Terry,
Brown, J. R.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrum,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrope,	Woodside,
Diehl,	Linderman,	Schwab,	Yeakel,
Dilley,	Long,	Schwartz,	Yourishin,
Downey, G. R.,	Lovett,	Shaw,	Zappala,
Downey, J. J.,	Lynch,	Shepard,	Zimmerman,
Eberharter,	Male,	Shortz,	Sarig,
Eroe,			

NAYS—2

McKinney,	Schrock,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2213, as follows:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from without the state in criminal cases and making uniform the law in reference thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Subpoenaing Witness in this State to Testify in Another State If a judge of a court of record in any state which by its laws has made provisions for commanding persons within that state to attend and testify in criminal prosecutions in this Commonwealth certifies under the seal of such court that there is a criminal prosecution pending in such court that a person being within this Commonwealth is a material witness in such prosecution and that his presence will be required for a specified number of days any judge of a criminal court of record in the county in which such person is upon presentation of such certificate shall fix a time and place for hearing and shall notify the witness of such time and place

Section 2 Hearing and Issuance of Subpoena If at the hearing the judge determines that the witness is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state that the witness will not be compelled to travel more than one thousand miles to reach the place of trial and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending at a time and place specified in the subpoena

Section 3 Failure to Obey Subpoena If the witness who is subpoenaed as above provided after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile which he shall be required to travel to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness fails without good cause to attend and testify as directed in the subpoena he shall be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a criminal court of record in this Commonwealth

Section 4 Witness from Another State Subpoenaed to Testify in this Commonwealth If a person in any state which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal prosecutions in this Commonwealth is a material witness in a prosecution pending in a criminal court of record in this Commonwealth a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required This certificate shall be presented to a judge of a court of record in the county in which the witness is found

Section 5 Payment of Witnesses If the witness is subpoenaed to attend and testify in the criminal prosecution in this Commonwealth he shall be tendered the sum of ten cents a mile for each mile which he shall be required to travel to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness which sum shall be advanced by the proper authorities upon requisition by the district attorney A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this Commonwealth a longer period of time than the period mentioned in the certificate

Section 6 Exemption from Arrest and Service of Process If a person comes into this Commonwealth in obedience to a subpoena directing him to attend and testify in a criminal prosecution in this Commonwealth he shall not while in this Commonwealth pursuant to such subpoena be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this Commonwealth under the subpoena

If a person passes through this Commonwealth while going to another state in obedience to a subpoena to attend and testify in a criminal prosecution in that state or while returning therefrom he shall not while so passing through be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this Commonwealth under the subpoena

Section 7 Uniformity of Interpretation This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 8 Repeal All acts or parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,

Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.,	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2527, entitled:

An Act providing for special vocational trade industrial and commercial schools and classes in cooperation with school districts and employment reemployment and adjustment offices for the training re-training and instruction of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Falkenstein,	McDermott,	Shreiner,
Alexander,	Ferko,	McDevitt,	Shugarts,
Allen,	Finnerty,	McElroy,	Simon,
Altenburg,	Fitch,	McHenry,	Simpson,
Andrews,	Flanagan,	McKinney,	Sinwell,
Arnold,	Flinchbaugh,	Melchiorre,	Sloan,
Atkins,	Flynn,	Mentzer,	Smith, J. A.,
Aukerman,	Forrest,	Merrell,	Smith, W. G.,
Baine,	Furman,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Gates,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moore,	Sowers,
Baldi,	Green,	Moran,	Spangler,
Barber,	Habbyshaw,	Moul,	Sproul,
Barnhardt,	Haberlen,	Muir,	Stank,
Bernhard,	Hagerty,	Munley,	Stevens,
Blumberg,	Haluska,	Murrin,	Stewart,
Boose,	Hamilton, F. P.	Nagel,	Stockham,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stone,
Bradley,	Harkins,	O'Keefe,	Stott,
Brancato,	Harmuth,	Ominsky,	Sumney,
Brennan,	Hart,	O'Neill,	Surface,
Brown, H. S.,	Hartman,	Parks,	Terry,
Brown, J. E.,	Hefferon,	Patterson, C.,	Tronzo,
Brownfield,	Hermansen,	Patterson, J. W.,	Trout,
Brumbaugh,	Hetrick,	Pearson,	Tumelty,
Burke,	Hindman,	Perry,	Turner,
Cannon,	Hirsch,	Peters,	Van Allsburg,
Caputo,	Hoffner,	Pfaff,	Van Sickle,
Carr,	Holland,	Phillips,	Walker,
Carson,	Holstrom,	Piole,	Wall,
Chervenak,	Hoopes,	Powers,	Wasserman,
Coakley,	Horst,	Reising,	Weidemann,
Cochran,	Jackson,	Reynolds,	Weiss,
Cohen,	Jones,	Rhys,	Welliver,
Coleman,	Kane,	Roan,	Welsh,
Condon,	Kelder,	Robinson,	Westrick,
Conner,	Kelso,	Rooney,	White,
Coolahan,	Kilroy,	Root,	Wickersham,
Davies,	Kinney,	Ruffennach,	Winner,
Decker,	Klingler,	Ruth,	Witkin,
Denning,	Kobelak,	Sarraf,	Wood,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,	McCreary,	Shortz,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1341, entitled:

An Act imposing a State tax upon certain butter substitutes providing for the collection thereof requiring distributors to be registered imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—191

Achterman,	Falkenstein,	McDevitt,	Shreiner,
Alexander,	Ferko,	McElroy,	Shugarts,
Allen,	Finnerty,	McHenry,	Simon,
Altenburg,	Fitch,	McKinney,	Simpson,
Andrews,	Flanagan,	Melchiorre,	Sinwell,
Arnold,	Flinchbaugh,	Mentzer,	Sloan,
Atkins,	Flynn,	Merrell,	Smith, J. A.,
Aukerman,	Forrest,	Moomaw,	Smith, W. G.,
Baine,	Furman,	Mooney,	Snyder, F. E.,
Baker, F. T.,	Gates,	Moore,	Snyder, J. L.,
Baker, J. J.,	Gerard,	Moran,	Sowers,
Baldi,	Green,	Moul,	Spangler,
Barber,	Habbyshaw,	Muir,	Sproul,
Barnhardt,	Haberlen,	Munley,	Stank,
Bernhard,	Hagerty,	Murrin,	Stevens,
Blumberg,	Haluska,	Nagel,	Stewart,
Boose,	Hamilton, F. P.,	Nothnagle,	Stockham,
Boyer,	Hamilton, R. S.,	O'Keefe,	Stone,
Bradley,	Harkins,	Ominsky,	Stott,
Brancato,	Harmuth,	O'Neill,	Sumney,
Brennan,	Hart,	Parks,	Surface,
Brown, H. S.,	Hartman,	Patterson, C.,	Terry,
Brown, J. E.,	Hefferon,	Patterson, J. W.,	Tronzo,
Brownfield,	Hermansen,	Pearson,	Trout,
Brumbaugh,	Hetrick,	Perry,	Tumelty,
Burke,	Hindman,	Peters,	Turner,
Cannon,	Hirsch,	Pfaff,	VanAllsburg,
Caputo,	Hoffner,	Phillips,	VanSickle,

Carr,	Holland,	Piole,	Walker,
Carson,	Holstrom,	Powers,	Wall,
Chervenak,	Horst,	Reising,	Wasserman,
Coakley,	Jackson,	Reynolds,	Weidemann,
Cochran,	Jones,	Rhys,	Weiss,
Cohen,	Kane,	Roan,	Welliver,
Coleman,	Kelder,	Robinson,	Welsh,
Condon,	Kelso,	Rooney,	Westrick,
Conner,	Kilroy,	Root,	White,
Coolahan,	Kinney,	Ruffennach,	Wickersham,
Davies,	Klinger,	Ruth,	Winner,
Decker,	Kobelak,	Sarraf,	Witkin,
Denning,	LaRue,	Schrock,	Wood,
Dent,	Linderman,	Schrope,	Woodside,
Diehl,	Long,	Schwab,	Yeakel,
Dilley,	Lovett,	Schwartz,	Yourishin,
Downey, G. E.,	Lynch,	Shaw,	Zappala,
Downey, J. J.,	Male,	Shepard,	Zimmerman,
Eberharter,	McCreary,	Shortz,	Sarig,
Eroe,	McDermott,		

NAYS—1

Hoopes,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2529, as follows:

An Act to amend the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" by providing for arrest on view and clarifying the procedure to enforce the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and twenty-one of the act approved the tenth day of March one thousand nine hundred twenty-seven (P. L. 27) entitled "An act relating to the protection of agriculture and horticulture from plant pests and amending revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" are hereby amended to read as follows

Section 4 The Secretary of Agriculture or any of his duly authorized inspectors or deputies in carrying out the provisions of this act shall have free access within reasonable hours to any land premises building vehicle vessel car or other place which it may be necessary or desirable for him to enter and shall have the power to open any bundle package or other container of plants or plant products It shall be unlawful to deny such access to the inspector or deputy or to hinder thwart or defeat such inspection by misrepresentation or concealment of facts or conditions or otherwise

The Secretary of Agriculture or any of his authorized inspectors deputies the State Police or any other officer whose duty it is to preserve the peace of the Commonwealth may arrest without a warrant any person caught in the act of violating the provisions of this act

Section 21 Any person copartnership association or corporation violating neglecting or failing to comply with any provision or requirement of this act or any quarantine rule or regulation made or of any notice given pursuant thereto or who shall forge alter counterfeit deface destroy or wrongfully use any permit or certificate or copy thereof offered or used in lieu of any original valid permit or certificate provided for in this act or in any order rule or regulation made pursuant thereto [shall be deemed guilty of a misdemeanor and] upon conviction thereof in a summary proceeding shall be subject to a fine or penalty of not more than one hundred dollars for each offense [to be collected by summary conviction before any mayor burgess magistrate alderman or justice of the peace as like fines and penalties are now by law collected] and in case of nonpayment of said fine to undergo an imprisonment in the county jail [for a period not exceeding five days] of the county in which such conviction takes place for a period of one day for each dollar of fine imposed Provided That any person so convicted shall have the right of appeal as in other cases of summary conviction The fines collected under this act shall be paid to the Secretary of Agriculture or his agent and by him shall be paid into the State Treasury

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Falkenstein,	McCreary,	Shortz,
Alexander,	Ferko,	McDermott,	Shreiner,
Allen,	Finnerty,	McDevitt,	Shugarts,
Altenburg,	Fitch,	McElroy,	Simon,
Andrews,	Flanagan,	McHenry,	Simpson,
Arnold,	Flinchbaugh,	Melchiorre,	Sinwell,
Atkins,	Flynn,	Mentzer,	Sloan,
Aukerman,	Forrest,	Merrell,	Smith, J. A.,
Baine,	Furman,	Moomaw,	Smith, W. G.,
Baker, F. T.,	Gates,	Mooney,	Snyder, F. E.,
Baker, J J.,	Gerard,	Moore,	Snyder, J. L.,
Baldi,	Green,	Moran,	Sowers,
Barber,	Habbyshaw,	Moul,	Spangler,
Barnhardt,	Haberlen,	Muir,	Sproul,
Bernhard,	Hagerty,	Munley,	Stank,
Blumberg,	Haluska,	Murrin,	Stevens,
Boose,	Hamilton, F. P.,	Nagel,	Stewart,
Boyer,	Hamilton, R. S.,	Nothnagle,	Stockham,
Bradley,	Harkins,	O'Keefe,	Stone,
Brancato,	Harmuth,	Ominsky,	Stott,
Brennan,	Hart,	O'Neill,	Sumney,
Brown, H. S.,	Hartman,	Parks,	Surface,
Brown, J. E.,	Hefferon,	Patterson, C.,	Terry,
Brownfield,	Hermansen,	Patterson, J. W.,	Tronzo,
Brumbaugh,	Hetrick,	Pearson,	Trout,
Burke,	Hindman,	Perry,	Tumelty,
Cannon,	Hirsch,	Peters,	Turner,
Caputo,	Hoffner,	Pfaff,	Van Allsburg,
Carr,	Holland,	Phillips,	Van Sickle,
Carson,	Holstrom,	Piole,	Walker,
Chervenak,	Hoopes,	Powers,	Wall,
Coakley,	Horst,	Reising,	Wasserman,
Cochran,	Jackson,	Reynolds,	Weidemann,
Cohen,	Jones,	Rhys,	Weiss,
Coleman,	Kane,	Roan,	Welliver,
Condon,	Kelder,	Robinson,	Welsh,
Conner,	Kelso,	Rooney,	Westrick,
Coolahan,	Kilroy,	Root,	White,
Davies,	Kinney,	Ruffennach,	Wickersham,
Decker,	Klingler,	Ruth,	Winner,
Denning,	Kobelak,	Sarraf,	Witkin,
Dent,	LaRue,	Schrock,	Woodside,
Diehl,	Linderman,	Schrope,	Yeakel,
Dilley,	Long,	Schwab,	Yourishin,
Downey, G. E.,	Lovett,	Schwartz,	Zappala,
Downey, J. J.,	Lynch,	Shaw,	Zimmerman,
Eberharter,	Male,	Shepard,	Sarig,
Eroe,			

NAYS—2

McKinney, Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. EROE. Mr. Speaker, I desire to call up at this time House Bill No. 2143, Printer's No. 1232, on page

23 of today's calendar, bills on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2143 entitled

An Act to amend section four thousand three hundred and five of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" requiring cities to make certain payments into the police pension fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Eroe,	Male,	Shortz,
Alexander,	Falkenstein,	McDermott,	Shreiner,
Allen,	Ferko,	McDevitt,	Shugarts,
Altenburg,	Finnerty,	McElroy,	Simpson,
Andrews,	Fitch,	McHenry,	Sinwell,
Arnold,	Flanagan,	Melchiorre,	Sloan,
Atkins,	Flinchbaugh,	Mentzer,	Smith, J. A.,
Aukerman,	Flynn,	Merrell,	Smith, W. G.,
Baine,	Forrest,	Moomaw,	Snyder, F. E.,
Baker, F. T.,	Furman,	Mooney,	Snyder, J. L.,
Baker, J. J.,	Gates,	Moore,	Sowers,
Baldi,	Gerard,	Moran,	Spangler,
Barber,	Green,	Moul,	Sproul,
Barnhardt,	Habbyshaw,	Muir,	Stank,
Bernhard,	Haberlen,	Munley,	Stevens,
Blumberg,	Hagerty,	Murrin,	Stewart,
Boose,	Haluska,	Nagel,	Stockham,
Boyer,	Hamilton, F. P.,	Nothnagle,	Stone,
Bradley,	Hamilton, R. S.,	O'Keefe,	Stott,
Brancato,	Harkins,	Ominsky,	Sumney,
Brennan,	Harmuth,	O'Neill,	Surface,
Brown, H. S.,	Hart,	Parks,	Terry,
Brown, J. E.,	Hartman,	Patterson, C.,	Tronzo,
Brownfield,	Hefferon,	Patterson, J. W.,	Trout,
Brumbaugh,	Hermansen,	Pearson,	Tumelty,
Burke,	Hetrick,	Perry,	Turner,
Cannon,	Hindman,	Peters,	Van Allsburg,
Caputo,	Hirsch,	Pfaff,	Van Sickle,
Carr,	Hoffner,	Phillips,	Walker,
Carson,	Holland,	Piole,	Wall,
Chervenak,	Holstrum,	Powers,	Wasserman,
Coakley,	Hoopes,	Reising,	Weidemann,
Cochran,	Horst,	Reynolds,	Weiss,
Cohen,	Jackson,	Rhys,	Welliver,
Coleman,	Jones,	Roan,	Welsh,
Condon,	Kane,	Robinson,	Westrick,
Conner,	Kelder,	Rooney,	White,
Coolahan,	Kelso,	Root,	Wickersham,
Davies,	Kilroy,	Ruffennach,	Winner,
Decker,	Kinney,	Ruth,	Witkin,
Denning,	Klingler,	Sarraf,	Wood,
Dent,	Kobelak,	Schrock,	Woodside,
Diehl,	LaRue,	Schrope,	Yeakel,
Dilley,	Linderman,	Schwab,	Yourishin,
Downey, G. E.,	Long,	Schwartz,	Zappala,
Downey, J. J.,	Lovett,	Shaw,	Zimmerman,
Eberharter,	Lynch,	Shepard,	Sarig,

NAYS—3

McCreary,	McKinney,	Simon,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The members are requested to come back next Monday prepared to stay here at least until Thursday and perhaps until Friday. We have but two weeks and if we do not wish to extend the time of the session, it is necessary that we work the two full weeks.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WESTRICK asked and obtained unanimous consent for the Committee on Agriculture to meet during session of the House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER (Wilson G. Sarig) in the Chair.

The time of recess having expired the House will be in order.

REPORTS FROM COMMITTEES

Mr. LaRUE, from the Committee on Game reported as committed House Bill No. 814, entitled:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (P. L. 359), entitled "An act concerning game, and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto" as amended; transferring the skunk or polecat from the furbearing animal class to the vermin class.

Mr. DENT, from the Committee on Law and Order reported as committed, House Mill No. 919, entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties," permitting hotel, restaurant and club licensees to sell liquor for consumption off the premises at certain times and in restricted quantities.

Mr. OMINSKY, from the Committee on Law and Order reported as committed, House Bill No. 2867 (Senate Bill No. 1049), entitled:

An Act to amend clauses (i) and (l) of section two, and section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in stor-

age by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," as amended; further defining distilleries and wineries; and providing for the licensure and rights of manufacturers of unfortified wine.

Mr. WESTRICK, from the Committee on Agriculture reported as amended, House Bill No. 2417, entitled:

An Act in exercise of the police power of the State to protect the public health by regulating the buying and selling of meat food animals, the slaughtering of such animals, and the preparation, manufacture, handling, transportation, storage, possession and sale of meats, meat food products, and foods containing meat derived from such animals; prescribing the powers and duties of the Department of Agriculture in the enforcing of this act; providing for license and fees and penalties for violations.

Miss BRANCATO, from the Committee on Law and Order, reported as amended House Bill No. 2907 (Senate Bill No. 458), entitled:

An Act relating to the playing of the game of polo on Sunday prohibiting such games on Sunday before certain hours and also after certain hours where the electors of a municipality or township vote against the same providing for referendums to ascertain the will of the electors providing penalties and repealing inconsistent laws.

Mr. FALKENSTEIN, from the Committee on Law and Order, reported as amended House Bill No. 2912 (Senate Bill No. 1056), entitled

An Act relating to tennis on Sunday in cases where an admission is charged permitting tennis on Sunday for which an admission is charged during certain hours and providing for the licensing of exhibitions of tennis where an admission charge is made.

Mr. HOMER S. BROWN, from the Committee on Appropriations, re-reported as amended House Bill No. 1162, (Senate Bill No. 114), entitled:

An Act making an appropriation to the Trustees of Lincoln University Chester County.

Mr. BURKE, from the Committee on Law and Order, re-reported as amended House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three, (P. L. 252), entitled "An act to regulate and restrain the traffic in malt, brewed and vinous and fruit juice beverages, as herein defined; providing for the licensing of the sale and distribution of such beverages; imposing license fees, and providing for the collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Department of Revenue, quarter sessions courts, district attorneys, proper authorities of political subdivisions of the State, and election officers; providing penalties, and repealing existing acts," as amended, by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board; eliminating existing retailer's licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses; providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages, and for the issue of public service licenses and special permits relating to entertainment by said board; changing license fees, and providing for the disposition thereof; providing for the abatement of nuisances; providing for the revocation and suspension of licenses by the board; further regulating the manufacture, sale, transportation and traffic in malt and brewed beverages; prescribing penalties and repealing inconsistent acts.

BILLS ON FIRST READING

Pursuant to the provisions of the resolution adopted by the House on June 3rd, the following bills were read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 814, entitled:

An Act to amend section one hundred and one of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-three (Pamphlet Laws three hundred fifty-nine) entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" as amended transferring the skunk or polecat from the fur-bearing animal class to the vermin class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 919, entitled:

An Act to amend section four hundred and eleven of the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-1934) entitled, "An act to regulate and restrain the sale, importation, and use of certain alcoholic beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of license fees; and imposing penalties" permitting hotel, restaurant and club licensees to sell liquor for consumption off the premises at certain times and in restricted quantities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2867 (Senate Bill No. 1049), entitled:

An Act to amend clauses (i) and (1) of section two and section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (Pamphlet Laws sixteen) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers

of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as amended further defining distilleries and wineries and providing for the licensure and rights of manufacturers of unfortified wine.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 473.

An Act to amend paragraph (a) one of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended further defining the nature and kind of investments of trust funds to be made by fiduciaries

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, line 1, by striking out after the word "amend" the words "paragraph (a) one" and inserting in lieu thereof the words "paragraphs one two and three of clause (a)"; also in page 2, line 23, by inserting after the word "amended" the word "by"; also by striking out in same line after the word "further" the words "defining the nature and kind of" and inserting in lieu thereof the words "providing with respect to"; also by striking out in last line of title after the word "funds" the words "to be made".

Amend section one, page 2, line 4, by striking out after the word "paragraph" the words "(a) one" and inserting in lieu thereof the words "one of clause (a)"; also on page 4, line 8, by inserting after the figure "1" the words "Legal Investments for Fiduciaries"; also on page 10, line 18, by striking out after the word "Interests" the words "A fractional" and inserting in lieu thereof the word "Fractional"; also in line 21 by inserting after the word "funds" the words "or in a pool or fund of such investments established and be maintained by any trust company or bank and trust company in its trust department as may be provided by law such fractional interests being"; also in same line by striking out after the word "apportioned" the words "to an estate" and inserting in lieu thereof the words "among estates"; also in line 23, by striking out after the word "undivided" the words "interest in" and inserting in lieu thereof the words "interests is"; also in line 25, by inserting after the word "mortgage" the words "or in a pool or fund containing mortgages"; also in line 26, by striking out after the word "of" the word "the" and inserting in lieu thereof the word "such"; also by inserting after the word "mortgage" the words "or of any mortgage contained in any such pool or fund"; also in line 27, by striking out after the word 'estension" the word "thereof" and inserting in lieu thereof the words "of such mortgage or of any mortgage contained in any such pool or fund"; also in line 29, by striking out after the word "value" the words "of the mortgaged property"; also on page 11, line 1, by inserting after the word "investment" the words "of the real estate subject to such mortgage or to any mortgage contained in any such pool or fund"; also on page 13, line 22, by inserting after the word "on" the words "not less than two-thirds of"; also in line 23 by inserting after the word "lines" the words "covered by its lien"; also in line 24, by inserting before the word "shall" the words "two-thirds"; also on page 15, line 22, by striking out after the word "pledged" the word "bonds" and inserting in lieu thereof the words "railroad obligations"; also on page 16, line 24, by striking out after the word "from" the words "other corporations" and inserting in lieu thereof the words "any individual partnership unincorporated association or other corporation"; also on page 21, line 13, by striking out after the word "the" the word "issue" and inserting in lieu thereof the word "issuance"; also on page 24, line 27, by inserting after the word "retirement" the following: "The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage"; also on page 25, line 5, by striking out after the word "secured" the word "thereby" and inserting in lieu thereof the words "by such first or refunding mortgage"; also on page 27, by inserting after the word "by" in line 3 the following:

"Sub-Section (11) Mortgages Insured by Federal Housing Administrator Mortgages of one or more individuals or corporations securing bonds or other obligations insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and thirty-seven pursuant to the provisions of Title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four

Sub-Section (12) Debentures Issued by the Federal Housing Administrator and Guaranteed by the United States Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States pursuant to the provisions of Title two of the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four and either purchased by the fiduciary as an investment or accepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator in which the fiduciary may theretofore have invested monies in its hands to be invested"

Amend section 1, page 27, line 4 by striking out after the word "Sub-section" the figure "(11)" and inserting in lieu thereof the figure "(13)"; also on same page by striking out lines 16 to 25 inclusive as follows:

"(c) No fiduciary having more than ten thousand dol-

lars ($10,000) for investment purposes shall invest more than one-third of the funds in his possession in any one investment except in bonds and obligations of the United States the District of Columbia the Commonwealth of Pennsylvania or any county city borough township school district or poor district of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such governments or political subdivisions have been pledged"

and inserting in lieu thereof the following:

"(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such non-legal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such non-legal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such non-legal investment"

also on page 28, line 14 by inserting after the word "fiduciary" the following new sections:

"Section 2 That paragraphs two and three of clause (a) of section forty-seven of said act are hereby amended to read as follows

2 [When a fiduciary shall have in his hands any monies as aforesaid he] Investments Under Authority of Court A fiduciary holding monies to be invested as aforesaid may present a petition to the Orphans' Court having jurisdiction of his accounts stating the circumstances of the case and the amount or sum of money which he is desirous of investing whereupon it shall be lawful for the court upon due proof aided if necessary by the report of a master to make an order directing the investment of such moneys in real estate in this Commonwealth other than ground rents or in the bonds or certificates of debt now created or hereafter to be created and issued according to law by any other State of the United States or by any of the counties or cities of such other State at such prices or on such rates of interest and terms of payment respectively as the court shall think fit Provided That no such investment shall be directed unless it shall be the opinion of the court that it will be for the advantage of the estate and no change be made in the course of succession by such investment as regards the heirs or next of kin of the cestui que trust And provided further That nothing herein contained shall authorize the court to make an order contrary to the directions contained in any will in regard to the investment of such moneys

3 Fiduciaries Exempted from Liability for Loss In case the said moneys shall be invested as set forth in paragraph one of clause (a) of this [clause] section or conformably to the directions of the court under paragraph two of clause (a) of this [clause] section the said fiduciary shall be exempted from all liability for loss on the same in like manner as if such investments had been made in pursuance of directions in the will creating the trust it being hereby declared that the investments mentioned in this section are legal investments of moneys by fiduciaries Provided however That if any such investment shall cease to be a legal investment it shall be the duty of such fiduciary to exercise due care and prudence in the ascertainment of such fact and in the disposition or retention of any such investment thereafter

Section 3 This act shall become effective immediately upon final enactment

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. CAPUTO. Mr. Speaker, I move that the message of the Senate, together with the bill be laid upon the table.

The motion was agreed to.

SPECIAL ORDER ON HOUSE BILL NO. 1911

Mr. DENT. Mr. Speaker, I move that House Bill No. 1911, Printer's No. 1142, entitled

An Act permitting licensing regulating and controlling horse racing and betting and wagering on such races creating a State racing commission with jurisdiction over the same defining its powers and duties imposing certain license fees and State taxes providing penalties providing for referendums to ascertain the will of the electors with respect to horse racing and wagering thereon and making an appropriation

be made a special order of business on third reading and final passage on Monday evening, June 10, at 11:00 o'clock.

The motion was agreed to.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION OF HOUSE

Miss BRANCATO asked and obtained unanimous consent for the Committee on Cities to meet during the session of the House.

Mr. WESTRICK asked and obtained unanimous consent for the Committee on Agriculture to meet during the session of the House.

REPORT FROM COMMITTEE

Mr. EBERHARTER, from the Committee on Law and Order re-reported as amended, House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcoholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of counties further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

SPECIAL ORDER ON HOUSE BILL NO. 2437

Mr. BLUMBERG. Mr. Speaker, I move that House Bill No. 2437, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (Pamphlet Laws fifteen one thousand nine hundred thirty-three one thousand nine hundred thirty-four) entitled "An act to regulate and restrain the sale importation and use of certain alcoholic beverages conferring powers and imposing

duties upon the Pennsylvania Liquor Control Board the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of license fees and imposing penalties" by extending the provisions of said act to the manufacture and possession of alcholic beverages permitting licensees to sell malt or brewed beverages for consumption off premises providing for the revocation and suspension of licenses by the board and conferring additional powers on the board conferring power on agents of the board to arrest on view without warrant and to confiscate property unlawfully used and providing for the destruction and disposition thereof providing for the disposition of license and filing fees providing that fines and penalties collected shall be for the use of countie- further regulating the manufacture sale and traffic in alcoholic beverages and prescribing penalties

be made a special order of business on second reading on Monday evening, June 10, at 9:30 o'clock.

The motion was agreed to.

RESOLUTION

MICROPHONES FOR HOUSE

Mr. SOWERS asked and obtained unanimous consent to offer the following resolution and for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, June 5, 1935.

Whereas, Resolution No. 24, was offered on the 22nd day of January 1935 and on the 23rd day of January 1935 was referred to the Committee on State Government and by that Committee was reported to the House on April 17th, 1935 as amended, and

Whereas the amended Resolution reads as follows:

"Whereas, The installation of loud speakers in the Hall of this House has resulted in great convenience to the Members and in a clearer understanding of questions discussed upon the floor of the House and

Whereas, The installation of at least seven microphones on the floor of the House would greatly expedite the business of the House and aid the members thereof to follow the debates and discussions on measures brought before the House and

Whereas, The R C A Manufacturing Company Incorporated of Camden, New Jersey has verbally offered to install the said microphones on the floor of the House with other necessary equipment for a free trial by the House for at least thirty days with the understanding that the House cannot obligate the Commonwealth of Pennsylvania to buy the same and if the same is satisfactory to the House and the General Assembly decides to buy the same after such trial the said Company will go into open competition and bid with others in accordance with the law now therefore be it

Resolved by this House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that the verbal offer of the R C A Manufacturing Company Incorporated to install seven microphones on the floor of the House and other necessary equipment for a free trial thereof for at least thirty days be accepted and that the Department of Property and Supplies is hereby requested to aid and assist said corporation in and about the said work and with the said corporation proceed at once with the said installation and be it further

Resolved, That a copy of this Resolution be forthwith transmitted by the Speaker of this House to the Secretary of the Department of Property and Supplies of the Commonwealth to the R C A Manufacturing Company Incorporated Camden, New Jersey or its distributor L. P. Clark and,

Whereas, The Chief Clerk on April 18th, 1935 transmitted the said Resolution to the Honorable Arthur Colesgrove, Secretary of Property and Supplies, and

Whereas, The R. C. A. Manufacturing Company, Incorporated, did temporarily install about thirteen microphones on the floor of the House and other necessary equipment, and

Whereas, The House has had a fair and practical trial of the use of said microphones and other necessary equipment, and

Whereas, Resolution serial No. 203 was presented to the House on May 8th, 1935 and after discussion and debate was on that date adopted, and

Whereas, Said resolution serial No. 203 reads as follows:

Committee to Investigate and Recommend the Purchase of Microphones

In the House of Representatives, May 8, 1935.

Resolved, That the Speaker, the Chief Clerk of the House of Representatives, the Secretary of Property and Supplies and two members of the House to be appointed by the Speaker, shall be constituted a committee on the part of the House of Representatives to investigate the various microphones systems which are feasible for installation in the Hall of the House of Representatives, and to make report to this House as early as possible with its recommendations.

Resolved, That the Department of Property and Supplies be directed to have a microphone system installed in the Hall of the House of Representatives in accordance with the recommendations of the committee constituted by this resolution, and that an item of appropriation to the Department of Property and Supplies, sufficient to cover the installation of the kind of system recommended by the committee be inserted in the General Appropriation bill.

Adopted May 8,

Committee appointed, May 15 and,

Whereas on May 15, 1935 the Speaker appointed the Honorable Clinton A. Sowers and Honorable Herbert B. Cohen, Committee, thereby making the Committee:—Honorable Wilson G. Sarig; Honorable William J. Gallagher; Honorable Arthur Colesgrove; Honorable Herbert B. Cohen and Honorable Clinton A. Sowers, Chairman, and

Whereas the said Committee duly met, organized and considered the said subject and after investigation, discussion and debate of various microphone systems did arrive at certain conclusions and recommends to the House the adoption of said conclusions and decisions, and

Whereas the Committee recommends to the House of Representatives that a complete sound re-enforcing system be installed in the House for the use of the officers and members of the House, consisting of eighteen inductor type microphones, erected on movable stands so as to fit into sockets of receptacles to be placed on the desk facing the respective aisles of the House, and that fifteen of the microphones be so adjusted as to fit into the said receptacles and that one of the microphones be placed conveniently for use of the Speaker, and one for use of the Reading Clerk, and one for use of the Chief Clerk, and that the microphones be erected on stands so as to have an upward and downward movement and a swivel movement to almost 350 degrees and that the system be connected to a sound box or mixer which will be so arranged as to be easily operated by one operator; that the microphones are to have a frequency response of from thirty to ten thousand cycles and are to be about four inches deep and about four inches in diameter and to work into a two hundred and fifty ohm low level line. The microphones console mixer or sound box shall be located in the existing control desk with at least eight positions, with one mixed for the Speaker, one for the

Reading Clerk, one for the Chief Clerk and one each for the five separate aisles of the House and a rack amplifier containing all necessary amplifying equipment as well as field supply unit, including tubes, etc., and the amplifier is to be at least forty watt power and to be properly arranged with automatic switches and such other accessories to meet the rules and regulations of the National Board of Fire Underwriters; that there be installed four directional baffle projectors or loud speakers at about sixty degree angle and they shall be of approved constructions and of the electro-dynamic type and the contractor installing the same shall guarantee the equipment, etc., against electrical and mechanical defects for a period of three years from date of installation including radio tubes; and always supply two spare tubes for each socket and shall render a manufacturers service within one half hour's notice, and the manufacturer shall supply their local service branch with necessary replacement parts for emergency service at all times and shall for a period of three years make two inspections of the complete system each and every month while the House is in session; and the equipment supply shall be completely manufactured by one manufacturer, and

Whereas the Committee believes and recommends that the aforesaid system is the best and most economical system that can be installed in the House and that it will give practical and satisfactory results and will enable the House to carry on its procedure with more efficiency and dispatch.

Now Therefore be it Resolved That the Department of Public Property and Supplies be and it is hereby authorized and directed to purchase, in accordance with law, and install the system above described and the installation be made under the guidance and direction of the contractor, and that the system be completely installed within the next four months, and that there be inserted in the General Appropriation Bill an appropriation for this purchase of Twelve Thousand dollars.

Offered by Committee on Microphone installation.

WILSON G. SARIG,
WILLIAM J. GALLAGHER,
HERBERT B. COHEN,
CLINTON A. SOWERS, Chairman.

SPECIAL ORDER ON HOUSE BILL NO. 2436

Mr. EBERHARTER. Mr. Speaker, I move that House Bill No. 2436, entitled:

An Act to reenact and amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled "An act to regulate and restrain the traffic in malt brewed and vinous and fruit juice beverages as herein defined providing for the licensing of the sale and distribution of such beverages imposing license fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon county treasurers the Department of Revenue quarter sessions courts district attorneys proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as amended by changing the licensing power from the county treasurer to the Pennsylvania Liquor Control Board eliminating existing retailers' licenses and providing for the issue in lieu thereof of retail dispensers' and package retailers' licenses providing for the licensing of and regulating the business of manufacturers of malt and brewed beverages and for the issue of public service licenses and special permits relating to entertainment by said board changing license fees and providing for the disposition thereof providing for the abatement of nuisances providing for the revocation and suspension of licenses by the board further regulating the manufacture sale transportation and traffic in malt and brewed beverages prescribing penalties and repealing inconsistent acts

be made a special order of business on second reading on Monday evening, June 10, at 10:30 o'clock.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODSIDE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Dauphin will state his question of personal privilege.

Mr. WOODSIDE. Mr. Speaker and members of the House, on June third, on House Bill No. 2524, Printer's No. 1144 I am reported as voting "aye." I voted "no" on that bill.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that this House do now adjourn until Monday, June 10, 1935 at 9:00 p. m.

The motion was agreed to, and (at 12:07 a. m.) the House adjourned until Monday, June 10, 1935, at 9:00 p. m. (E. S. T.)

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